

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**November 19, 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; Michael Theokas, Borough Administrator; and Barry Capp, Borough Attorney.

**Resolution 2012-265 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-265, Councilmember Doran seconded.

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

Resolution adopted, 5-0

Resolution 2012-265

*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 November 19, 2012 at approximately 7:00 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:

Personnel – Finance Department

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: February 19, 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 7:33 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Councilmember Thibault had joined the meeting during executive session and was now present.

George Lang, CFO; James LeTellier, Police Director; and Carmela Roberts, Borough Engineer joined the meeting at this time.

Council President Quattrone requested that resolution 2012-273 be moved up on the agenda to below resolution 2012-274.

Councilmember Doran requested that the receipt of an electric shut-off notice for the police department be added to the agenda under discussion.

Council President Quattrone moved the agenda as amended for approval, Councilmember Bibens seconded.

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

Agenda approved as amended.

Councilmember Bibens moved the August 23, 2012 and October 1, 2012 open session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved.

**Resolution 2012-266 Accepting Membership of Pawel J. Szlezak in Hightstown Engine Co. No. 1**

Councilmember Bibens moved resolution 2012-266, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2012-266

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

**ACCEPTING MEMBERSHIP OF PAWEL J. SZLESZAK  
IN HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Pawel J. Szlezak of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Szlezak has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of Pawel J. Szlezak in Hightstown Engine Company No. 1 is hereby accepted.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to Hightstown Engine Co. #1.

Mayor Kirson noted how fortunate Hightstown is to have volunteers who look after the community and noted that Mr. Szlezak will be sworn in at the next meeting.

**Resolution 2012-267 Authorizing Payment #2 - Coppola Services, Inc. (Sludge Rotary Press)**

Council President Quattrone moved resolution 2012-267, Councilmember Doran seconded.

The Borough Engineer advised that the kinks are currently being worked out of the sludge press but it is operational and the polymers are being tested. She also noted that the authorization to bid the cake removal is forthcoming.

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

Resolution adopted 6-0.

Resolution 2012-267

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

**AUTHORIZING PAYMENT #2 TO COPPOLA SERVICES, INC.  
(SLUDGE ROTARY PRESS)**

**WHEREAS**, on February 6, 2012, the Borough Council awarded a contract for the Sludge Rotary Press Project to Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$395,328.00; and,

**WHEREAS**, the contractor has submitted payment request #2 for work done in the total amount of \$59,192.00; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #2 to Coppola Services, Inc. in the amount of \$59,192.00; and

**WHEREAS**, the required certified payrolls have been submitted; 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 Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$59,192.00 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-268 Authorizing Payment #3 – Liberty Electrical Construction (Water Treatment Filter)**

Councilmember Bibens moved resolution 2012-268, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2012-268

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

**AUTHORIZING PAYMENT #3 TO LIBERTY CONSTRUCTION & DEVELOPMENT, INC.  
(WATER TREATMENT PLANT FILTER)**

**WHEREAS**, resolution 2012-114 adopted on April 16, 2012 awarded the contract for the Water Treatment Filter to Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$497,000.00; and

**WHEREAS**, the contractor has submitted payment request #3 for work related to mobilization, safety setup, engineering layout and shop drawing review, and site demo and protection in the total amount of \$41,797.00; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #3 to Liberty Construction & Development, Inc in the amount of \$41,797.00; and

**WHEREAS**, the required certified payrolls have been submitted; and

November 19, 2012

**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. 3 from Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$41,797.00 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-274 Authorizing Receipt of Bids for Various Chemicals**

Councilmember Woods moved resolution 2012-274, Councilmember Doran seconded.

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

Resolution adopted 6-0.

Resolution 2012-274

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

**AUTHORIZING RECEIPT OF BIDS FOR VARIOUS CHEMICALS**

**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 chemicals for the Borough's Advanced Wastewater Treatment Plant, and that the Borough is authorized to receive same after proper advertisement.

**Resolution 2012-273 Rejecting All Bids for the Greenway Walking Bridge**

Council President Quattrone moved resolution 2012-273, Councilmember Woods seconded.

The Borough Engineer gave an explanation of the bid received and noted that the bidder included in their price the installation and footings, for which no specifications were given. There was discussion.

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

Resolution adopted 6-0.

Resolution 2012-273

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

**REJECTING ALL BIDS FOR GREENWAY WALKING BRIDGE**

**WHEREAS**, pursuant to resolution 2012-249, the Purchasing Agent re-bid the Greenway Walking Bridge project; and

**WHEREAS**, one (1) bid was received on November 7, 2012 for the re-bid of the Greenway Walking Bridge project in Hightstown Borough; and

**WHEREAS**, the bid received exceeds the engineer's estimate and the appropriation for this project and are found to be unreasonable; and

**WHEREAS**, the bid has been reviewed by the Borough Engineer and Qualified Purchasing Agent and it is the Engineer and Qualified Purchasing Agent recommendations that the bid received for this project be rejected in accordance with N.J.S.A. 40A:11-13(2); and

**WHEREAS**, the Qualified Purchasing Agent and Borough Engineer, in accordance with N.J.S.A. 40A:11-5(3), recommend that the Borough negotiate a price with the vendors who submitted bids on October 3, 2012 and November 7, 2012; and

November 19, 2012

**WHEREAS**, the Borough Attorney concurs with the Qualified Purchasing Agent and Borough Engineer recommendations; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that all bids received on November 7, 2012 for the re-bid of the Greenway Walking Bridge project in Hightstown Borough are hereby rejected and the Borough Engineer is hereby authorized to negotiate said project with the vendors who submitted bids on October 3, 2012 and November 7, 2012.

#### **Borough Engineer Award**

Mayor Kirson read the following press release into the record:

“November 7, 2012 — Hamilton, NJ — Carmela Roberts, P.E., C.M.E. of Roberts Engineering Group, Hightstown Borough Municipal Engineer, has been awarded First Place by the New Jersey Society of Municipal Engineers for the Construction of a Post Chlorination Tank at the Water Treatment Plant for disinfection of the public water supply. The Society, as part of its 2012 Municipal Engineering Project of the Year Awards Program, has selected Ms. Roberts in the category of Municipal Construction Projects prepared by the Appointed Municipal Engineer in a municipality with a population under 20,000.

This program recognizes municipal engineers and engineering consultants to municipalities who have contributed to the public health, safety, and welfare, by designing projects and/or implementing programs which are of an outstanding nature.

The New Jersey Department of Environmental Protection (NJDEP) has approved this tank design for use throughout the state. The project was financed by the New Jersey Environmental Infrastructure Trust, which funding application was prepared by Ms. Roberts.”

Mayor Kirson congratulated Ms. Roberts and noted that she won second place last year for the Stockton Street Historic District Infrastructure Project and these awards show Ms. Roberts’ professionalism and dedication to the Borough.

#### **Borough Hall/Temporary Administrative Offices**

The Borough Engineer opened discussion by noting that she has determined the trailers that will be needed for the Administrative Offices to be temporarily re-located for a period of up to three years; she has spoken with the Administrator and the Borough Clerk and also referenced the information given by Mr. Perez as a guide. She then referenced her letter of November 16, 2012 in which she reviews her findings and provided possible floor plans of the trailers. She noted that off-the-shelf models are far less expensive than custom, and each change to a trailer is considered customization. There was discussion.

The matter of the Engineer’s evaluation of site location opportunities was then reviewed. She stated that her office has evaluated properties around the Borough which may be able to accommodate a new municipal building. The existing property of the municipal building is about 1.16 acres in area with a 14,000 SF building. The lot has approximately 80 parking spaces. The other properties discussed as candidates for housing a temporary municipal building were the Borough Hall property, Bank Street properties, Public Works property, Water Department property, Lucas property, Maxwell Avenue property and the Minute Maid property. The Borough Engineer reviewed her comments as stated in her memo on each property. There was additional discussion regarding the needs of the Police Department and whether any of these properties could possibly also accommodate a temporary facility for the police.

Discussion continued regarding parking at each location and the time period for the re-development of Borough Hall. Mr. Theokas was directed to reach out to the owner of the Bank Street property and see if there is an interest in leasing the property to the Borough for this use and to St. Anthony’s Church to see if the Borough could utilize their parking lot if they lease the Maxwell Avenue property. The Borough Engineer was instructed to add the police module to the bid specifications; Police Director LeTellier was directed to assist the Engineer with the requirements.

The present Lucas lease for the Police Department was then discussed and Councilmember Bluth requested that the Administrator check into the possibility and availability of leasing additional space at that location.

### **Planning Board Draft Response Resolution**

The Borough Attorney presented his revised draft of the resolution setting forth the Borough Council's response to the Hightstown Planning Board' memorandum of October 16, 2012 concerning resolution 2012-229 (capital project review/new Borough Hall). Councilmember Doran remarked that the resolution expresses Council's decision and there was discussion. Council requested that the verbiage be changed to read "restore or re-use."

Councilmember Thibault moved that resolution 2012-276 be added to the agenda as amended directly following resolution 2012-272, Councilmember Doran seconded. All Ayes.

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

Bill Gilmore, 219 Greeley Street – thanked the Borough Engineer for a great report and commented that a simple solution would be to move to the Lucas property.

Rick Pratt, 214 Stockton Street – gave his opinion of various Council members; provided photographic evidence from September 17, 1934 which showed significant flooding of the Borough Hall site; commented that the Council's previous remarks regarding Lucas property contamination is not accurate and only apply to ground water and that Council should check their facts before making statements that are not true; noted that the Borough Engineer previously stated that the current Borough Hall location will always be at risk for flooding.

Steve Misiura, 352 S. Main Street and Planning Board Chair – commented that he is not surprised that Council added the resolution tonight and it is apparent that Council will not be taking the Planning Board's advice; reminded Council that they had scheduled a workshop meeting on the subject of Borough Hall, but would not allow him to speak to Council as the Planning Board representative. He continued that the resolution is not appropriate and that Council should consult with the Engineer; historical data shows that the information being given out by Council is not factual. He spoke regarding re-development of the rug mill property, Councilmember Thibault's blog, Lucas property contamination, and Council's lack of a vision for Hightstown.

Rick Pratt, 214 Stockton Street – commented that Council approved the minutes of August 23<sup>rd</sup> and referenced the discussion on page 2; DEP has listed 17 sites in Hightstown as contaminated, there is a developer who is possibly interested in the rug mill property, but only if it is linked to Main Street.

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

### **Ordinance 2012-17 Final Reading and Public Hearing – An Ordinance Amending Section 3(a) of Bond Ordinance 2011-11 of the Borough of Hightstown, in the County of Mercer, New Jersey, Finally Adopted December 5 2011 in Order to Include Additional Projects**

Mayor Kirson opened the public hearing on ordinance 2012-17. There being no comments, the public hearing was closed.

Councilmember Thibault moved ordinance 2012-17 for adoption, Councilmember Woods seconded.

Councilmember Thibault thanked Mr. Theokas for providing the information he requested regarding this ordinance.

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

Ordinance adopted 6-0.

### **Resolution 2012-269 Payment of Bills**

Councilmember Woods moved Resolution 2012-269, Councilmember Doran seconded.

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

Resolution adopted 6-0.

Resolution 2012-269

November 19, 2012

- 6 -

*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 \$157,809.10 from the following accounts

Current	\$ 43,465.74
W/S Operating	46,595.25
General Capital	75.00
Water/Sewer Capital	32,541.25
Grant	1,570.00
Trust	26,852.90
Housing Trust	
Animal Control	
Law Enforcement Trust	4,747.50
Housing Rehab Loans	
Unemployment Trust	1,549.96
Escrow	<u>411.50</u>
 Total	 <u><u>\$ 157,809.10</u></u>

**Resolutions 2012-270, 2012-271 and 2012-272 Moved as a Consent Agenda**

Councilmember Bluth moved Resolutions 2012-70, 2012-271 and 2012-272 as a consent agenda, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2012-270

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE  
2012 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2012 as follows:

<b>Source</b>	<b>Amount</b>	<b>Revenue Title</b>	<b>Appropriation Title</b>
State of New Jersey Division of Criminal Justice	\$1,550.79	State Body Armor Replacement Fund Program	State Body Armor Replacement Fund Program

Resolution 2012-271

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE  
IN THE 2012 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year and equal appropriation in the budget of the Borough of Hightstown for the year 2012 as follows:

<b>Source</b>	<b>Amount</b>	<b>Revenue Title</b>	<b>Appropriation Title</b>
State of New Jersey Solid Waste Administration	\$5,614.59	Recycling Tonnage Grant	Recycling Tonnage Grant

Resolution 2012-272

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE  
IN THE 2012 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year and equal appropriation in the budget of the Borough of Hightstown for the year 2012 as follows:

<b>Source</b>	<b>Amount</b>	<b>Revenue Title</b>	<b>Appropriation Title</b>
Sustainable Jersey Corp.	\$10,000.00	Sustainable Jersey Small Grant 2012	Sustainable Jersey Small Grant 2012

**Resolution 2012-276 A Resolution Setting Forth the Borough Councils Response to the Hightstown Planning Board's Memorandum of October 16, 2012 Concerning Resolution 2012-229 (Capital Project Review/New Borough Hall)**

Council reviewed the resolution.

Councilmember Thibault moved Resolution 2012-261 deleting the paragraph regarding the Borough Engineer's consultation and bullet points on page 3, Councilmember Doran seconded.

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

Resolution adopted 3-0, with three abstentions.

Resolution 2012-276

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

**A RESOLUTION SETTING FORTH THE BOROUGH COUNCIL'S RESPONSE TO THE  
HIGHTSTOWN PLANNING BOARD'S MEMORANDUM OF OCTOBER 16, 2012, CONCERNING  
RESOLUTION 2012-229 (CAPITAL PROJECT REVIEW/NEW BOROUGH HALL)**

**WHEREAS**, the Hightstown Borough Council (referred to herein as the "Borough Council" or the "Governing Body") adopted Resolution 2012-229 on September 18, 2012, which authorized the referral of a proposed capital project involving the location and construction of a new Borough Hall (also referenced as the "capital project") to the Hightstown Planning Board (the "Planning Board"), pursuant to N.J.S.A. 40:55D-31; and

**WHEREAS**, in Resolution 2012-229, the Borough Council stated that, after careful consideration, it believes that the best interests of the Borough would be served to restore or re-use the existing Borough Hall site, located at 148 North Main Street, and more commonly known and designated as Block 30, Lots 10, 11 and 12 on the Hightstown Borough Tax Map (referred to herein as the "property" or the "existing Borough Hall site"), for some or all of the municipal operations of the Borough, including, at a minimum, the Borough's administrative offices and Police Department, which facilities would be located in the same general area as that where the former Borough Hall was located, with the option to also include the

November 19, 2012

Department of Public Works and/or the Municipal Court at that same location, subject to the needs of, and the further determinations made by, the Borough; and

**WHEREAS**, N.J.S.A. 40:55D-31 provides that, whenever the Planning Board shall have adopted any portion of the Master Plan, the Governing Body, before taking action necessitating the expenditure of any public funds, incidental to the location, character or extent of such project, shall refer the action involving such specific project to the Planning Board for review and recommendation in conjunction with such Master Plan, and shall not act thereon, without such recommendation or until 45 days have elapsed after such reference without receiving such recommendation; and

**WHEREAS**, in response to said referral, the Planning Board engaged in a discussion of the issues set forth in Resolution 2012-229 at its regularly scheduled meeting of October 9, 2012; and

**WHEREAS**, the review undertaken at the Planning Board's October 9, 2012 meeting was limited to the issue of the "location" of the new Borough Hall; and

**WHEREAS**, at the conclusion of that meeting, the Planning Board voted (in a 6-3 vote) not to support Resolution 2012-229; and

**WHEREAS**, thereafter, the Planning Board forwarded a memorandum to the Mayor and Council, dated October 16, 2012, setting forth the rationale for its determination; and

**WHEREAS**, in the memorandum, the Planning Board cited the following reasons for not supporting the Resolution:

- "The primary reason given for the Board's decision had to do with the location of the 100-year flood limit and the 500 year flood limit";
- "A secondary reason for not supporting the Council Resolution has to do with the Master Plan and the Redevelopment Plan as it pertains to the Rug Mill property"; and
- "An additional item of concern that was raised, related to the Master Plan Goal to, "restore the historic character of the central downtown business district." The existing municipal building, which is of a 1960's era modernist design, if restored to its present appearance, would not be consistent with this goal"; and

**WHEREAS**, the Borough Council has carefully considered the reasons cited by the Planning Board for its failure to support Resolution 2012-229, but respectfully wishes to reaffirm its decision to restore or re-use the existing Borough Hall site for some or all of the municipal operations of the Borough, as stated in Resolution 2012-229, for the following reasons:

- Under the current FEMA flood map, the rear part of Borough Hall falls into the 100 year flood zone while the front part of the building falls into "Zone B," a lower risk area. This was borne out by Hurricane Irene, with the rear part of Borough Hall being flooded by 30 inches or more of water while the front part saw only 3 or 4 inches of water;
- Under new proposed FEMA flood maps, the current footprint of Borough Hall is completely in the lower risk 500 year flood area;
- Engineering surveys of the property show the area nearest North Main Street is considerably higher than the rear part closer to the Mill property and, along with Ely House and North Main Street in that vicinity, was not flooded during Hurricane Irene;
- The Borough Engineer, the Borough Planner as well as architects consulted by the Borough Council have all stated that there are a variety of mitigation steps that can be taken to further ensure protection from and full accessibility in the event of another flood on the scale of that caused by Hurricane Irene;
- There is no factual evidence to support the proposition that access to Main Street would make the Rug Mill property more attractive to developers. In addition, the existing Master Plan states that "the Borough's services are equally accessible from almost anywhere in town and

similarly, they are well situated to easily serve the entire Borough”;

- The Borough Council believes that judgments as to the proposed design of any new building or restoration of the current Borough Hall building are beyond the scope of the Planning Board’s responsibility as it relates to Resolution 2012-229; and
- Finally, cost was also beyond the scope of the Planning Board’s review but was and remains of paramount importance to the Borough Council. The Borough Council has been informed that the Borough’s insurance carrier will cover the full cost of replacing the current building only if it is rebuilt on the current site. Relocating to another site would entail significant costs to the residents of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Hightstown Borough Governing Body, in the County of Mercer and State of New Jersey, as follows:

1. That, for the reasons set forth above, the Borough Council hereby reaffirms its decision to restore or re-use the existing Borough Hall site for some or all of the municipal operations of the Borough, as stated in Resolution 2012-229.
2. That, accordingly, the Borough Council hereby sets forth its intention to move forward with this course of action, and shall direct appropriate professionals and staff members to take all necessary steps in furtherance thereof.
3. That plans relating to the “construction” phase of the capital project shall be referred to the Planning Board in the future for a further review of that phase of the project by the Planning Board, pursuant to N.J.S.A. 40:55D-31.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Hightstown Borough Planning Board;
  - b. Gary Rosensweig, Esq., Planning Board Attorney;
  - c. Tamara Lee, P.P., Borough Planner;
  - d. Carmela Roberts, P.E., Borough Engineer;
  - e. Michael Theokas, Borough Administrator;
  - f. Frederick C. Raffetto, Esq., Borough Attorney;

**Police Promotions**

Police Director LeTellier reviewed the information previously distributed to Council at the request of Councilmember Woods, pertaining to police promotions. He recommended a two-step process with a written test and interview by the Chiefs of Police. He feels this process gives true accountability of the officer’s knowledge. The Chiefs score the applicants and merit or seniority serve as the tie-breaker if needed. The final determination is made by the Police Director and Council.

There was discussion regarding the proposed retirements in the department, need for sergeants, and method for best practices, time frame and costs for testing, and buy-outs and use of sick time prior to retirement. George Lang, CFO, commented that the funds for testing would have to be made available in the 2013 budget since this is when the testing will take place.

**Electric Shut Off Notice for Lucas Property**

Mayor Kirson reviewed that the Trustee at the Lucas property had received a power shut-off notice from JCP&L, which has been extended so discussion can take place with the bank and trustee. JCP&L has been told that Hightstown Borough will pay their portion of the bill and a meeting is forthcoming to sort out the process.

Councilmember Doran inquired as to why the Borough is not paying JCP&L directly to which the Mayor responded that the police department is sub-metered at the property and it needs to be determined how much the Borough owes for its usage. There was additional discussion.

The Mayor opened the public comment period II and there being no comments, the Mayor closed the public comment period.

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

**Councilmember Thibault** – commented that his blog is his opinion; thanked Mr. Pratt for the photos and stated that the front of Borough Hall is dry; noted that a majority of Council meetings have included discussion regarding Borough Hall and the purpose of the presentations was to stimulate discussion. Council has the right to disagree with public opinion.

**Councilmember Bluth** – wished everyone a Happy Holiday.

**Councilmember Bibens** – wished everyone a Happy Thanksgiving and safe travelling; commented that she would be interested in finding out more about Mr. Pratt's meeting with a developer who may be interested in the rug mill.

**Council President Quattrone** – thanked everyone for voting; wished everyone a Happy Thanksgiving; inquired why Council asks their professionals for advice and then ignores it.

**Mayor Kirson** – reviewed the 2012 budget tax levy and water/sewer collection comparison of 2012 to 2011 as presented to Council by George Lang.

**Administrator Theokas** – advised Council that the regular maintenance on the clock in the tower downtown will be performed in December and the work on the steeple has been put off until spring; a phone audit is being performed; he has arranged for a reverse auction by a DCA approved company for electricity at no cost to the Borough which could produce a possible savings of 13% - 20% savings in electricity costs, a resolution will be forthcoming to accept the bid, the only change to our billing will be the supplier and cost.

Councilmember Bibens moved to adjourn at 9:41pm, Councilmember Bluth, seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk