

Meeting Minutes
Hightstown Borough Council
Regular Meeting
June 4, 2012
6:30 pm

The meeting was called to order by Mayor Kirson at 6:32 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

Mayor Kirson called for Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>		✓
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; James LeTellier, Police Director; Frederick Raffetto, Borough Attorney and Eric Bernstein, Labor Counsel.

Resolution 2012-148 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2012-148 with the amendment that the subject of Anticipated Litigation – Thibault be added, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Resolution adopted, 5-0

Resolution 2012-148

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on June 4, 2012 at approximately 6:30 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Anticipated Litigation – Thibault

Public Safety – Police Staffing

Attorney-Client Privilege

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: September 4, 2012 or when the need for

confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

left the meeting at this time.

The public meeting was called to order by Mayor Kirson at 7:45 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Councilmember Thibault had arrived during executive session at 7:00pm and Police Director LeTellier had re-joined the meeting during executive session. George Lang, CFO; and Carmela Roberts, Borough Engineer, joined the meeting at this time.

Councilmember Doran moved that a resolution noting the consensus of Council, at this time and with the information received, that Borough Hall remain downtown be added to the agenda, Councilmember Thibault seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes

Councilmember Bluth moved that a resolution requiring that Council be kept abreast of matters concerning Borough Hall be added to the agenda, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes

Councilmember Doran distributed copies of the resolutions to the public. The Borough Clerk advised that these resolutions would be numbered 2012-153 and 2012-154 respectively.

Councilmember Doran moved the agenda for approval with the amendments as noted, Councilmember Thibault seconded.

Mayor Kirson called for a roll call vote on the amended agenda.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes

Agenda approved as amended, 6-0.

Councilmember Bibens moved the minutes of the May 7, 2012, Open Session for approval; Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault abstained.

Minutes approved 5-0 with one abstention.

Councilmember Woods moved the minutes of the May 7, 2012 Executive Session for approval; Councilmember Bluth seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault abstained.

Minutes approved 5-0 with one abstention.

Resolution 2012-149 Authorizing Payment #2 Final – Conley Electric (Installation of Variable Frequency Drivers)

Council President Quattrone moved resolution 2012-149, Councilmember Doran seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution approved 6-0.

Resolution 2012-149

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT # 2 FINAL – CONLEY ELECTRIC (VARIABLE FREQUENCY DRIVERS)

WHEREAS, on February 6, 2012 the Borough Council awarded a contract for Variable Frequency Drivers to Conley Electric of Cranbury, New Jersey in the amount of \$22,000.00; and

WHEREAS, the contractor has submitted Payment Request #2 – Final in the amount of \$2,200.00 which releases retainage for completion of this project; and,

WHEREAS, the Borough Attorney has reviewed the closeout documents and found them to be in order; and,

WHEREAS, the Borough Engineer has confirmed that final certified payrolls have been received and the project may be accepted and closed out; and,

WHEREAS, this project is funded by the New Jersey Department of Environmental Protection; and

WHEREAS, The Treasurer has certified that said funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that payment Request No. 2 - FINAL from to Conley Electric of Cranbury, New Jersey in the amount of \$2,200.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Hightstown that the closeout documents for said project are hereby accepted.

Municipal Aid Grant – Grape Run and Pershing Avenue

Carmela Roberts, Borough Engineer, reviewed that the Borough has received a \$220,000.00 municipal aid grant for Grape Run and Pershing Avenue but her estimate is \$412,000.00 for both streets to be re-paved; since Pershing Avenue only benefits a few residents it is most likely that a grant for this project alone would not be approved. NJDOT permits the Borough to evaluate the proposed projects and return the grant, reduce the scope or move forward with the project as originally presented. She also noted that with the current economic climate, the bid for the project may come in lower than estimated and that Grape Run is important, but Pershing has an immediate need of the work. Ms. Roberts commented that curbs and sidewalks could be removed from the project, but that reducing the cost to \$220,000.00 is not possible. There was discussion regarding the options for the project and the Engineer was directed to prepare the options and associated costs and bring it back to Council at a future meeting.

Hurricane Irene Update

Mr. Theokas advised that flood insurance is being purchased for the firehouse and he is now contesting the flood zoning of the firehouse as listed per the old flood maps, the deductible for the insurance could be reduced; the cost of the flood insurance is approximately \$2,300.00 per year.

He continued that at the request of the insurance company, the Borough Engineer took definite flood plain elevations of Borough Hall last Friday and is performing preliminary evaluations of other available possible properties. Referencing a memo from the prior Clerk/Administrator, he has contacted the firm that performed the needs assessment in approximately 2005. Mr. Theokas advised that the procedure for the removal of documents from Borough Hall begins next week. He went on to reference a spreadsheet which he had given Council and entails expenditures and receipts from FEMA and the insurance, noting that there will be future costs and responsibility determinations are still being made.

There was discussion regarding the costs in the spreadsheet, firehouse contents replacements, bringing Borough Hall up to code, deductibles, reimbursements received and DEP requirements for the re-build of Borough Hall.

The Borough Engineer explained that based on the datum from 1988 the 100 year flood elevation is 81.91; Hurricane Irene was 84.76, the Clerk's Office is at 84.47 and the door to the Police Department is at 82.62 with the Police evidence room at 81.91. The Police evidence room is actually ½ an inch higher than flood stage, while the door to the Police Department is 8" higher and the Clerk's Office 1 ½" above flood stage; but the hurricane was 4" higher than flood elevation. She recommends that if Borough Hall is refurbished, the floor be above flood elevations.

There was discussion regarding the datum of 1929 and 1988, flood maps, grants, hazard mitigation plans, reaching out to their municipalities with experience with floods, reducing potential for future flooding of businesses, bridge and dam design changes, DEP requirements, and the time schedule for the Route 33 Bridge repair over Rocky Brook.

The Borough Engineer was excused at 8:45pm.

Ordinance 2012-06 Final Reading and Public Hearing – Establishing Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

Mayor Kirson opened the public hearing on Ordinance 2012-06

Eugene Sarafin, 628 S. Main Street – a range of salaries is needed and appropriate

J P Gibbons, 602 S. Main Street – objected to such a broad salary range

Dan Buriak, 194 Stockton Street – has experience with HR and thinks the salary ranges are appropriate

Scott Caster, 12 Clover Lane – salaries should be balanced with experience and quality of work

There being no further comments, Mayor Kirson closed the public hearing.

Council President Quattrone moved ordinance 2012-06 for adoption, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Ordinance adopted, 6-0

Ordinance 2012-06

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND
EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Borough Clerk	\$40,000.00	\$70,000.00
Treasurer	\$40,000.00	\$60,000.00
Tax/Water/Sewer Collector	\$20,000.00	\$30,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$18,400.00
Tax/Utility/Payroll Clerk	\$28,000.00	\$35,000.00
Tax Assessor	\$7,500.00	\$14,375.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$4,600.00
Municipal Court Administrator	\$40,000.00	\$65,000.00
Deputy Municipal Court Administrator	\$28,000.00	\$35,000.00
Administrative Assistant/Secretary	\$22,000.00	\$44,000.00
Planning Board Secretary	\$1,000.00	\$16,000.00
Technical Assistant	\$28,000.00	\$40,000.00
Construction Code Official	\$18,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	\$6,000.00
Building Subcode Official	\$3,500.00	\$6,000.00
Superintendent of Public Works	\$50,000.00	\$85,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$66,000.00
Water Plant Operator	\$35,000.00	\$70,000.00
Superintendent of AWWTP	\$50,000.00	\$80,000.00
Lab Manager – AWWTP	\$35,000.00	\$60,000.00
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Secretary Board of Health	\$500.00	\$1,500.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$50,000.00
Building Inspector	\$3,500.00	\$4,500.00
Health Officer	\$8,000.00	\$13,000.00
Borough Administrator	\$40,000.00	\$75,000.00

