

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
October 21, 2013  
6:00 pm**

The meeting was called to order by Mayor Kirson at 6:06pm 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; James LeTellier, Police Director; and Frederick Raffetto, Borough Attorney.

**Resolution 2013-207 Authorizing a Meeting Which Excludes the Public**

Mayor Kirson requested that resolution 2013-207 be amended to include Attorney-Client Privilege; Councilmember Doran requested that Personnel be added with the subject being Borough Administrator; Councilmember Thibault requested that Municipal Court be added under Contract Negotiations, Shared Services.

Councilmember Woods moved resolution 2013-207 as amended, Councilmember Doran seconded.

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

Resolution adopted, 6-0.

**Resolution 2013-207**

*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 October 21, 2013 at approximately 6:00pm 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 – Shared Services (Cranbury 9-1-1 & Court)  
Police Department Lease

October 21, 2013

Litigation – Gordy  
Personnel – Borough Administrator

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: January 21, 2014 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 7:08 pm and he read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO; Carmela Roberts, Borough Engineer; and Eli Goldstein, Architect joined the meeting at this time and were now present.

Mayor Kirson requested that resolution 2013-210 regarding a settlement be added to the agenda.

Councilmember Thibault requested that disaster mitigation grant be added to discussion.

Councilmember Doran requested that an update on the Borough Administrator vacancy be added to discussion before the Rules & Regulations discussion.

Councilmember Woods moved the agenda as amended, Councilmember Doran seconded.

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

Agenda approved as amended.

Councilmember Bluth moved the May 6, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 6-0.

Councilmember Doran corrected a vote on the June 17, 2013 open session minutes.

Councilmember Thibault moved the June 17, 2013 open session minutes as amended for approval, Councilmember Doran seconded.

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

Minutes approved 6-0.

**Proclamation – Proclaiming November 2013 as National Diabetes Awareness Month**

Mayor Kirson read the proclamation aloud, noting that the Board of Health brought this proclamation forward and that it is an important health issue. He then presented the proclamation to Councilmember Thibault (Liaison the Board of Health) for presentation to the Board at their next meeting.

**Borough of Hightstown**  
*PROCLAMATION*

National Diabetes Awareness Month

October 21, 2013

**Whereas**, 26 million people in the United States have Diabetes and another 79 million individuals are estimated have prediabetes; and

**Whereas**, diabetes is a serious disease that can lead to kidney disease, heart disease, stroke, eye disease, limb amputations and shortened lives; and

**Whereas**, research has shown that there are preventative steps individuals can take to prevent or slow down the development of Type II diabetes; and

**Whereas**, preventative measures such as losing weight and becoming active for at least 150 minutes per week can reduce the risk of developing Type II Diabetes by 60%; and

**Whereas**, President Obama has declared November as National Diabetes Awareness Month and has called for action to prevent this disease; and

**Whereas**, the Greater Mercer Public Health Partnership, a group dedicated to improving the health and wellness of Mercer County, will be kicking off National Diabetes Awareness Month by hosting free screenings and educational materials at several sites throughout the County on November 6, 2013; and

**Whereas**, Hightstown Borough, Mercer County cares deeply for the health and wellness of its citizens;

**Therefore Be it Resolved**, that the Mayor and Borough Council do hereby proclaim November 2013 as National Diabetes Awareness Month in our community; and

**Be it Further Resolved**, that we encourage all of our citizens, individuals, corporate and institutional, to take an active role in promoting healthy lifestyles, increasing awareness and preventing diabetes.

#### **Borough Hall Presentation**

Mayor Kirson introduced Eli Goldstein, Architect, and Carmela Roberts, Borough Engineer. He noted that he will open the floor for questions following the presentation.

Eli Goldstein noted that the primary purpose of this presentation is to provide Council with information to authorize the start of a detailed building design, which is the next phase of the project. He then reviewed the different phases of the Borough Hall project which consisted of preliminary site concepts, updated floor plans, studies of the front elevations, building construction materials and budget. He turned the presentation over to Carmela Roberts.

Ms. Roberts reviewed the various site designs which included parking areas with egress and ingress, underground stormwater detention, property line designation and the extension of Mechanic Street. She noted that design #2 changes the parking to be more pedestrian friendly with fewer parking spaces, but it decreases impervious cover with islands containing plant material. She then turned the presentation back to Mr. Goldstein.

Mr. Goldstein noted that concept #2 also provides for future solar canopies. He then reviewed the minor revisions made, since his last presentation, to the stairs and elevator in the design plan and the second floor. The square footage, approximately 12,000 feet, was outlined. He noted that he has performed enough design work to estimate the cost of materials and presented slides which gave front of the building concepts using materials to match the firehouse and Ely House, giving a review of the concept.

Eli then explained the Leadership Energy Engineering Design (LEED) noting that it is water saving, encourages recycling, good for the environment, and the Borough will get credit toward the Sustainability Certification. He reviewed the additional fees and costs to achieve credit which are estimated to be approximately \$94,000.

Mr. Goldstein then addressed the preliminary budget of the project which included building construction materials, professional service fees, and construction, which are estimated at approximately \$6,450,000 including professional service fees. The professional services fees for the next phase are \$200,000 for architectural services and \$50,000 for engineering services, excluding LEED related fees. A break-down of the site work costs was given by Ms. Roberts.

Council then had discussion with the professionals regarding using the same materials in the current building, bringing the new building up to code, meeting with FEMA (which was cancelled due to the Federal Government shut down), the slope of the building, the location of the building, possibly scaling back the project, heating and cooling costs, and asbestos removal and environmental issues with the current building. It was noted that this phase of the project was done as a tool, needed to continue discussion with the insurance company and is not a final design.

Mayor Kirson opened the floor for questions from the public, in which the following items were discussed: elevations, stormwater quantity control, pervious versus impervious pavement, parking spaces and concern with fire department volunteer parking, soil condition and contaminates contingency, contents cost and associated deductibles, possible FEMA and insurance reimbursements and limits, Mechanic Street right-of-way and ownership, and future funding and timeline.

Mayor Kirson closed the floor for questions and Mr. Goldstein and Ms. Roberts departed the meeting at this time.

Mayor Kirson opened public comment period I and the following individuals spoke:

Keith LePrevost, 13 Greeley Street and Housing Authority Administrator – noted that the Environmental Commission and Housing Authority have won an award from ANJEC for their rain garden project and that this is an example of what can be done when people work together.

Phyllis Deal, 305 Stockton Street – commented that there were issues with the Harvest Fair regarding the use of the Library lawn, there needs to be communication; it was chaotic.

Councilmember Thibault noted that he attended the meetings of the Fair Committee and it was put on by volunteers who were spread thin. The Fair was a success, but he will discuss this issue with them.

Eugene Sarafin, 628 S. Main Street – commented that the Borough Hall building design is a charade; there is an insurance expert in town who has not been consulted or utilized to negotiate. He feels Council is lying to, and fooling the public.

Scott Caster, 12 Clover Lane – commented that he has a dream that the universe can co-exist with each other, noting that Council should do whatever is necessary to be civil and respectful of each other and get something done. He then questioned the Borough Administrator requirements and requested that Council discussion on the matter take place in public.

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

#### **Resolution 2013-208 Authorizing the Payment of Bills**

Mayor Kirson pulled item #M0053 to MES for \$26,000 for discussion and separate vote.

Council President Quattrone moved Resolutions 2013-208 without item #M0053, Councilmember Bibens seconded.

There was clarification of various items on the bills list.

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

There was discussion regarding item #M0053. Mr. LeTellier informed Council that the fire department does not use proper purchasing procedures as required in the Local Public Contract Law, does not get quotes, and finance has no knowledge of their invoices until they are contacted by vendors inquiring about payments on overdue balances. He noted that the previous Administrator and Qualified Purchasing Agent had discussions with them regarding the proper

procedures to follow, to no avail; the CFO had to find funds to pay this invoice as funds were not available in the budget, and he has not authorized the payment as the Borough Administrator. There was discussion regarding processes and requirements.

Councilmember Bibens moved item #M0053 for payment, Councilmember Bluth seconded.

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

Resolution adopted, 6-0.

**Resolution 2013-208**

*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 \$ 86,194.22 from the following accounts:

Current	51839.7	\$51,839.70
W/S Operating	25171.41	25,171.41
General Capital	2529.5	2,529.50
Water/Sewer Capital	4848.61	4,848.61
Grant	650	650.00
Trust		0.00
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow	1155	<u>1,155.00</u>
Total		<u>\$86,194.22</u>

**Resolution 2013-209 Authorizing Donation of Surplus Property No Longer Needed for Public Use**

Council President Quattrone moved Resolution 2013-209, Councilmember Bibens seconded.

Mayor Kirson explained that the phones being donated are no longer used by Borough employees and are being donated to a very worthy cause.

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

Resolutions adopted 6-0.

October 21, 2013

**Resolution 2013-209**

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

**AUTHORIZING DONATION OF SURPLUS PROPERTY  
NO LONGER NEEDED FOR PUBLIC USE**

**WHEREAS**, the Purchasing Agent has determined that there is property no longer needed for public use; and

**WHEREAS**, the State of New Jersey permits the disposal of surplus property no longer needed for public use pursuant to the Local Public Contract Law 40A:11-36.; and

**WHEREAS**, the Purchasing Agent finds that this property holds no value and recommends that the cell phones listed herein be donated to the "Cell Phones for Soldiers" program:

<b>QUANTITY</b>	<b>MODEL</b>
1	MOTOROLA i265
1	MOTOROLA i560
9	MOTOROLA ic502
11	MOTOROLA V950
12	KYOCERA E4255
3	SANYO PRO 700

; and

**WHEREAS**, the Mayor and Council finds it in the best interest of the community to donate these phones to the "Cell Phones for Soldiers" program.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Borough Council hereby declares the equipment as listed to be no longer needed for public use and authorizes the Purchasing Agent to properly dispose of same through the "Cell Phones for Soldiers" program.

**Resolution 2013-210 Authorizing the Settlement of Certain Litigation Involving the Promotional Process Within the Hightstown Borough Police Department**

Council President Quattrone moved Resolution 2013-210, Councilmember Woods seconded.

Copies of the resolution were distributed to the public.

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

Resolutions adopted 6-0.

October 21, 2013

**Resolution 2013-210**

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

**AUTHORIZING THE SETTLEMENT OF CERTAIN LITIGATION INVOLVING THE PROMOTIONAL  
PROCESS WITHIN THE HIGHTSTOWN BOROUGH POLICE DEPARTMENT**

**WHEREAS**, the Borough of Hightstown had a vacancy position for the rank and position of police sergeant within the Hightstown Police Department; and

**WHEREAS**, the Borough of Hightstown conducted both written and oral examinations in order to fill the unfilled position of police sergeant with a qualified individual; and

**WHEREAS**, the Borough Council of the Borough of Hightstown selected a qualified person to become a sergeant with the Hightstown Police Department; and

**WHEREAS**, another member of the police department filed a complaint in lieu of prerogative writs with the Superior Court of New Jersey, bearing Docket No. L-1449-13, entitled “**Michael A. Gordy, Sr. v. Borough of Hightstown, et al**”, which alleges that the promotion process was flawed and violated the Borough’s promotional processes; and

**WHEREAS**, the Council of the Borough of Hightstown, acting upon the advice of counsel, wish to settle this lawsuit in a manner that (a) preserves the recent promotion, (b) satisfies the plaintiff by providing for a revised promotion list which will be valid for a defined period of time, and (c) ensures a fair promotion process by which the interests of all candidates for promotion, the Borough government, the Police Department and its members and the public at large will be protected.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Hightstown hereby agree to settle and resolve the claims set forth in the above-referenced complaint in lieu of prerogative writs under the following terms and conditions:

1. The promotion of Police Officer Benjamin Miller to the position of police sergeant shall remain in full force and effect.
2. A revised promotional list of persons eligible for the position of police sergeant shall include Michael A. Gordy, Sr. and Janine M. Krupa. The list shall include the combined written and oral test scores of these officers.
3. The promotional list for police sergeant as described in paragraph 2 shall continue in effect for a period of two years ending on March 3, 2015. Council may in its sole discretion extend the promotional list for an additional period of one year.
4. In consideration of these actions, the plaintiff, Michael A. Gordy, has agreed to voluntarily dismiss his lawsuit with prejudice and without the payment of any legal fees and costs which may be available under the provisions of N.J.S.A.10:5-27.1. This is an explicit and material term of settlement and adoption of this resolution is based upon this term and condition.

**BE IT FURTHER RESOLVED**, that nothing herein shall be construed as an admission of liability, fault or discrimination by the Borough Council of the Borough of Hightstown, the Borough of Hightstown, or any of its officers, employees, agents or attorneys.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be provided to following individuals:

- (a) James K. Le Tellier, Police Director
- (b) Debra L. Sopronyi, Qualified Purchasing Officer/Borough Clerk

October 21, 2013

- (c) George Lang, Chief Financial Officer
- (d) Frederick C. Raffetto, Esquire, Borough Attorney
- (e) Thomas M. Barron, Esquire, Special Labor Counsel;
- (f) Patrol Officer Janine M. Krupa, individually and as President to New Jersey State Police Benevolent Society, Inc., Lodge No. 283
- (g) Patrol Officer Michael A. Gordy, Sr. by and through his attorney, George W. Fisher, Esquire

#### **Borough Administrator Vacancy Update**

Mayor Kirson advised the public that Council members Bluth and Bibens will place an ad for the vacant position and review the resumes received. Councilmember Bibens noted that they will be advertising for a full time position and resumes will be due November 22<sup>nd</sup>. Council President Quattrone reviewed the job description that will be used for the advertisement.

#### **Mitigation Grant**

Councilmember Thibault noted that the County had approximately \$1M available for mitigation grants to local governments in the county; applications were due in March, but Hightstown did not apply. He noted various municipalities applied and received funds for generators and etc.; why did we not apply?

Mr. LeTellier responded that he had given the information to the OEM Coordinator, but it was never acted on. Mayor Kirson noted that he has appointed a new OEM Coordinator, Jim Sidelinger, and hopefully this will not happen again.

#### **Police Department Rules & Regulations**

Council President/Police Commissioner Quattrone noted that the rules and regulations were distributed in the past and forwarded to Labor Counsel for review; his revisions are in the packet. The updates recommended are not uncommon and must be adopted by resolution of Council.

There was discussion regarding removing Council as the Appropriate Authority, re-wording of the ordinance, making the rules and regulations match Borough Code, the definition of "Subversive Organization", disciplinary action responsibility and union contracts, and the reconciliation of inconsistencies.

The Borough Attorney recommended that Labor Counsel re-review the document to address Council's concerns. Council agreed.

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

Eugene Sarafin, 628 S. Main Street – recommended that discussion occur with Mr. Stultz, the local insurance professional and that the money be spent to upgrade the police department at its current location, not re-building Borough Hall. A parking garage can be built at the present Borough Hall location.

Scott Caster, 12 Clover Lane – suggested that a financial review committee should be established; and commented that Borough Administrator discussion was not full discussion, the position should be part-time combined with another title. He hopes Mr. LeTellier comes back into the discussion. He believes Borough Hall should be downtown.

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



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

**Councilmember Bibens** – noted that she attended the fair and it was a nice turn out even with the wet weather; she attended the fire department meeting; Jim Sidelinger was a good choice for the OEM Coordinator.

**Councilmember Bluth** – noted that the Planning Board held their third Master Plan Re-examination meeting and the report is forthcoming.

**Councilmember Thibault** – commented that the fair went well, kudos to the volunteers; noted that no matter how much somebody says something, it does not make it so; numbers for Borough Hall were needed so negotiations with the insurance company could continue and Councilmember Woods attends all insurance meetings.

**Councilmember Woods** – commented that she is concerned with the Mayor leading the insurance negotiations and Mr. LeTellier leaving the Administrator position; noted that she served as the Route 33 Corridor Liaison and attended the last two meetings, but had no documentation; congratulations to the Environmental Commission and Housing Authority.

**Councilmember Doran** – commented that she is proud to be the Liaison to the Environmental Commission and Housing Authority, Mr. LePrevost works tirelessly and she thanked him. She noted that it is a shame we are starting over with the Borough Administrator search; Council will fight for what is due the Borough.

**Council President Quattrone** – congratulated the Environmental Commission and Housing Authority; he explained the permits required for the fair and that the fair was a good event and says a lot about Hightstown volunteers. He thanked those who have shown concern with the Borough's recovery efforts; congratulated Jim Sidelinger on his new appointment; noted that the First Aid ambulance is down for repair which is being expedited by moving it to the dealer. He commented that this was a good meeting and brings back memories of Councilmember Thibault's power point presentation on Borough Hall costs and hopes we get back to those numbers, because they are not the numbers being presented now.

**Mayor Kirson** – noted that at a Planning Board meeting that was specific to the Master Plan, instruction was given to talk about Borough Hall and the Rug Mill, and this discussion was not in the context of this presentation; in the recent past there has been quite a bit of campaigning from this table. Tonight we heard comments from the Campaign Manager for the incumbents; we should be removing all political aspects from this table and do the best that we can for this Borough. He commented that things can be spun however you like, but he is the Mayor of Hightstown and doing the best he can to bring the best results to the Borough and get this project moving forward; as everyone knows this has been a contentious relationship, but nobody should ever think that he is doing anything that is not in the best interest of this Borough.

Councilmember Bluth moved to adjourn at 10:20 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk