

Meeting Minutes
Hightstown Borough Council
Regular Meeting
December 3, 2012

7:00 pm

The meeting was called to order by Mayor Kirson at 7:02 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."

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>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; and Michael Theokas, Borough Administrator.

Resolution 2012-277 Authorizing a Meeting Which Excludes the Public

Councilmember Woods moved resolution 2012-277, Councilmember Bluth seconded.

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

Resolution adopted, 5-0

Resolution 2012-277

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 December 3, 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:

Contract Negotiations – Professional Services

Contract Negotiations – Shared Services

Personnel – Tax Collector

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: March 3, 2013 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.

The public meeting was called to order by Mayor Kirson at 7:41 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Frederick Raffetto, Borough Attorney, had joined the meeting during executive session and was now present.

James LeTellier, Police Director joined the meeting at this time.

Councilmember Bibens requested that the swearing in of the Fireman be moved up on the agenda to right after approval of the agenda.

Councilmember Thibault requested that "availability of information" be added to the agenda as a discussion item directly following the Engineer Items.

Councilmember Thibault moved the agenda as amended for approval, Councilmember Bibens seconded.

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

Agenda approved as amended.

Mayor Kirson commented that Hightstown is privileged and fortunate to have a dedicated volunteer fire company that covered 400+ calls last year. He then proceeded to swear in Pawell Szlezak as a Volunteer Fireman to the Hightstown Engine Co. No. 1; Council thanked and congratulated Mr. Szlezak.

Councilmember Bibens moved the October 1, 2012 and October 15, 2012 open session minutes for approval, Councilmember Woods seconded.

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

Minutes approved.

Councilmember Thibault moved the October 1, 2012 executive session minutes for approval, Councilmember Doran seconded.

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

Minutes approved.

Councilmember Doran moved the October 15, 2012 executive session minutes for approval, Councilmember Woods seconded.

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

Minutes approved.

Resolution 2012-278 Authorizing Receipt of Bids for Sludge Transport and Disposal

Councilmember Woods moved resolution 2012-278, Councilmember Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2012-278

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

AUTHORIZING RECEIPT OF BIDS FOR SLUDGE TRANSPORT AND DISPOSAL

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for sludge transport and disposal for the Borough's Advanced Wastewater Treatment Plant, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2012-279 Authorizing Payment #2 & Change Order #1 Final – Richard T. Barrett Paving Company, Inc. (Summit Street Sidewalks)

Councilmember Bibens moved resolution 2012-279, Councilmember Woods seconded.

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

Resolution adopted 5-0.

Resolution 2012-279

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

**AUTHORIZING PAYMENT # 2 AND CHANGE ORDER #1 FINAL – RICHARD T. BARRETT
PAVING COMPANY, INC. (SUMMIT STREET SIDEWALKS)**

WHEREAS, on October 17, 2011, the Borough Council awarded a contract for the Summit Street Sidewalk project to Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey in the amount of \$143,990.00; and

WHEREAS, the contractor has submitted payment request #2 for work completed in the amount of \$24,069.63; and

WHEREAS, the Contractor has requested change order #1 Final which consists of supplemental in the amount of \$3,066.00, Reduction in the amount of \$19,577.30 and Extras in the amount of \$14,994.85 resulting in a change order in the amount of \$1,516.45 in reduction to the current contract resulting in a revised contract amount of \$142,473.55; and

WHEREAS, the Borough Engineer has recommended approval of change order #1 Final; and

WHEREAS, the Borough Engineer has recommended approval payment #2 to Richard T. Barrett Paving Company, Inc. in the amount of \$24,069.63 pending receipt of certified payrolls; and

WHEREAS, the Treasurer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that change order #1 Final to the contract with Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey for a reduction in the amount of \$1,516.45 is hereby approved and the contract price revised to \$142,473.55 and Payment Request No. 2 from Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey in the amount of \$24,069.63 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Availability of Information

Councilmember Thibault commented that he had read a couple comments, from residents, on The Patch (on line newspaper) that there has been difficulty acquiring reports and studies on the Lucas property and insurance discussions.

December 3, 2012

Mr. Theokas confirmed that there are no reports on line regarding these matters, they have not been released because this is an ongoing matter. Mayor Kirson confirmed that any conversation regarding these matters has been in public meetings. Borough Clerk Sopronyi confirmed that the Engineer's report regarding properties is on the website under reports.

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

Eugene Sarafin, 628 S. Main Street – commented on his disappointment in the election results and problems in Congress; Council's distaste for obscene language at Council meetings obstructs freedom of speech; suggested movies for people to see; noted that the comments in The Patch were regarding the Borough Hall options and Council should not rent trailers.

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

Resolution 2012-280 Payment of Bills

Councilmember Woods moved Resolution 2012-280, Councilmember Bibens seconded.

Councilmember Thibault commented that a mileage reimbursement policy should be established.

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

Resolution adopted 5-0.