	RANGING FROM:	TO:
Police Director	\$50,000.00	\$85,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Part-time clerical	\$8.00	\$30.00
Violations Clerk (part-time)	\$10.00	\$15.00
Disposition Clerk (part-time)	\$12.50	\$25.00
Special Officer – Municipal Court	\$25.00	\$35.00
Public Health Nurse	\$25.00	\$45.00
School Crossing Guard	\$15.00	\$25.00
Radio Dispatcher	\$8.00	\$25.00
Special Officer I	\$8.00	\$18.00
Special Officer II	\$18.00	\$30.00
Administrative Assistant/Secretary	\$10.50	\$20.00
Administrative Assistant – Floater	\$13.50	\$21.00
Public Works Foreman	\$16.00	\$27.00
Public Works Heavy Equipment Operator	\$14.00	\$25.00
Public Works Automated Vehicle Operator	\$14.00	\$25.00
Public Works Driver/Laborer	\$10.00	\$20.00
Public Works Laborer	\$8.00	\$18.00
Public Works Municipal Building Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$10.00	\$25.00
Seasonal/Temporary Labor	\$8.00	\$16.00
Assistant Water Plant Operator	\$14.00	\$23.00
Water Plant Lead Operator	\$40.00	\$49.00
AWWTP Maintenance	\$15.00	\$25.00
AWWTP Operator Trainee (up to 1 year exp)	\$12.00	\$15.50
AWWTP Operator – Class I (min. 1 year exp)	\$14.50	\$17.00
AWWTP Operator – Class II (min. 2 years exp)	\$15.25	\$18.50
AWWTP Operator – Class III (min. 3 years exp)	\$16.50	\$21.00

	RANGING FROM:	TO:
AWWTP Operator – Class IV (min. 4 years exp)	\$17.25	\$25.00
Recreation Director (part-time)	\$20.00	\$40.00
Assistant Recreation Director (part-time)	\$8.00	\$20.00
Junior Recreation Counselor (part-time)	\$6.00	\$12.00
Housing Inspector	\$14.00	\$35.00
Fire Inspector	\$14.00	\$35.00
Building Inspector	\$14.00	\$35.00
Fire Official	\$14.00	\$35.00
Zoning Officer	\$14.00	\$30.00
Electric Subcode Official	\$14.00	\$40.00
Plumbing Subcode Official	\$14.00	\$40.00

Section 3. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be effective January 1, 2012.

Section 4. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Mayor Kirson opened Public Comment Period I and the following individuals spoke:

George Zhelesnik, 7 Ely Court – commented that there should be a vision to beautify Hightstown and the Borough Hall location is the ideal space for a park; to reconstruct is too costly and it is in a flood plain.

John Archer, 131 Bennett Place – noted that he use to work for Public Works and the sewers on Pershing are too flat and a big problem; he thanked the police for their assistance with his mother-in-law, they were very professional and kind.

Eugene Sarafin, 628 S. Main Street – spoke about resolution 2012-153 and disagrees with keeping Borough Hall downtown, noting that a decision should be made efficiently and should be cost effective. The Pershing and Grape Run project should be done.

Bill Gilmore, 219 Greeley Street – commented that a decision regarding Borough Hall should not be made yet. A re-development committee is needed; Council is not doing anything to encourage re-development and should not be making these decisions. A vision is needed for Hightstown, it is the downtown for East Windsor and the widening of the turnpike is creating an opportunity for the Borough.

Dimitri Musing, 137 Stockton Street – commented that resolution 2012-153 is a slap in the face to those residents who commented at the special meeting of May 30th, including those representing the Planning Board, GHEWIP, Meadow Lakes and business owners. The Council does not really care what the public thinks; there is no reason to keep Borough Hall downtown.

George Serrano, 4 Westerlea Avenue – commented that the Council’s decision regarding Borough Hall is very important, but why fixate on one building? We need to consolidate, but East Windsor does not want us. Why isn’t Council considering the firehouse; mold can affect the volunteers but not the employees? We do not need to go back to Borough Hall.

Skye Gilmartin, 41 Powell Court – commented that Council should not make a decision until all the information is received and resolution 2012-153 is premature.

Scott Caster, 21 Clover Lane – saluted resolution 2012-153 which is non-offensive and states the overall position of Council at the present time; it is well-worded. Hightstown is sustainable, but it is inevitable that we will consolidate with East Windsor.

J P Gibbons, 602 N. Main Street – commented that the Route 33 Corridor Study designates Airport Road as East Windsor's area center. The progress made on the hurricane recovery is due to Council's insistence. What is the status of the taxi ordinance? He has researched available property in Hightstown and found 75 parcels available according to the NJ Division of Property Taxes, there must be more property available for Borough Hall. Resolution 2012-153 establishes a focus on location not the old building. There are many tax exempt properties such as the EWRSD and Peddie School; Peddie School owns the lake so they are responsible for the flood; Meadow Lakes is a medical facility and was tax exempt, but they now pay taxes due to residential units. He spoke further on tax exempt and commercial properties in Hightstown.

Dan Buriak, 194 Stockton Street – Thanked the Rocky Brook Garden Club for the Garden Tour, it was very nice and the Mayor participated. He encouraged Council to participate in Borough events. Grants are complicated and the fees are costly, so consider the costs. There are three town centers in Mercer County and one is Hightstown; this gives us the ability to be prioritized for funds, such as the Historic District. Resolution 2012-153 expresses that the Council is not listening to the public or its organizations; Council should not ask for input and then ignore it, you are wasting the time of the residents. The groups who were represented and have made comments are those that run the events in the Borough.

There being no further comments, the Mayor closed the public comment period.

Resolution 2012-150 Authorizing the Payment of Bills

Councilmember Thibault inquired about a payment to Perez & Radosti and it was explained that they were related to Hurricane Irene recovery.

Council President Quattrone requested that manual bill list be voted separately as he authorized the parade checks on the list and would be abstaining from the vote on that portion of the bills list.

Council President Quattrone moved Resolution 2012-150 without the manual bill list, Councilmember Bluth seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Council President Quattrone moved the Manual Bill List for payment, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Thibault and Woods voted yes; Council President Quattrone abstained.

Resolution adopted 5-0, with one abstention.

Resolution 2012-150

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$165,106.28 from the following accounts

Current	\$	46,937.25
W/S Operating		16,125.81
General Capital		28,686.37
Water/Sewer Capital		68,456.23
Grant		2,405.72
Trust		2,125.00
Housing Trust		
Animal Control		57.90
Law Enforcement Trust		
Housing Rehab Loans		
Unemployment Trust		
Escrow		312.00
Federal Forfeiture		
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Total	\$	165,106.28

Resolution 2012-151 Authorizing a Credit for Water and Sewer Charges

Council President Quattrone moved Resolution 2012-151, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-151

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A CREDIT FOR WATER AND SEWER CHARGES

WHEREAS, John Johnkins of 226-228 N. Main Street in Hightstown, New Jersey has requested a credit for the first quarter 2012 water and sewer charges at this location; and

WHEREAS, the improper installation of a water meter resulted in an incorrect reading; and

WHEREAS, the credit being requested is \$156.25 in sewer charges and \$83.75 in water charges, totaling \$240.00 plus associated late fees; and

WHEREAS, the Borough Administrator has requested that a credit in the amount of \$240.00 plus associated late fees be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Water/Sewer Collector is hereby authorized and directed to issue a credit of \$156.25 in sewer charges and \$83.75 in water charges, totaling \$240.00 plus associated late fees for the first quarter 2012, to John Johnkins of 226-228 N. Main Street, Hightstown, New Jersey 08520.

Resolution 2012-152 Authorizing the Borough Attorney to Send a Letter to 1st Constitution Bank (as the Successor to Sun National Bank) Regarding the Hightstown Borough Affordable Housing Trust Fund

Council President Quattrone moved Resolution 2012-152, Councilmember Bibens seconded.

The Borough Attorney explained that he has requested that the resolution be revised to establish that 1st Constitution Bank is the successor to Sun National Bank, thus the revision from the original resolution that was distributed in the packets.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-152

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING THE BOROUGH ATTORNEY TO SEND A LETTER TO 1ST CONSTITUTION BANK (AS THE SUCCESSOR TO SUN NATIONAL BANK) REGARDING THE HIGHTSTOWN BOROUGH AFFORDABLE HOUSING TRUST FUND

WHEREAS, as a result of the Ordinances previously adopted by the Borough of Hightstown (the "Borough") with regard to the provision of affordable housing within the Borough, the Borough established an interest-bearing housing trust fund at 1st Constitution Bank (the "Bank"), as the successor to Sun National Bank, for the purpose of receiving collected development fees, payments in lieu of constructing affordable housing units on site, and funds from the sale of units with extinguished controls; and

WHEREAS, following the opening of the trust fund account, the Borough entered into a tri-party Escrow Agreement with the New Jersey Council on Affordable Housing ("COAH") and the Bank to monitor disbursement of the funds; and

WHEREAS, a copy of the said Escrow Agreement, dated September 26, 2005, is attached hereto and made a part hereof; and

WHEREAS, the seventh (7th) "Whereas" paragraph of the Escrow Agreement indicates that COAH may "direct expenditure of such funds **after proper notice** if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:94-6.16(a), and the spending plan approved by COAH"; and

WHEREAS, the requirement of proper "notice" is reiterated in Section 4 of the Escrow Agreement (i.e., following the "Now, Therefore" clause); and

WHEREAS, the eighth (8th) "Whereas" paragraph further states that COAH "may, **after a hearing** pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1, *et seq.*, revoke the Development Fee Ordinance and/or Growth Share Ordinance approval" pursuant to certain specified circumstances; and

WHEREAS, the Borough's Planner has recommended that the Borough Council adopt a Resolution which authorizes the Borough Attorney to put 1st Constitution Bank, as the successor to Sun National Bank, on notice, in writing, of the fact that the Borough intends to request a hearing if and when the Borough and the Bank receive notice from the State regarding any potential seizure or other dispensation of the Borough's housing trust funds which are contained in the said account; and

WHEREAS, the Borough Council believes that such action shall assist the Borough in protecting the funds that are on deposit against a potential seizure or other unauthorized disposition by the State.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of

Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That the Borough hereby authorizes and directs the Borough Attorney to prepare and forward a letter to 1st Constitution Bank, as the successor to Sun National Bank, which puts the Bank on notice that the Borough intends to request a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1, *et seq.* before any action is taken by the State to affect the funds that are currently on deposit with the Bank, and hereby requests that the Bank refrain from releasing any funds to the State until the results of said hearing are known.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. 1st Constitution Bank, as the successor to Sun National Bank
 - b. Frederick C. Raffetto, Esq., Borough Attorney
 - c. Tamara Lee, Borough Planner
 - d. Gary Rosensweig, Esq., Planning Board Attorney

Resolution 2012-153 Statement by Borough Council Concerning the Location of Borough Hall

Councilmember Thibault moved Resolution 2012-153, Councilmember Doran seconded.

Councilmember Doran clarified that this resolution is carefully worded so it does not restrict options; it preserves all options.

Councilmember Thibault agreed and noted that the resolution states Borough Hall is best located in the center of town, not that it must be; and he believes previous comments were a 50/50 split on whether Borough Hall should be located downtown or not. While the resolution is a strong statement, all options are left open.

Councilmember Woods commented that the resolution gives direction; a lot of discussion has taken place and this resolution is long overdue.

Councilmember Bluth noted that they did hear the residents and that this resolution does not say we are moving back to Borough Hall; Lucas is not the only option.

Councilmember Bibens stated that Council has been force-fed the Lucas property as the only option; and Council was elected to make decisions for the Borough, not East Windsor residents, Hightstown. The vision is to bring in revenue and we need Borough Hall downtown.

Councilmember Woods noted that Lucas was only an emergency temporary location for the Police Department after the flood.

Council President Quattrone inquired as to where Borough Hall could go downtown; the only location is its previous location. Council should listen to the public.

Roll Call Vote: Council members Bibens, Bluth, Doran, Thibault and Woods voted yes; Council President Quattrone voted no.

Resolution adopted 5-1.

Resolution 2012-153

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**STATEMENT BY BOROUGH COUNCIL CONCERNING THE LOCATION
OF BOROUGH HALL**

WHEREAS, the Hightstown Borough Hall was damaged in the flooding resulting from Hurricane Irene on August 28, 2011, rendering it unsuitable for occupancy; and

WHEREAS, the Borough of Hightstown is a family oriented community in which land use patterns and pedestrian and vehicular circulation patterns are designed to enhance and protect the quality of family life in town; and

WHEREAS, The Borough's Master Plan recognizes Hightstown's unique appeal comes from its intimate scale and inter-generational, family life orientation; and

WHEREAS, the Council of the Borough of Hightstown believes that by being located in a central location, Borough Hall is a vital part of the Borough's character and appeal; and

WHEREAS, the Council of the Borough of Hightstown is committed to protecting and maintaining the character of the Borough while also ensuring the wise, prudent and efficient expenditure of taxpayer funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that it is the considered opinion of the Council that while all options concerning the location of Borough Hall should be reviewed and analyzed, the consensus of the council at this time is that Hightstown Borough Hall is best located in the central part of town rather than the outskirts.

Resolution 2012-154 Requiring that Borough Council be Kept Informed on all Matters Related to Borough Hall

Councilmember Bibens moved Resolution 2012-154, Councilmember Doran seconded.

Council members Bluth and Thibault expressed frustration with Council's lack of information regarding hurricane recovery.

Councilmember Doran commented that this resolution will assist with communication.

Councilmember Woods noted that it will increase details in the reports received.

Councilmember Bibens stated that Council needs information in a timely manner to make decisions.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2012-154

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**REQUIRING THAT BOROUGH COUNCIL BE KEPT INFORMED ON ALL MATTERS
RELATED TO BOROUGH HALL**

WHEREAS, the Hightstown Borough Hall was damaged in the flooding resulting from Hurricane Irene on August 28, 2011, rendering it unsuitable for occupancy; and

WHEREAS, Borough personnel continue to operate in sub-standard temporary locations more than nine months after the initial damage to Borough Hall; and

WHEREAS, despite repeated requests, detailed reports and/or information concerning the status of claims and discussions with the Federal Emergency Management Agency and Liberty Insurance have not been provided to the Council of the Borough of Hightstown; and

WHEREAS, the Council of the Borough of Hightstown is concerned that the Lucas Electric property located at 415 Mercer Street has become the sole focus of discussions concerning the replacement of Borough Hall; and

WHEREAS, there are other options for the replacement of Borough Hall that may better serve the residents of the Borough and these options have not been adequately investigated and appraised; and

WHEREAS, the Council of the Borough of Hightstown is empowered by ordinance to control and regulate the finances of the municipality; and

WHEREAS, the Council of the Borough of Hightstown is committed to the wise, prudent and efficient expenditure of taxpayer funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that:

- a) the Council liaison to Borough Property be informed of and attend all future meetings, negotiations, discussions or other forms of interactive communications regarding between Borough staff, representatives or delegates and staff, representatives or delegates of the Federal Emergency Management Agency, Liberty Insurance and/or any other party or parties concerning any and all matters related to Borough Hall;
- b) The Council be provided by the Borough Administrator with written reports concerning the topics discussed, actions planned, status updates and any other substantive topic discussed during meetings concerning matters related to Borough Hall. These reports will be of sufficient detail as to provide Council with a full and accurate account of the meetings and submitted for review by the Council prior to the next scheduled Council meeting.

The Mayor opened the public comment period II and the following individuals spoke:

Scott Caster, 12 Clover Lane – commented that it takes guts for Council to take a position and he regrets that members of the public have departed the meeting; positioning is important. He recommended that the podium be moved so everyone could hear the public comments.

George Zhelesnik, 7 Ely Court – recommended that a sub-committee be formed to research available locations for Borough Hall.

Steve Misiura, Planning Board Chair – commented that the resolution is a done deal, but how it got here is questionable after the previous public comments. What was the point of the resolution if Council is not decided?

J P Gibbons, 602 N. Main Street – commented that the Council's actions are well-timed. He proposed that when Council is performing its analysis of locations that the rug mill be considered; a portion could be used for Borough offices and the remainder leased to boutiques and etc. to bring people into Hightstown. We need to bring the court back to Hightstown.

Scott Caster, 12 Clover Lane – commented that the Council needs to talk numbers; what happened to the RFP? A comparison study should be done, what is the game plan?

There being no more comments, the Mayor closed the public comment period.

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bibens – reminded everyone that the Farmer's Market is every Friday and the Council is now on the way to getting things done.

Councilmember Bluth – inquired as to whether Council is considering a summer meeting schedule and agreed that a committee is needed to look at properties.

There was discussion regarding having the Architect look at the Broad Street property; and Council members Bibens and Bluth will research other property options.

Councilmember Thibault – noted that the Environmental Resource Inventory states there is vacant property in the Borough; with the high level of taxes, the Borough can't be attractive. If a location makes financial sense he would consider it.

Councilmember Woods– commented that this was a good meeting.

Councilmember Doran – noted that the point of the resolution is to leave open all options for Borough Hall. The Environmental Resource Inventory grant is coming to a close and once the Planning Board approves the ERI it will be coming to Council for approval.

Council President Quattrone – reminded everyone to vote tomorrow. He thanked the Police Director for his direction in making the Memorial Day Parade traffic run smoothly. He noted that Peddie Lake is owned by Green Acres, Peddie owns the swampy area on Ward. He thanked Mr. Theokas for the update on the numbers and noted that the First Aid is doing fine.

Councilmember Woods moved to adjourn at 10:47 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk