

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**May 21, 2012**  
**6:30 pm**

The meeting was called to order by Mayor Kirson at 6:33 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 was followed by 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; Frederick Raffetto, Borough Attorney and Eric Harrison, Esq.

**Resolution 2012-135 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-135, Councilmember Woods seconded.

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

Resolution adopted, 5-0

Resolution 2012-135

*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 May 21, 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:

Litigation – Lasky/Pavlak

Public Safety – Police Staffing

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: August 21, 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.

The public meeting was called to order by Mayor Kirson at 7:40 pm and he again read the Open Public Meetings Act statement.

The Flag Salute was followed by 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 6:43pm. George Lang, CFO; James LeTellier, Police Director; and Carmela Roberts, Borough Engineer, joined the meeting at this time.

Councilmember Woods requested that resolution 2012-147 be added to the agenda and that resolution 2012-143 be pulled from the consent agenda and be heard separately.

Council President Quattrone moved the agenda for approval with the amendments as noted, Councilmember Bibens 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 Thibault moved the minutes of the April 16, 2012, Open and Executive Sessions for approval; Council President Quattrone seconded.

Councilmember Woods requested that the minutes be voted on separately as she would like to abstain from voting on the executive session minutes. Councilmember Thibault withdrew his motion.

Councilmember Bibens moved the minutes of the April 16, 2012, Open Session for approval; Councilmember Doran seconded. The Mayor called for a roll call vote for the approval of the April 16, 2012, Open Session minutes.

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

Minutes approved 6-0.

Councilmember Bluth moved the minutes of the April 16, 2012, Executive Session for approval; Councilmember Doran seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved 5-0 with one abstention.

**Resolution 2012-136 Authorizing Payment #7 and Change Order #2 (Final) – S. Batata Construction (Stockton Street Historic District Streetscape Infrastructure Project)**

Councilmember Woods moved resolution 2012-136, Council President Quattrone seconded.

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

Resolution approved 6-0.

Resolution 2012-136

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT # 7 AND CHANGE ORDER #2 AND FINAL – S.  
BATATA CONSTRUCTION, INC. (STOCKTON STREET HISTORIC DISTRICT  
STREETSCAPE INFRASTRUCTURE PROJECT)**

**WHEREAS**, on June 21, 2010, the Borough Council awarded a contract for the Stockton Street Historic District Streetscape Infrastructure Project to S. Batata Construction, Inc. of South River, New Jersey in the amount of \$791,506.00; and,

**WHEREAS**, the contractor has submitted Payment Request #7 for work done in the total amount of \$28,661.37; and,

**WHEREAS**, the Contractor has requested change order #2 and FINAL with extras in the amount of \$55,649.39, supplemental in the amount of \$12,705.00 and a reduction in the amount of \$99,952.15 resulting in a total change order of \$31,597.76 in reductions to the contract; and

**WHEREAS**, the Borough Engineer has recommended approval of this change order and payment request pending receipt of the certified payroll; 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 change order #2 and FINAL to the contract with S. Batata Construction, Inc. of South River, New Jersey in a reduction in the amount of \$31,597.76 is hereby approved and the contract price revised to \$917,863.24.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Hightstown that payment request No. 7 from S. Batata Construction, Inc. of South River, New Jersey in the amount of \$28,661.37, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

**Resolution 2012-146 Authorizing Payment #1 – Brentwood Industries, Inc. (Trickling Filter Plastic Media Project)**

Council President Quattrone moved resolution 2012-146, Councilmember Bibens seconded.

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

Resolution approved 6-0.

Resolution 2012-146

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

**AUTHORIZING PAYMENT # 1 – BRENTWOOD INDUSTRIES, INC. (TRICKLING  
FILTER PLASTIC MEDIA)**

**WHEREAS**, on January 17, 2012, the Borough Council awarded a contract for Trickling Filter Plastic Media to Brentwood Industries, Inc. of Reading, Pennsylvania in the amount of \$116,870.00; and

**WHEREAS**, the contractor has submitted payment request #1 for 50% of the cost of the media to begin fabrication of the product in the total amount of \$57,266.30; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #1 to Brentwood Industries, Inc. in the amount of \$57,266.30; 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 Payment Request No. 1 from Brentwood Industries, Inc. of Reading, Pennsylvania in the amount of \$57,266.30 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Mayor Kirson opened the Public Hearing on the 2012 Budget and the following individuals spoke:

Scott Caster, 12 Clover Lane – congratulated Council on the number of Shared Service Agreements utilized and noted that more should be spent on Code enforcement.

Eugene Sarafin, 628 S. Main Street – noted that the Water/Sewer budget averages about \$500.00 per person and the Municipal budget averages about \$1,000.00 per person; he finds both surprising. He then talked about U.S. politics.

There being no further comments from the public regarding the 2012 budget, the Mayor closed the public hearing.

**Resolution 2012-147 Amending the 2012 Budget**

Council President Quattrone moved resolution 2012-147, Councilmember Woods seconded.

George Lang, CFO, explained that grants that have been received have been put in the budget and are offset by appropriations; and that the \$62,000.00 required to pay down against the debt from hurricane Irene has been included. He went on to note that the budget and amendment have been approved by the Department of Community Affairs and he recommends that the Council adopt this budget with the amendment.

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

Resolution approved 6-0.

Resolution 2012-147

BOROUGH OF HIGHTSTOWN  
 COUNTY OF MERCER  
 STATE OF NEW JERSEY

**AMENDING THE 2012 BUDGET**

**WHEREAS**, the local municipal budget for the year 2012 was approved on the 2nd day of April 2012; and

**WHEREAS**, the public hearing on said budget has been held as advertised, and

**WHEREAS**, it is desired to amend said approved budget, now

**THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Hightstown, County of Mercer, that the following amendments to the approved budget of 2012 be made:

	(	Bibens	(		(
	(	Bluth	(	<i>Abstained</i>	(
<b>Recorded</b>	<i>Ayes</i>	(	Doran	<i>Nays</i>	(
<b>Vote</b>		(	Quattrone		(
		(	Thibault		(
		(	Woods		<i>Absent</i>

**From** **To**

CURRENT FUND - ANTICIPATED REVENUES

GENERAL REVENUES

3. Miscellaneous Revenues:

**Section F: Special Items of General Revenue Anticipated with  
Prior Written Consent of Director of Local Government Services  
- Public and Private Revenues Offset with Appropriations:**

Clean Communities Program	\$	-	\$	7,397.69
Drunk Driving Enforcement Fund		-		25,009.05
JIF Safety Grant		-		2,070.40

**Total Section F: Special Items of General Revenue  
Anticipated with Prior Written Consent of Director of Local  
Government Services - Public and Private Revenues**

\$	-	\$	34,477.14
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CURRENT FUND - ANTICIPATED REVENUES

(Continued)

**Section G: Special Items of General Revenue Anticipated with  
Prior Written Consent of Director of Local Government Services  
- Other Special Items:**

Insurance Receipts - Hurricane Irene	\$	226,393.00	\$	289,376.00
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**Total Section G: Special Items of General Revenue  
Anticipated with Prior Written Consent of Director of Local  
Government Services - Other Special Revenues**

\$	392,449.00	\$	455,432.00
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GENERAL REVENUES (Continued)

**Summary of Revenues**

3. Miscellaneous Revenues:

Total Section F: Special Items of General Revenue Anticipated  
With Prior Written Consent of Director of Local Government  
Services - Public and Private Revenues

\$	-	\$	34,477.14
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Total Section G: Special Items of General Revenue Anticipated  
With Prior Written Consent of Director of Local Government  
Services - Other Special Items

\$	392,449.00	\$	455,432.00
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Total Miscellaneous Revenues

\$	1,607,604.00	\$	1,705,064.14
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5. Subtotal General Revenues (Items 1, 2, 3,  
and 4)

\$	2,257,604.00	\$	2,355,064.14
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7. Total General Revenues

\$	6,603,297.00	\$	6,700,757.14
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CURRENT FUND APPROPRIATIONS

8. GENERAL APPROPRIATIONS

(A) Operations - Excluded From "CAPS"

**Public and Private Programs Offset  
by Revenues:**

Clean Communities Program	\$	-	\$	7,397.69
Drunk Driving Enforcement Fund			\$	25,009.05
JIF Safety Grant			\$	2,070.40
				-

Total Public and Private Programs Offset by Revenues \$ - \$ 34,477.14

Total Operations - Excluded from "CAPS" \$ 314,736.00 \$ 349,213.14

Detail:

Other Expenses \$ 220,847.00 \$ 255,324.14

(D) **Municipal Debt Service - Excluded from "CAPS"**

Emergency Notes Principal \$ - \$ 62,983.00  
-

Total Municipal Debt Service - Excluded from "CAPS" \$ 480,695.00 \$ 543,678.00

(H-2) Total General Appropriations for Municipal Purposes  
Excluded From "CAPS" \$ 1,119,699.00 \$ 1,217,159.14

(O) Total General Appropriations - Excluded from "CAPS" \$ 1,119,699.00 \$ 1,217,159.14

(L) Subtotal General Appropriations (Items (h-1) and (O)) \$ 6,173,297.00 \$ 6,270,757.14

9. Total General Appropriations \$ 6,603,297.00 \$ 6,700,757.14

**SUMMARY OF APPROPRIATIONS**

(H-1) Total General Appropriations for Municipal  
Purposes Within "CAPS"

(A) Operations - Excluded From "CAPS"  
Public and Private Programs Offset by Revenues - 34,477.14

Total Operations - Excluded From "CAPS" \$ 314,736.00 \$ 349,213.14

(D) Municipal Debt Service \$ 480,695.00 \$ 543,678.00

Total General Appropriations \$ 6,603,297.00 \$ 6,700,757.14

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

SO RESOLVED, as aforesaid.

**Resolution 2012-138 Adopting the 2012 Budget**

Councilmember Bibens moved resolution 2012-138, Council President Quattrone seconded.

There was discussion regarding the need to fund additional code enforcement assistance to which the CFO suggested that there may be funds available in the code enforcement budget.

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

Budget adopted 6-0.

**Ordinance 2012-06 First Reading and Introduction - Establishing Salary Ranges for Certain officers and Employees of the Borough of Hightstown**

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

There was discussion confirming that this ordinance does not establish the salaries, but sets the ranges for the titles listed.

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

Ordinance Introduced 6-0; Public Hearing to be held on June 4, 2012

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:

	<b>RANGING FROM:</b>	<b>TO:</b>
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

	<b>RANGING FROM:</b>	<b>TO:</b>
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
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:

	<b>RANGING FROM:</b>	<b>TO:</b>
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

	<b>RANGING FROM:</b>	<b>TO:</b>
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
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

	<b>RANGING FROM:</b>	<b>TO:</b>
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:

Barbara Jones, 215 Greeley St (Environmental Commission Chairperson) – advised that the Environmental Resource Inventory will be coming to Council soon and it is under a time constraint due to the grant; the storm water ordinance will also be coming to Council soon. The Arbor Day celebration went well and AAA donated the trees that were planted; Hightstown has achieved Tree City designation and good things are happening for Hightstown.

Jeanine Krupa, Hightstown Police Officer – commented that as the PBA representative she has researched starting police salaries in Mercer County and found that Hightstown is in line with the area salaries.

Eugene Sarafin, 628 S. Main Street – commented that he lives in a fine town and government locally is good, but it is not good at the national level. Local government needs to let national government know that enough is enough.

Scott Caster, 12 Clover Lane – thanked Council for censoring Mr. Sarafin and suggested that Council abandon Liaisons and have the boards report directly to Council as Mrs. Jones has done.

Dan Buriak, 194 Stockton Street – noted that the HPC spent the weekend at the War Memorial monument with the Garden Club and they donated flowers; volunteers from Monroe also participated. Volunteers also mulched trees and painted hydrants along Stockton Street. The Garden Club tour will be held on June 2<sup>nd</sup> and includes the monument. He commented that code enforcement is a significant issue in the Borough and assistance is needed. The HPC will be doing proclamations to recognize those who take care of their property and will be selling “Then and Now” postcards. The Route 33 bridge repair is under way and the HPC is working with the State to have a time capsule put in one of the pillars. The revaluation performed last time was inequitable.

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

**Resolution 2012-139 Authorizing the Payment of Bills**

Councilmember Woods requested that item E0577 be voted separately.

Councilmember Thibault moved Resolution 2012-139 without item E0577, Councilmember Bluth seconded.

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

Council President Quattrone moved item E0577 for payment, Councilmember Doran seconded.

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

Resolution adopted 5-0, with one abstention.

Resolution 2012-139

*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 \$1,549,727.84 from the following accounts

Current	\$ 1,427,945.84
W/S Operating	91,817.60
General Capital	21,960.29
Water/Sewer Capital	2,223.75
Grant	
Trust	599.00
Housing Trust	
Animal Control	13.80
Law Enforcement Trust	
Housing Rehab Loans	
Unemployment Trust	3,694.31
Escrow	1,473.25
Federal Forfeiture	-
Total	<u>\$ 1,549,727.84</u>

**Resolution 2012-130 Opposing Senate Bills 1451 and 1452**

Council President Quattrone moved Resolution 2012-130, Councilmember Bibens seconded.

There was discussion regarding the Open Public Records Act and Open Public Meetings Act, and Mr. Theokas explained that this resolution originated with the League of Municipalities, not because they disagree with OPRA and OPMA, but because of the way this law is written. Councilmember Bluth suggested that the verbiage in the Now Therefore be revised to read “does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills as currently drafted”.

Councilmember Woods moved to amend resolution 2012-130, Councilmember Bibens seconded.

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

Resolution amended 5-0, with one abstention.

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

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

Resolution adopted as amended 5-1.

Resolution 2012-130

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

**OPPOSING SENATE BILLS 1451 AND 1452**

**WHEREAS**, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

**WHEREAS**, the Hightstown Borough Mayor and Council agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

**WHEREAS**, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

**WHEREAS**, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and

- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the Hightstown Borough Mayor and Council agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

**WHEREAS**, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and

- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

**WHEREAS**, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the Hightstown Borough Mayor and Council strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the Hightstown Borough Mayor and Council, Mercer County, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills as currently drafted; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 14th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

**Resolution 2012-132 Supporting the Filing of an Application for a Reassessment program with the Mercer County Board of Taxation**

Councilmember Thibault moved to table Resolution 2012-132, Council President Quattrone seconded.

Mayor Kirson explained that this resolution authorizes the Assessor to apply to perform a reassessment for the Borough; the Assessor has had preliminary discussion with the State on the matter. When the reevaluation was performed, we hired an outside firm to perform a house to house and revalue of each property, this time we are looking for permission to have the Assessor perform a reassessment without the home visits; performing this reassessment will put all properties back on an even playing field and homeowners paying their fair share of taxes. There was discussion.

Councilmember Thibault moved Resolution 2012-132, Council President Quattrone seconded.

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

Resolution adopted, 6-0.

Resolution 2012-132

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

**WHEREAS**, Vital Services Group performed a 2008 revaluation in the Borough of Hightstown (the “Borough”) for the 2009 tax year; and

**WHEREAS**, the Borough thinks it is necessary to institute a reassessment program in the Borough for the 2013 tax year and desires to have Ken Pacera, Borough Assessor perform a reassessment in order to more accurately reflect market values; and

**WHEREAS**, in order for the Borough to institute a reassessment program, it must file an Application for Reassessment Program (the “Application”) with the Mercer County Board of Taxation and the New Jersey Division of Taxation; and

**WHEREAS**, the Borough Tax Assessor desires to complete the Application on behalf of the Borough and file it with the County and State; and

**WHEREAS**, the Borough Council supports the Tax Assessor’s completion and filing of the Application.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown that the Borough Council supports the Tax Assessor’s completion of the Application for Reassessment Program and the filing of it with the Mercer County Board of Taxation and the New Jersey Division of Taxation in order for the Borough to institute a reassessment program for the 2013 tax year.

**Resolution 2012-140    Establishing Summer Hours for Borough Hall Employees**

Council President Quattrone moved Resolution 2012-140, Councilmember Bibens seconded.

Councilmember Doran stated that through an oversight the Environmental Commission was not contacted regarding their support of this resolution, therefore she requested that the resolution be amended by removing the paragraph that references their support.

Councilmember Doran moved that resolution 2012-140 be amended by removing the paragraph referencing the Environmental Commission’s support, Council President Quattrone seconded.

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

Resolution amended, 6-0.

There was discussion and Council President Quattrone noted that this has been done in the past and shows the employee appreciation for everything they have done. Councilmember Bluth suggested that possibly they could rotate Fridays off so Borough Hall is open every day. Councilmember Thibault opposed the resolution as a resident because he saw no benefit.

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

Resolution defeated 2-4.

Resolution 2011-140

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

**ESTABLISHING SUMMER HOURS FOR BOROUGH HALL EMPLOYEES**

**WHEREAS**, resolution 2012-17 adopted on January 2, 2012 established the schedule of Holiday and Borough

business hours for the year 2012; and

**WHEREAS**, it is the desire of the employees of Borough Hall to revert to a summer schedule as has been done in past years; and

**WHEREAS**, the Mayor and Borough Council wishes to accommodate the residents of the Borough with longer hours during the summer months.

**BE IT RESOLVED** by the Mayor and Council of Hightstown Borough that the official summer business hours for Borough offices will be as set forth below:

- 1. During the period running from June 29, 2012 thru September 6, 2012, offices at Borough Hall will be open according to the following schedule:

Monday, Tuesday and Wednesday.....8:00 a.m. to 5:30 p.m.  
 Thursday..... 8:00 a.m. to 4:30 p.m.  
 Friday..... Closed

- 2. The affected Borough office Employees shall be entitled to a half-hour lunch hour during the period that this summer schedule is in effect.
- 3. This arrangement shall not impact essential personnel including police officers, dispatchers, public works employees and sewer plant employees.

**Resolution 2012-143 Authorizing a Waiver of Permit Fees for an Eagle Scout Project in Association Park**

Councilmember Thibault moved Resolution 2012-143, Councilmember Bluth seconded.

Mayor Kirson clarified that this resolution is simply waiving fees associated with this project, not approving the project. There was discussion and there was Council concern with ADA compliance on the project.

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

Resolution adopted, 6-0.

Resolution 2012-143

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

**AUTHORIZING A WAIVER OF PERMIT FEES FOR AN EAGLE SCOUT PROJECT IN ASSOCIATION PARK**

**WHEREAS**, on September 19, 2011 Ryan Lamphear presented an Eagle Scout Project to the Mayor and Borough Council; and

**WHEREAS**, the project will consist of the installation of a stage in Association Park in Hightstown Borough; and

**WHEREAS**, the Mayor and Borough Council gave their support for this project; and

**WHEREAS**, the Parks and Recreation Commission of Hightstown Borough has also given their support and guidance on the project; and

**WHEREAS**, the Borough requires that permits for zoning, building and electrical be issued for the completion of this project at a total fee cost of \$170.00; and

**WHEREAS**, given the nature of the project the Construction Official has requested that the \$170.00 in fees for said permits be waived; and

**WHEREAS**, all appropriate applications shall be filed and all appropriate inspections shall take place for this project; and

**WHEREAS**, the Borough Council finds that waiving the permit fees for this project is beneficial to community.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, that the zoning, building and electrical permit fees associated with the Eagle Scout project to install a stage in Association Park shall be waived.

**Consent Agenda Resolutions 2012-141, 2012-142, 2012-144 and 2011-145**

Councilmember Bibens moved the consent agenda, Councilmember Bluth seconded.

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

Resolution adopted, 6-0.

Resolution 2012-141

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

**WAIVING FEES FOR CERTAIN PARKING PERMITS**

**WHEREAS** Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2012-2013 parking permits for use by their staff, including four special permits for use in the Main Street parking lot and four permits for use in the Borough's permit parking area near Wells Fargo Bank; and

**WHEREAS**, Rise has requested that the fees for these permits be waived; and

**WHEREAS**, because Rise is an agency that receives financial support from the Borough, the Mayor and Council wish to authorize issuance of said permits at no fee.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk shall issue Rise eight (8) 2012-2013 parking permits as detailed herein and that the fees for these permits shall be waived.

Resolution 2012-142

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

**AUTHORIZING A REFUND FOR A ZONING PERMIT**

**WHEREAS**, Asok Kumar of 8 Perry L. Drew Place in Hightstown, New Jersey paid for a zoning permit with check #1078 in the amount of \$45.00; and

**WHEREAS**, \$45.00 was deposited into account #2-01-08-105-600; and

**WHEREAS**, the application was to install a shed in a R-PMF however a variance would be needed and he withdrew his zoning permit application; and

**WHEREAS**, the Construction Official has requested that a refund of the \$45.00 paid for said permit be issued.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$45.00 to Asok Kumar of 8 Perry L. Drew Place, Hightstown, New Jersey 08520, for a zoning permit as stated within.

Resolution 2012-144

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

**WAIVING TEMPORARY FOOD LICENSE PERMIT FEES FOR THE HIGHTSTOWN FARMERS MARKET**

**WHEREAS**, Hightstown Borough sponsors a Farmers Market every Friday June through September; and

**WHEREAS**, it has been the practice of the Borough to waive the Temporary Food License fees for the participating vendors of this event; and

**WHEREAS**, all other requirements for the issuance of the Temporary Food Licenses for this event shall remain in effect and required of all vendors; and,

**WHEREAS**, the Borough Council of Hightstown finds that the fees required for the Temporary Food Licenses shall be waived for this event; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, that the Temporary Food License fees for the participating vendors of the Hightstown Borough sponsored Farmers Market to be held every Friday June through September shall be waived, but all other requirements associated with the issuance of said license shall be applicable.

Resolution 2012-145

*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, June 9, 2012 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, June 9, 2012 at 278 Monmouth Street.

**Code Enforcement Update**

Mr. Theokas reported that code enforcement is issuing violations regarding grass cutting, trash, and overcrowding. He noted that using the Fire Department has allowed Code Enforcement to use their vehicle and that additional staff is needed to assist this department.

Councilmember Bibens advised that she, as Liaison to Code Enforcement, has sat with the department staff and accompanied them on inspections. She explained the inspection process and noted that some of the Borough

ordinances prevent a complete process; there is a need for additional staff to assist this department. There was further discussion.

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

Dan Buriak, 194 Stockton Street – commented that several residents in his neighborhood just do not bother taking care of their property, especially Renters; more enforcement is needed.

Scott Caster, 12 Clover Lane – commented that he has been encouraging the hiring of more Code Enforcement employees for a long time; there are bicycles and gum on the sidewalk.

Fran Palumbo, 101 Main Street – recommended that the Borough mow the grass and pass the cost on to the property owner. She inquired why they are waiving the fees for the Farmers Market.

Melanie Alio, 158 Grant Avenue – suggested that Council should re-visit the Borough Hall summer hours as there is a benefit to the late night hours a couple nights a week and that there is a need for more code enforcement of unsafe conditions.

Denny Hansen, 211 Grant Avenue – noted that she was glad to hear about the gazebo that is going up in Association Park, but the residents knew nothing about it. She inquired if it is wise to do a re-assessment now, have the market bottomed out yet? She also stated that the Borough should be making a big deal about fines and issuing violations.

Pat Duncan, 158 Grant Avenue – commented that the Parks and Recreation commission did a survey last year and the gazebo project fits right in to the results; an Engineer is working on ADA compliance issues. They will canvass the area to inform residents and come back to Council with the final plan once it is complete.

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

#### **Mayor/Council/Administrative Comments and Committee Reports**

**Councilmember Doran** – commented that it is a stage being built in Association Park, not a gazebo; a reassessment is necessary regardless of the market; Code Enforcement is critically important, can we publish a list of the violations with names and addresses? (The Attorney is to check into it); Stockton Street and the flower baskets look great; Council Liaisons are a good procedure, but Committees should send representatives to the Council meetings to report.

**Councilmember Woods** - agreed that code enforcement is a problem, but so are the ordinances they have to enforce, procedures need to be clear; volunteers are helpful to those who cannot cut their grass and neighbors should help one another; the PAWS Walk was very nice; the Water/Sewer Department Head meeting is coming up soon.

**Councilmember Bluth** – congratulated the Environmental Commission on achieving Tree City designation and agreed with Councilmember Doran that Council Liaisons are good, but Committees should send representatives to the Council meetings; we should help rather than fine for code enforcement; gave a reminder that a Hurricane Irene meeting is being held next Wednesday.

**Councilmember Thibault** – advised that he finally received a response from NJDEP regarding the fluoridation cessation and he read the memo, DEP is at fault for the communication breakdown; he served as a Judge at the PAWS Walk and it was a lot of fun; Bob Hary, our Health Official and Chair of the Board of Health, is retiring; he is glad the Historic Preservation Commission was here to give an update, he has to alternate meetings; he finds the budget process is very frustrating, there are no fundamental changes; recommended a resolution to form a Finance Committee from Council to evaluate alternate ways of getting revenue.

**Councilmember Bibens** – the Fire Department repairs are going well and she appreciates the opportunity to work with them; she is sorry that the summer hours did not pass, she thought the later hours were useful to residents; reminded everyone about the Memorial Day Parade; nobody realizes the amount of work the Parks and Recreation Commission does.

**Council President Quattrone** – gave Memorial Day parade information and noted that the committee did a great job; advised that Public Works has gone to summer hours; he is working with the Police Director on Borough issues; the Police Department is up and running and our Court is located in Robbinsville; we need flood insurance on the Firehouse; he thanked Dan Buriak for all his work on the monument; code enforcement will improve the quality of life for residents.

**Mayor Steven Kirson** – noted that the Assessor thinks now is the time to reassess properties; the Farmers Market is a very nice activity and we waive the fees to encourage participation.

**Borough Administrator Theokas** – noted that he is already checking into flood insurance; the flower basket fund is from donations raised by GHEWIP and the Public Works employees install them; he distributed Council packets for the May 30<sup>th</sup> special meeting and noted that Councilmember Thibault is the Liaison for the Administration and Finance Department.

Councilmember Woods moved to adjourn at 10:15 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi,  
RMC, Borough Clerk