Resolution 2012-280

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, the appropriate Department Head and the Treasurer

in the amount of \$ 99,297.35 from the following accounts

Current	\$	46,691.33
W/S Operating		19,260.66
General Capital		22,686.85
W/S Capital		265.00
Public Defender		
Animal Control Account		
Trust Account		450.00
Grant Account		3,215.88
Law Enforcement		
Escrow		6,727.63
Housing Trust		
Total	\$	<u>99,297.35</u>

Resolution 2012-281 Authorizing a Transfer in the 2012 Budget

Councilmember Thibault moved Resolutions 2012-281, Councilmember Bluth seconded.

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

Resolutions adopted 5-0.

Resolution 2012-281

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2012 BUDGET

Whereas, N.J.S.A. 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2011 budget are hereby authorized:

Current:	<u>From</u>	<u>To</u>
Financial Administration		
Other Expense	\$ 1.00	
Peddie Lake Dam Restoration Loan		
Other Expense		\$ 1.00
TOTALS	\$ 1.00	\$ 1.00

Resolution 2012-282 Authorizing a Shared Services Agreement with West Windsor Township for Health Services

Councilmember Thibault moved resolution 2012-282, Councilmember Doran seconded.

Mayor Kirson explained that this contract is for a three year period. Councilmember Thibault commented that the West Windsor Health Department is efficient and it is a good deal for the Borough.

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

Resolution adopted 5-0.

Resolution 2012-282

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH WEST WINDSOR TOWNSHIP
FOR HEALTH SERVICES**

WHEREAS, since 2001, the Borough has participated in a Shared Services Agreement with West Windsor Township for the provision of Health Services, for which the current agreement will expire on December 31, 2012; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Borough's net cost under this agreement is \$26,942.00 for 2013, \$27,481.00 for 2014 and \$28,031.00 for 2015 with each year representing a 2% increase; and

WHEREAS, it is the intention of the Mayor and Council to provide sufficient funding for this expenditure in the 2013, 2014 and 2015 budgets.

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

1. The Shared Services Agreement with the Township of West Windsor for Health Services for the period January 1, 2013 through December 31, 2015, is hereby approved, and the Mayor and Clerk are authorized to execute same.
2. Approval of this agreement is subject to appropriation of sufficient funds in the budgets of 2013, 2014 and 2015.

Resolution 2012-283 Authorizing the Purchase of Energy Generation Services for Public Use Through an Online Auction Website

Councilmember Woods moved resolution 2012-283, Councilmember Thibault seconded.

Mr. Theokas advised that this is the item he spoke about at the last meeting and a lot of municipalities are taking advantage of this opportunity; the live auction will take place tomorrow at 11:00am. The resolution has been reviewed by the Borough Attorney and does not obligate the Borough. If it is found that the bid results are advantageous, the Borough Council will approve it at the next meeting; minimum savings will be 13%; this is a very successful program.

There was discussion regarding the process.

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

Resolution adopted 5-0.

Resolution 2012-283

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

**AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC
USE THROUGH AN ONLINE AUCTION WEBSITE**

WHEREAS, the Borough of Hightstown (the "Borough") has determined to move forward with an online auction in order to procure electricity for the Borough of Hightstown at a more advantageous rate; and

December 3, 2012

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of energy generation service for public use through the use of an online auction service; and

WHEREAS, the Borough of Hightstown wishes to utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC shall be compensated for all services rendered through the participating supplier to which a contract is awarded, rather than by the Borough’s taxpayers; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.0853 / kWh or less for a 6 month term, a price of \$0.089 / kWh or less for a 12 month term, a price of \$0.088 / kWh or less for an 18 month term, or a price of \$0.0871 or less for a 24 month term, the Borough may award a contract to the winning supplier for the selected term.

NOW, THEREFORE, BE IT RESOLVED, that the Borough is hereby authorized to move forward with an online auction in order to procure electricity for the Borough at a more advantageous rate.

BE IT FURTHER RESOLVED, the Borough shall utilize the online auction services of EMEX, LLC, as referenced above, and that EMEX, LLC shall be compensated for all services rendered through the participating supplier to which a contract is awarded, rather than by the Borough’s taxpayers.

BE IT FURTHER RESOLVED, that if the auction achieves a price of \$0.0853 / kWh or less for a 6 month term, a price of \$0.089 / kWh or less for a 12 month term, a price of \$0.088 / kWh or less for an 18 month term, or a price of \$0.0871 or less for a 24 month term, the Borough may award a contract to the winning supplier for the selected term, which determination shall be made by further action of the Governing Body.

BE IT FURTHER RESOLVED, that all relevant Borough officials and employees are hereby authorized and directed to take all appropriate actions in furtherance of the intentions of the within Resolution.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded by the Borough Clerk to the following:

1. EMEX, LLC
2. New Jersey Department of Community Affairs
3. Frederick Raffetto, Borough Attorney
4. Michael Theokas, Borough Administrator

Resolution 2012-284 Proclaiming December 10, 2012 as “Communities of Light Day”

Councilmember Bibens moved resolution 2012-284, Councilmember Doran seconded.

Councilmember Doran noted that the sale of the luminaries is a fundraiser for this cause and requested that the information for their purchase be available on our website.

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

Resolution adopted 5-0.

Resolution 2012-284

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

PROCLAIMING DECEMBER 10, 2012 AS “COMMUNITIES OF LIGHT DAY”

WHEREAS, it is the policy of the Borough of Hightstown to recognize organizations that have contributed to the overall benefit December 3, 2012

of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home,” has asked the Mercer County community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 51,428 women, 8,497 children and 2,762 men. Additionally, Womanspace has assisted more than 238,389 callers over the last 35 years; and

WHEREAS, the Borough of Hightstown applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women, children and men; and

WHEREAS, the Mayor and Council urge each and every household to demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 10, 2012, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2012 will be used to fund vital services for victims of domestic violence and sexual assault;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that we do hereby Proclaim December 10, 2012, as

COMMUNITIES OF LIGHT DAY

and commends Womanspace on its many accomplishments, and wish them continued success with Communities of Light in the years to come.

Resolution 2012-285 Authorizing Issuance of an Auction License – Empire Antiques

Councilmember Woods moved resolution 2012-285, Councilmember Doran seconded.

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

Resolution adopted 5-0.

Resolution 2012-285

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, January 19, 2013 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Director; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, January 19, 2013 at 278 Monmouth Street.

Borough Hall/Temporary Administrative Offices

Mr. Theokas advised Council that he has reached out to various landowners as instructed. The Maxwell Avenue property owners have not responded and St. Anthony's Church is not receptive to allowing use of their parking lot; Wolfington is amicable and this process is moving forward; messages have been left for the bank regarding the Lucas property and we will be meeting with them this week regarding the JCP&L bill, so he hopes to discuss it with them then.

There was discussion regarding the need to bid trailers for temporary facilities, the time frame for the bid process, the Maxwell Avenue property, insurance and FEMA reimbursements for temporary trailers and police quarters, and spatial needs for the trailers.

The Borough Engineer was instructed to evaluate the needs regarding the trailers and prepare bid specifications; she is to submit her evaluation to Council at the next meeting. There was discussion regarding the process and time frame to bid the trailer leases, utility hook-up requirements and Police Department needs. The Police Director was instructed to work with the Engineer regarding trailer requirements for the department.

Mr. Theokas advised Council that the current Use and Occupancy agreement at the Lucas property, for the Police Department, is through May 2013 and it is his recommendation that if there is an opportunity to leave the police where they are, Council should take it under consideration.

There was discussion regarding moving the phone system and communications to the Public Works facility. The Borough Clerk was directed to have a resolution on the next agenda authorizing the bid for trailers.

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

Eugene Sarafin, 628 S. Main Street – commented that Council discussion this evening was amazing and it appears Council has already decided to put trailers on the Wolfington property, there is hypocrisy in Council.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bibens – commented that the reporter with the Times had her baby; the tank has been removed on Rte. 33 and the project will now be scheduled for completion.

Councilmember Doran – stated that she has no committee reports; she saw the chipper out this weekend, but is wondering when leaves will be picked up.

Councilmember Thibault – inquired as to what happened to the Santa parade.

Police Director LeTellier responded that there were permits from the state needed and the Ladies Auxiliary did not get them. He noted that he offered alternate routes, but they did not find them acceptable.

Councilmember Bibens noted that it was a nice event regardless, but the Borough may consider assisting them next year.

Councilmember Thibault suggested that we provide the various organizations with a template for such requirements.

Police Director LeTellier responded that each organization's needs are different; he is meeting with the Triathlon Committee soon regarding next year's event. He also noted that the expenses incurred for police and other service by the Borough, for these organizational events, should be reimbursed to the Borough. He then advised that he will be submitting requests for Class II officers in next year's budget.

The Borough Attorney was directed to review the parade permit ordinance to bring it up-to-date with application requirements.

Councilmember Woods – commented that she saw one of the new officers writing a ticket and inquired as to whether they are all now out on the street working.

Police Director LeTellier responded that they are due to a staff shortage.

Councilmember Woods advised that she attended the Water/Sewer Department Head meeting and the filter is moving along, but there are issues with soil and termite damage and modifications to the valves are needed at an estimated additional cost of

\$25,000; she gave a review of delinquencies and collections for water and sewer billings; the cake press is up and running and should save about \$110,000 next year; she attended the Route 33 Corridor meeting which focused on zoning and the study is going into review by the Planners and other Professionals.

Administrator Theokas – advised that there was a meeting with FEMA regarding Superstorm Sandy and there is a 30 day period in which they will cover all debris removal expenses; and the period of coverage is declared by the Borough. The process for this storm is being expedited.

Borough Attorney – thanked Council for retaining his services in 2013 and noted he looks forward to working for the Borough. Councilmember Thibault moved to adjourn at 9:13pm, Councilmember Bluth, seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk