

Meeting Minutes
Hightstown Borough Council
Special Meeting
July 25, 2013
6:00 pm

The meeting was called to order by Mayor Kirson at 6:01pm 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, Administrator/Police Director; and Frederick Raffetto, Borough Attorney.

Councilmember Thibault was absent due to the subject matter being discussed in executive session, from which he has recused himself.

Resolution 2013-160 Authorizing a Meeting Which Excludes the Public

Administrator/Police Director LeTellier requested that Public Safety be added to the resolution.

Councilmember Doran moved resolution 2013-160 as amended, Councilmember Bibens seconded.

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

Resolution adopted as amended, 5-0.

Resolution 2013-160
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 July 25, 2013 at approximately 6:00 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 – Professional Services
Public Safety

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: October 25, 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 Council President Quattrone at 6:39 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Councilmember Thibault and Carmela Roberts, Borough Engineer, joined the meeting at this time.

Council President Quattrone requested that resolution 2013-161 be pulled from, and resolution 2013-162 be added to the agenda.

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

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

Agenda approved as amended.

Council President Quattrone opened the public comment period and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that he read the Engineer’s letter regarding the FEMA maps and it has nothing to do with flooding, it only has to do with insurance.

Walter Sikorski, 326 N. Main Street – commented that while the amount due on the tax bills has decreased, so has the assessment which means property owners have lost value on their property.

There being no further comments, Council President Quattrone closed the public comment period.

FEMA Flood Maps

Carmela Roberts, Borough Engineer, reviewed the process being taken to adopt the new flood maps and that FEMA is requesting only scientific proven appeals for the maps. She noted that the Borough will have to adopt an ordinance for the residents to be able to purchase flood insurance and that Mercer County is only being re-mapped, not re-studied, and the designations have changed. She explained the previous zones and reviewed the proposed zones which are based on 1988 datum. Additional maps were presented to the public.

There was discussion regarding the expanded areas at various locations in town which includes businesses and residences. Council inquired as to how the residents and businesses will know how the new flood maps read and whether they are eligible for flood insurance. The Engineer replied that FEMA had a public meeting which was widely publicized and the Borough can put the information on the website once the maps are adopted.

There was additional discussion regarding implementing the ordinance and whether the Borough could start the process now to have it ready so its adoption is expedited. The Engineer advised that FEMA must first send us the ordinance, and the Borough will be required to adopt it before the maps are adopted.

Borough Hall

The Borough Administrator reviewed the meeting with the insurance in which discussion took place regarding what they require to evaluate the cost of the project. The Borough must hire an Architect and Environmental firm to perform a study first. Mr. LeTellier noted that he has spoken to Eli Goldstein, an Architect who is experienced in police and municipal buildings, energy efficiency and historic preservation. He has visited the building and agrees that the back portion of the building must be demolished and the front must be evaluated for the possibility of future habitation. He has given a couple options of what can be done and stated that grant funds may be available for energy efficiency and flood mitigation

at Borough Hall and the Firehouse. Mr. LeTellier advised that we must hire an Architect first and recommended that Mr. Goldstein be invited to the August 5th meeting to give a presentation; and that a discussion regarding a possible contract be scheduled for executive session.

There was discussion regarding the process for hiring an Architect and a possible conflict with the recommendation of the hire coming from the Police Director/Administrator. Mr. LeTellier noted that he does not see a conflict. He has never met this Architect and has no previous experience with him. He called him due to recommendations from other police departments. Councilmember Bluth expressed that she would also like to hear from other Architects on the matter, not just hire the first one recommended. Councilmember Thibault clarified that this hiring is just to give a cost estimate so negotiations can continue with the insurance; it is not for the project itself. Mr. LeTellier commented that he was instructed by Council to perform a search for an Architect. It was indicated in the preliminary discussions that there would be negotiations with the insurance and that we could possibly begin the project in the spring.

There was discussion regarding meeting with other Architects and the environmental testing required. Council decided that the Architect will be invited to the August 5th meeting; and that Council should present any questions they would like answered at the meeting to Mr. LeTellier by July 29th to allow the Architect time to prepare. Council also requested that the resolution to authorize the funds to cover this preliminary work be prepared for the next Council meeting.

Emergency Water Filter Repairs

Mr. LeTellier advised that no testing is necessary for the reported lead in the filter; the process of the contractor's test has been reviewed and it was determined that the sample was taken from the lid, not the tank. The lab had tested for lead in the soil, not the paint. The Borough Engineer tested the tank and there was no lead found.

The Borough Engineer noted that she was informed about the lead issue and became concerned with the possibility of lead in the water supply. The samples she had taken came back today and there is no lead; and she noted that the other tanks will be tested during their regular maintenance. Ms. Roberts confirmed that the testing was part of the original contract for the project and there are no additional charges for the testing; but the sandblasting of the caps was pre-mature and we are not going to pay for that.

Resolution 2013-162 Authorizing the Services of Thomas M. Barron, Esquire, to Serve as Special Labor Counsel to the Borough of Hightstown for Certain Police Personnel Matters

Councilmember Bibens moved Resolution 2013-162, Councilmember Doran seconded.

The Borough Attorney read the resolution aloud for the public. Councilmember Bluth noted that she will be voting no, we already have a Labor Counsel and if the need for a Special Labor Counsel exists, we should request proposals.

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

Resolution adopted, 4-1, with one abstention.

Resolution 2013-162
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

WHEREAS, the Hightstown Borough Council has determined that it wishes to retain the services of an attorney to serve as special labor counsel to the Borough to handle (and/or to defend the Borough's interests in) certain specific police personnel matters, including litigation and disciplinary proceedings, as the Council may direct; and

WHEREAS, the law firm of Thomas M. Barron, Esquire has submitted a proposal to perform these services, dated July 18, 2013, a copy of which is attached hereto and made a part hereof by reference; and

WHEREAS, pursuant to the attached proposal, the contractor has proposed to provide the necessary services at the rate of One July 25, 2013 Special

Hundred Twenty and 00/100 Dollars (\$120.00) per hour; and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, there is a proposed cap on the expenditure of funds associated with this contract in the total amount of Six Thousand and 00/100 Dollars (\$6,000.00); and

WHEREAS, the Borough has therefore determined that the amount of this contract shall not exceed \$17,500.00; as such, the contract is not subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is not to exceed one (1) year, and it may only be renewed upon further action of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED, by the Hightstown Borough Council, that that the law firm of Thomas M. Barron, Esquire is hereby retained to serve as special labor counsel to the Borough to handle (and/or to defend the Borough’s interests in) certain specific police personnel matters, including litigation and disciplinary proceedings, as the Council may direct, in accordance with the proposal attached hereto.

BE IT FURTHER RESOLVED, that the contractor shall be paid at the rate of One Hundred Twenty and 00/100 Dollars (\$120.00) per hour, with a cap on the expenditure of funds associated with this contract in the total amount of Six Thousand and 00/100 Dollars (\$6,000.00).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and the law firm of Thomas M. Barron, Esquire regarding the above-referenced services, which shall be in a form satisfactory to the Borough Attorney.

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contractor is a professional law firm whose attorney(s) are authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.

BE IT FURTHER RESOLVED, that notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.

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

- (a) Thomas M. Barron, Esquire;
- (b) James K. LeTellier, Police Director/Acting Borough Administrator;
- (c) Debra L. Sopronyi, Qualified Purchasing Agent/Borough Clerk;
- (d) George Lang, Chief Financial officer; and
- (e) Frederick C. Raffetto, Esquire, Borough Attorney

Councilmember Bluth moved to adjourn at 7:30 pm, Councilmember Thibault seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk