

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
November 18, 2013
6:00 pm**

The meeting was called to order by Mayor Kirson at 6:02pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

Also in attendance: Debra Sopronyi, Borough Clerk; and Frederick Raffetto, Borough Attorney.

Resolution 2013-211 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2013-219, Councilmember Bluth seconded.

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

Resolution adopted, 5-0.

Resolution 2013-219

*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 18, 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 & Municipal Court)
Police Department Lease
Insurance
Litigation – Bruckner Southern

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 18, 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 7:31 pm and he read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO, was now present.

Councilmember Doran requested that Borough Administrator be added to the agenda under discussion.

Councilmember Bluth requested that PERC clarification status be added to the agenda under discussion.

Councilmember Thibault distributed a resolution and requested that it be added to the agenda as resolution 2013-227.

Council President Quattrone moved the agenda as amended, Councilmember Doran seconded.

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

Agenda approved as amended.

Council President Quattrone moved the August 5, 2013 executive session minutes for approval, Councilmember Thibault seconded.

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

Minutes approved 5-0.

Council President Quattrone moved the August 5, 2013 open session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved 5-0.

Councilmember Woods moved the August 19, 2013 executive session minutes for approval, Council President Quattrone seconded.

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

Minutes approved 3-0, with two abstentions.

Councilmember Bluth moved the August 19, 2013 open session minutes for approval, Council President Quattrone seconded.

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

Minutes approved 5-0.

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

Walter Sikorski, 326 N. Main Street – gave his analysis of the election and thanked Council members Bibens and Woods for their service.

November 18, 2013

Pete Klapsogorge, 418 N. Main Street – stated that work was performed on a tree at 421 N. Main Street but was left in a hazardous condition; commented that there needs to be a protocol and accountability for code enforcement.

Eugene Sarafin, 628 S. Main Street – commented that there is a problem with the assessed evaluation in Hightstown; services cost twice as much as they do in neighboring towns; there are too many illegal immigrants.

Scott Caster, 12 Clover Lane – commented that there is a problem with pigeon droppings downtown; the ad for the Administrator is boiler plate and recommended that hiring be put off until after January 1st.

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

Ordinance 2013-23 Final Reading and Public Hearing - Bond Ordinance Providing for Various Road Improvements in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$682,000 Therefor and Authorizing the Issuance of \$429,164 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Kirson opened the Public Hearing on Ordinance 2013-23.

There being no comments, the public hearing was closed.

Council President Quattrone moved Ordinance 2013-23 for adoption, Councilmember Bluth seconded.

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

Ordinance Adopted, 5-0.

Ordinance 2013-23

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

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$682,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$429,164 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$682,000, including the \$252,836 Municipal Aid Grant from the State of Jersey Department of Transportation expected to be received (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$429,164 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various road improvements, including Park Avenue, Greeley Street and Glen Brook Place, including all work and materials

necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$429,164, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$93,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or if other than as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the

Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Resolution 2013-220 Authorizing the Payment of Bills

Council President Quattrone moved Resolutions 2013-220, Councilmember Woods seconded.

There was clarification of various items on the bills list.

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

Resolution adopted, 5-0.

Resolution 2013-220

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 \$119,133.46 from the following accounts:

Current		\$68,932.58
W/S Operating		18,164.78
General Capital		20,326.70
Water/Sewer Capital		11,266.00
Grant		0.00
Trust		365.40
Housing Trust		0.00
Animal Control		78.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$119,133.46</u>

November 18, 2013

Resolution 2013-221 Authorizing Transfers in the 2013 Budget

Councilmember Thibault moved Resolution 2013-221, Councilmember Bluth seconded.

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

Resolutions adopted 5-0.

Resolution 2013-221

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2013 BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2013 budget are hereby authorized:

Current:	<u>From</u>	<u>To</u>
General Administration		
Salaries and Wages	\$ 10,000.00	
Police Fire & Radio Communications		
Salaries and Wages		\$ 3,000.00
Vehicle Maintenance		
Other Expenses		\$ 4,000.00
Public Buildings and Grounds		
Other Expenses		\$ 3,000.00
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TOTALS	\$ 10,000.00	\$ 10,000.00

Resolution 2013-222 Authorizing Release of Performance Bond for Peacock Inn Associates (Block 48.01, Lots 21.01 & 21.02)

November 18, 2013

Councilmember Thibault moved Resolution 2013-222, Councilmember Bluth seconded.

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

Resolutions adopted 5-0.

Resolution 2013-222

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

**AUTHORIZING RELEASE OF PERFORMANCE BOND – PEACOCK INN ASSOCIATES, INC.
(BLOCK 48.01, LOTS 21.01 AND 21.02)**

WHEREAS, Peacock Associates, Inc. submitted a performance bond in the form a letter of credit in the amount of \$48,142.62 on January 30, 2007 for Block 48.01, Lots 21.01 and 21.02; and

WHEREAS Peacock Associates, Inc. has requested that the performance bond with the Borough for Block 48.01, Lots 21.01 and 21.02 be released; and

WHEREAS, Peacock Associates, Inc. has requested said release because they will not be moving forward with the improvements related to the subdivision at this time; and

WHEREAS, should Peacock Associates, Inc. in the future apply for a building permit they will be required to resubmit said performance bond; and

WHEREAS the Borough Engineer has recommended the release of the performance bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized and directed to release the performance bond to Peacock Associates, Inc.

A certified copy of this Resolution shall be provided to the following:

- a. Peacock Associates, Inc.
- b. Janice Mohr-Kminek, Treasurer
- c. Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

Resolution 2013-223 Authorizing Partial Release of Performance Guarantee for Seymour Investments (Block 13, Lot 24.01 – Old Hights Overlook)

Council President Quattrone moved Resolution 2013-223, Councilmember Doran seconded.

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

Resolutions adopted 5-0.

Resolution 2013-223

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

November 18, 2013

**AUTHORIZING PARTIAL RELEASE OF PERFORMANCE GUARANTEE – SEYMOUR
INVESTMENTS, LLC (BLOCK 13, LOT 24.01 – OLD HIGHTS OVERLOOK)**

WHEREAS in April 2011, Seymour Investments, LLC posted a performance guarantee in the form of a letter of credit in the amount of \$92,550.60 and cash in the amount of \$10,283.40 relative to the Old Hights Overlook Development; and

WHEREAS Seymour Investments, LLC has requested a reduction in the amount of the posted guarantee;

WHEREAS the Borough Engineer has inspected the improvements and has determined that it would be appropriate for the Borough to reduce the amount of the guarantee to \$31,092.00 by reducing the letter of credit amount to \$27,982.80 and the cash portion amount to \$3,109.20 at this time; and

WHEREAS, said reduction is contingent upon all professional payments from escrow accounts being paid and current; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized and directed to take all necessary steps to reduce the balance of the performance bond held on behalf of Seymour Investments, LLC to \$31,092.00 as stated herein.

Resolution 2013-224 Authorizing the Borough of Hightstown to Enter into a Developer's Construction Agreement with Perry Lot 02, LLC

Council President Quattrone moved Resolution 2013-224, Councilmember Bluth seconded.

There was discussion.

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

Resolutions adopted 5-0.

Resolution 2013-224

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

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A DEVELOPER'S
CONSTRUCTION AGREEMENT WITH PERRY LOT 02, LLC**

WHEREAS, Perry Lot 02, L.L.C. (Developer) intends to develop land known as Lots 24.02, in Block 13 located in the Borough of Hightstown, the property site formerly known as Old Hights Overlook is located on Cranbury Station Road, between William and Monmouth Streets in the R-PMF Zoning District, and which lands have been previously approved for six (6) residential apartments, of which three (3) are to be designated for COAH affordable housing units. The six (6) residential apartments are to be located within an existing renovated warehouse building situated on Lot 24.02, Block 13; and

WHEREAS, Old Hights Overlook, LLC previously obtained preliminary & final major subdivision and preliminary & final major site plan approval for the construction of the townhouses, which approval was memorialized on June 14, 2004 by resolution 2003-12. However, the property went into foreclosure prior to completion of the townhouse construction and subsequently Seymour Investments, LLC has acquired the subject property. The Developer has acquired Lot 24.02, Block 13 from Seymour Investments, LLC; and

WHEREAS, Seymour Investments, LLC applied for a Preliminary and Final Subdivision and Site Plan approval in order to subdivide Lot 24.01 into nine (9) townhouse lots plus two (2) common area lots as well as approval for Lot 24.02 to be used for six (6) apartments. Seymour Investments, LLC submitted plans entitled Block 13, Lots 24.01 and 24.02, William Street and Cranbury Station Road, Borough of Hightstown, New Jersey, prepared by William D. Doran, P.E. and L.S., dated February 27, 2010, last revised April 22, 2010 and consisting of 5 sheets.

November 18, 2013

- 8 -

WHEREAS, Seymour Investments, LLC received Preliminary Subdivision and Site Plan approval for Lots 24.01 and 24.02, which approval was memorialized on June 14, 2010 by Resolution 2010-08; and

WHEREAS, Seymour Investments, LLC sought Final Subdivision approval for Lot 24.01 only, which was approved by the Planning Board pursuant to Resolution 2011-11, adopted on May 9, 2011 and on November 14, 2011 received approval for an Amended Preliminary and Final Subdivision and Final Site Plan approval to modify townhouse buildings and parcels on Lot 24.01 pursuant to Resolution 2011-15 that was adopted on December 12, 2011.

WHEREAS, as a condition of the Amended Preliminary and Final Subdivision and Final Site Plan approval, the Developer is required to enter into an Agreement with the Borough, satisfactory to the Mayor and Council, Borough Engineer, Borough Attorney and Planning Board Attorney in order to complete the construction of the remainder of the of the project with the residential apartments; and

WHEREAS, the Developer has acquired Block 13, Lot 24.02 from Seymour Investments, LLC and intends to develop that parcel in accordance with Resolution 2011-15; and

WHEREAS, the parties have negotiated a proposed Developer's Construction Agreement and the proposed Developer's Construction Agreement is in a form satisfactory to the Developer, as well as to all of the Borough representatives referenced above.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Mayor and Borough Clerk are hereby authorized to execute the Developer's Construction Agreement on behalf of the Borough.

Resolution 2013-225 Renewal of Membership in the Mid Jersey Joint Insurance Fund

Council President Quattrone moved Resolution 2013-225, Councilmember Woods seconded.

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

Resolutions adopted 4-0, with one abstention.

Resolution 2013-225

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

RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Hightstown is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2014*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Borough of Hightstown agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2014, and ending January 1, 2017*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This resolution agreed to the 18th day of November 18, 2013, by a vote of:

____ 4 ____ Affirmative

____ 1 ____ Abstain

____ Negative

____ 1 ____ Absent

Resolution 2013-226 Proclaiming December 9, 2013 as “Communities of Light Day”

Mayor Kirson read the resolution aloud.

Councilmember Bluth moved Resolution 2013-226, Councilmember Doran seconded.

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

Resolutions adopted 5-0.

Resolution 2013-226

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

PROCLAIMING DECEMBER 9, 2013 AS “COMMUNITIES OF LIGHT DAY”

WHEREAS, it is the policy of the Borough of Hightstown to recognize organizations that have contributed to the overall benefit of the community; and

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

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

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 54,327 women, 9,744 children and 3,102 men. Additionally, Womanspace has assisted more than 245,072 callers over the last 36 years; and

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

WHEREAS, the Mayor and Council urge each and every household to demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 9, 2013, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2013 will be used to fund vital services for victims of domestic violence

November 18, 2013

and sexual assault;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that we do hereby Proclaim December 9, 2013, as

COMMUNITIES OF LIGHT DAY

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

Resolution 2013-227 Designating the Mayor and Council Members as Authorized Enforcement Officers for Enforcing Provisions of Chapter 14 of the General Ordinances of the Borough of Hightstown

Councilmember Thibault moved Resolution 2013-227, Councilmember Woods seconded.

Councilmember Thibault stated that code enforcement has been a long standing manpower issue in the Borough and the Governing Body needs to be empowered to address property maintenance issues so the Borough can become proactive rather than reactive.

There was discussion regarding the resolution being presented at the meeting rather than in advance; the Governing Body enforcing codes and the responsibility and liability associated with such powers; the need to hire a part-time Code Enforcement Officer; the legality of the Governing Body acting as Code Enforcement Officers; and the process of hiring a Code Enforcement Officer with duties specific to property maintenance issues.

The Borough Attorney recommended that Council hold off on this resolution until the legality and consequences can be investigated.

Council members Thibault and Woods withdrew their motions to move this resolution.

Association Park Gazebo

Pat Duncan, Chair of the Parks & Recreation Commission, advised Council that the neighborhood around the park would like to decorate the gazebo in Association Park for the holiday season, with LED lights and a lit tree in the center of the gazebo, after Thanksgiving and leave it decorated until January. They would put the lights on a timer that would illuminate from 4:00pm until 10:00pm daily; the lights would be LED, using minimal power. The cost associated with the decorating would be covered by Triathlon funds.

There was discussion regarding anchoring the tree, no blinking lights and that the décor be of secular nature only. Council agreed to the decorating of the gazebo. Mr. Duncan thanked Council.

Borough Administrator

Councilmember Doran proposed the Mr. James LeTellier be hired immediately as the Borough Administrator, under the terms as previously proposed. Councilmember Bluth noted that this issue was addressed weeks ago and should not be brought up at this meeting, especially with a Councilmember absent; she noted that Mayor Kirson is acting as Administrator and she finds it underhanded to make this proposal at this time.

The Borough Attorney advised that when this item was added to the agenda, it was added as a discussion item, not to take action, noting that had the other Council members known that this was being added for a vote, they may not have agreed to amend the agenda with this item. He also noted that this information was not in the packet and there is concern regarding the transparency, advising that this is not the best way for Council to address the matter.

There was discussion and the Borough Attorney reiterated his concern regarding adding this matter to the agenda in an

inappropriate way.

No action was taken on this proposal.

Borough Hall

Councilmember Thibault noted insurance letters where the insurance mysteriously referenced coverage changes, and the FEMA claim was dropped. He asked that a sub-committee be established to investigate what happened with Borough Hall claims, and the Lucas property drama.

Councilmember Woods commented that considering the Borough has spent over \$100,000.00, and will be spending more, this investigation is warranted.

The Borough Attorney advised that a majority of Council must agree to establish the sub-committee as this is a policy determination.

Mayor Kirson inquired as to exactly what is being investigated, to which Councilmember Thibault responded "Investigate why it has taken 3 years for the construction of Borough Hall and what went wrong; how can it be improved? There has been delay after delay, foul-up after foul-up. Our Professional recommended that we have FEMA tell the insurance it has been advising people in accordance with the 2008 maps and nothing was done with that, why? This impacts the difference between a \$2.5M limit and the cost of re-building Borough Hall. What went wrong? What happened?"

Mayor Kirson noted that the conspiracy theory has been thrown around for a long time.

Councilmember Thibault stated that this could get rid of the issue.

Councilmember Thibault moved that a sub-committee be established to investigate the Borough Hall matter, Councilmember Woods seconded.

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

Motion approved 3-2.

There was discussion regarding who would serve as the sub-committee. Council members Thibault and Doran volunteered to serve as the sub-committee.

Councilmember Woods moved that Council members Thibault and Doran form the sub-committee to investigate the Borough Hall matter, Councilmember Thibault seconded.

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

Motion approved 3-2.

Budget 2014

Councilmember Thibault noted that it is time to start working on the 2014 budget and requested that the Department Heads be contacted now to submit their budget requests; meetings should begin in January. Mr. Lang noted that the request forms are being prepared and he hopes to send them out by the end of the month.

PERC Clarification Status

Mr. Raffetto advised that Mr. Mets, the PBA Attorney, has notified him that the PBA is not objecting to the clarification of superior officers, so the previously scheduled conference has been cancelled. He will keep Council abreast of movement on

this matter.

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

Pete Klapsogear, 418 N. Main Street – reiterated his previous comment that there needs to be a protocol for code enforcement.

Scott Caster, 12 Clover Lane – commented that he is amazed that Council needs an investigation, it is because Council is dysfunctional; the Borough Administrator matter should be addressed at a special meeting.

Eugene Sarafin, 628 S. Main Street – commented that he conspired on Hurricane Irene and he will explain everything to Council, this is embarrassing; Council needs to start working together.

Walter Sikorski, 326 N. Main Street – spoke regarding transparency and bringing resolutions and votes forward at a meeting without prior notice; he admonished Councilmember Doran for her performance on Council; noted that he is very upset with Council's decisions.

Scott Caster, 12 Clover Lane – saluted the memory of John F. Kennedy.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Thibault – commented that he should not try to solve problems, it only results in resistance; he was only trying to help and solve the code enforcement issue. He noted that he never mentioned a conspiracy, Council did not get the information on Borough Hall and needed to move things along.

Councilmember Bluth – noted that she will be attending the League Conference to attend various sessions.

Councilmember Woods – she sees a problem with things being taken for face value with no credit for what was done by Council; several of Mr. Klapsogear's issues were addressed; there is a need to focus on the truth, not the negative; there are more tickets for property maintenance violations being issued now than in the previous ten years; it was never planned that \$6M - \$7M of taxpayer funds would be spent on Borough Hall. She then reviewed the HOPE program and congratulated the School District.

Council then commented on the school district's accomplishment in developing the program.

Council President Quattrone – agreed with Councilmember Woods that there has been a lot done in the area of code enforcement; noted that he was disappointed with Councilmember Wood's statement in the paper last week, Councilmember Bibens statement was very professional; Public Works is picking up leaves; the gazebo will be nice; he is looking forward to receiving the Administrator recommendations from the search sub-committee; the First Aid is asking about the status of LOSAP.

George Lang, CFO – noted that the LOSAP will be posted by the end of the week.

Police Director LeTellier – noted that the Police will be focusing on downtown during the holidays and reminded everyone to lock their vehicle doors.

Mayor Kirson – noted that this is the most confusing meeting he has ever attended; and Hightstown is doing good things.

Council President Quattrone moved to adjourn at 9:31 pm, Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

November 18, 2013

Debra L. Sopronyi, RMC
Borough Clerk