

Meeting Minutes
Hightstown Borough Council
Regular Meeting
February 19, 2013
7:30 pm

The meeting was called to order by Mayor Kirson at 7:05 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 Frederick Raffetto, Borough Attorney.

Resolution 2013-47 Authorizing a Meeting Which Excludes the Public

Councilmember Woods moved resolution 2013-47, Councilmember Bibens seconded.

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

Resolution adopted, 6-0

Resolution 2013-47

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 February 19, 2013 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 – Superintendent of Public Works

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: May 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.

February 19, 2013

- 1 -

The public meeting was called to order by Mayor Kirson at 7:30 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

James LeTellier, Police Director; Carmela Roberts, Borough Engineer; and Dawson Bloom, Project Manager joined the meeting at this time.

Mayor Kirson requested that the discussion regarding the wind turbines and clothing bins be pulled from the agenda, but noted that time for the public to speak on these matters would be made available.

Councilmember Bluth requested that resolution 2013-54 be added to the agenda directly following the approval of minutes, as discussed at the special workshop meeting last week.

Councilmember Woods requested that the introduction of ordinance 2013-05 be added to the list of ordinances being addressed this evening.

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.

Mayor Kirson requested if they could approve the minutes as a consent item, to which the Borough Attorney responded that some of the Council members were absent from some of the meetings.

Councilmember Woods moved the November 19, 2012 open session minutes for approval, Councilmember Doran seconded.

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

Minutes approved.

Councilmember Bibens moved the December 3, 2012 open session minutes for approval, Councilmember Doran seconded.

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

Minutes approved 5-0, with one abstention.

Council President Quattrone moved the December 17, 2012 open session minutes for approval, Councilmember Doran seconded.

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

Minutes approved 6-0.

Council President Quattrone moved the November 19, 2012 executive session minutes for approval, Councilmember Doran seconded.

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

Minutes approved 6-0.

Councilmember Doran moved the December 3, 2012 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 5-0, with one abstention.

Councilmember Woods moved the December 17, 2012 executive session minutes for approval, Councilmember Doran seconded.

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

Minutes approved 6-0.

Resolution 2013-54 Authorizing Borough Officials to Investigate the Feasibility of Permanently Relocating the Borough's Municipal Operations to Facilities Located at 415 Mercer Street (Block 61.01, Lots 43, 44 and 45) in the Borough

Council President Quattrone moved resolution 2013-54, Councilmember Bibens seconded.

Mr. Theokas read the resolution aloud.

Mayor Kirson noted that this resolution came from discussion at Friday night's Borough Hall workshop meeting.

Councilmember Woods stated that she believes this resolution moves the project backwards; there has been prior discussion on this matter. If we purchase this property it will be a onetime insurance settlement and renovations to the facility will be necessary; FEMA will not give additional funding. She is concerned and convinced that buying that property is not the proper decision. She supports the previous resolution to keep Borough Hall at its present location. Borough Hall was not flooded from Hurricane Sandy so she is confident it is not flood prone. The insurance company estimate is \$1.9M and they will pay additional funds if needed, she is voting no.

Councilmember Bluth stated that she disagrees, we have never fully explored this idea and the \$1.9M is the estimate to renovate the current building, not re-build; we may be able to negotiate our deductible into the settlement. The decision to keep Borough Hall at its present location was made without figures for the temporary trailer facilities and we do not even know if the insurance is going to pay for the trailers. This resolution is not binding; it is simply to get the information.

Councilmember Woods noted that she understands that the Project Manager needs direction.

Dawson Bloom, Project Manager, noted that he needs to know where the building will go, but the temporary facility does not drive the decision on the permanent facility. The Borough needs to understand the insurance coverage so they do not enter into a contract that is not covered.

Councilmember Doran stated that the Borough's position is well characterized. This resolution is nonsense, this research was done and this is a stall tactic. The insurance will make us whole on the current Borough Hall and buying Lucas is a huge gamble with huge risks regarding the major renovations that will be needed. The numbers are clear and it is a bad move. We already made a decision and she is voting no.

Councilmember Thibault found it disturbing that a Councilmember stated that this possibility has not been investigated; we paid for a report from Perez & Radosti in July of 2012. Looking at just Administration and Police, there is \$1M in renovations required and we would have to replace the roof for \$310,000 and HVAC at a cost of \$100,000. I understand that if we move to the Lucas building, FEMA will not make good on paying 75% of the \$500,000 deductible, so add another \$375,000 to that and we're looking at \$1.8M from the get go, plus the purchase price; the report also says that there could be additional repairs necessary. It also says that this report excludes the following: underground tank removals, escalation costs, materials inspections or removals, site improvements, upgrading water and sewer, or soft costs; and we know that the property has ground water contamination. So when people say we do not know the cost, we do; this report gave us the cost. Something the \$1.8M and other expenses does not take into account is the loss of tax revenue in the amount of \$15,000 per year and even with a new HVAC system, it is a much bigger building which will increase our utility costs. The facts are clear and this resolution will delay the movement forward, we are now making progress. He is voting no on this resolution.

Council President Quattrone noted that everyone knows how he stands on this issue since day one; we need to know the real figures and we do not know them yet. The information must come back to Council and it is a Council decision. This option opens downtown to the Mill property and it could make a difference for that property and the Borough.

Councilmember Woods reminded Council that they adopted two resolutions to keep Borough Hall downtown. We have the numbers in the report.

Councilmember Bibens noted that this is a big deal and she is passionate about the subject. She has been looking around the Borough for locations to serve as temporary facilities while Borough Hall is re-built and 100 Mercer Street is available. She will vote no on this resolution.

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

February 19, 2013

Resolution defeated 4-2.

Greenway Walking Bridge

Darek Hahn, Chair for the Greenway Walking Bridge Committee stated that they are about \$150,000 short of funding to finish the Greenway Bridge project. He noted that they are applying for a grant, but there are no guarantees that they will get it; the Administrator has talked to Rush Holt's office about sending the application to a Grant Writer in Washington, so they are moving in the right direction. He went on to comment that the committee raised \$75,000 as originally promised, but things have happened that are beyond their control. This is the centerpiece of downtown and benefits the entire community. It is his hope that Council will bond the funds to complete this project with the understanding that they will continue to research additional funding. Bonding for this project will give the committee the energy to continue.

There was discussion and Council decided that they want this project to be completed. Council requested that the bond ordinance be placed on the agenda for March 4th, and the Borough Engineer was asked to work with Darek to come up with an accurate estimate to finish the project.

Wind Turbine Ordinance

The Mayor noted that the Planning Board representatives were not present, but invited any member of the public who has an interest in this ordinance to step forward. Mr. William Simpson of 206 Sunset, stepped forward and noted that he is the applicant who would like to use this alternative energy source. He is looking at the roof mounted turbine to supplement his 5.8kw solar energy and gave a description of the turbine proposed, reviewed the Planning Board process to date and reviewed the energy benefits and registration requirements with the utilities and state. Mr. Simpson then distributed to Council information pertaining to the turbine he would like to install and gave statistics regarding bird deaths and noise from the turbine. He noted that this is the only U.S. patented model and that he is ready to install it once approval is received.

There was discussion regarding revising the ordinance using Mr. Simpson's specifications as this model seems to address the previously expressed concerns of Council. Councilmember Bluth, as the Planning Board Liaison, will take the ordinance back to the Planning Board for revision.

Borough Hall/Temporary Administrative Offices

Dawson Bloom, Project Manager for the project, noted that Council needs to make decisions and the project needs to move forward. He then reviewed his progress report:

The following is a progress update for the period from January 31, 2013 through February 13, 2013.

Temporary Administrative and Police Facilities

- A bid recommendation letter was provided to the Mayor and Council on January 31, 2013.
- There has been no further progress reported on the lease of the property for the Temporary Facilities.
- At the February 4, 2013 Council Meeting, the Council decided to take no action on the Temporary facility bids until the lease on the property was executed.

Borough Hall and Insurance

- The status of the negotiation was discussed at the February 4, 2013 Council Meeting. Council scheduled a work session on Friday, February 15, 2013 to discuss a strategy to resolve the insurance negotiation and the steps necessary to move forward with the Borough Hall project.

Borough IT and Communications

- The T-1 line was installed at the police station at Mercer Street.

- The T-1 line was scheduled for installation at DPW on February 13, 2013.
- Broadview will be contacting the Borough to schedule the relocation of phone service from Borough Hall to DPW.

Project Schedule

- Following the work session scheduled for February 15, 2013 the Milestone schedule will be revised and submitted for review.

Action Items

- Council work session scheduled for Friday, February 15, 2013 to discuss the Borough Hall project.

He continued that if the site work is rejected as recommended, there is a need to re-bid and Council needs to make a decision on the Police temporary facilities. He noted that the Borough should simultaneously be discussing their claim with the insurance; but they need to know what they want to do with the building. There is also a need to develop a defined scope of work so an Architect can be hired.

Councilmember Woods commented that the priority now is to get the Administrative staff out of Public Works and into office space that is available in town; should we do this instead of renting trailers and just use the trailers for the police?

Councilmember Bibens noted that there is office space available at 102 Mercer Street. There was discussion regarding using a Realtor to advise the Borough as to what property is available in town to move the Administrative offices to a temporary facility. Mr. Bloom advised that it is possible and he would have to research availability, cost and whether the space is conducive to the use; but noted that the Borough should be talking to the insurance concurrently to develop their options.

Mr. Bloom suggested that the Police Department stay at the Lucas location and the Borough provide the other things needed there, due to the high cost of moving them again. Council President Quattrone noted that the cost to move them is high and the down time could be substantial. There was discussion regarding the option of the police staying at the present site and the process for the move if necessary. The Police Director noted that he needs to know what Council wants to do so he can plan appropriately.

Council directed the Project Manager to move forward with discussions with the Insurance regarding covering the cost of temporary facilities at a reasonable cost, research other options for the Administrative offices, re-bid the site work for the Greystone property, and research the options for the police locations. The Mayor confirmed the direction given to Mr. Bloom. There was further discussion regarding possible properties available in the Borough for the Administrative offices.

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

Bill Gilmore, 219 Greeley Street – noted that he is disappointed in Council because the current owner of the Lucas property is willing to negotiate and the sale of the Borough Hall property will also reduce the cost; Council has a fear of the real figures.

Steve Misiura, 352 S. Main Street – commented that he too is disappointed and thanked Councilmember Bluth for her opinion and logic, the Lucas property is the easiest solution; the resolution was just to permit the gathering of information, but Council could not pull it together.

Fran Palumbo, 101 Main Street – thanked Council for making a decision to move forward and the assistance with the bridge.

Denny Hansen, 211 Grant Avenue – stated that she was hoping the resolution would bring forward better numbers and she does not understand Council making a decision without knowing the cost when their own professionals are recommending against it; people are against this project as Council has decided to move forward and she would like to see actual costs.

Scott Caster, 12 Clover Lane – thanked the Mayor and Council for wrestling with this for a long time and noted that every Councilmember has re-evaluated the options. Revitalizing Hightstown is the bridge and Borough Hall, so do it right this time by forming a committee to do it properly.

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

Ordinance 2013-03 First Reading and Re-Introduction – An Ordinance to Establish Police Salaries for the Years 2010, 2011, 2012, 2013 and 2014

Council President Quattrone moved ordinance 2013-03 for introduction, Councilmember Bibens seconded.

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

Ordinance adopted, 5-0 with one abstention.

Ordinance 2013-03

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

**AN ORDINANCE TO ESTABLISH POLICE SALARIES
FOR THE YEARS 2010, 2011, 2012, 2013 AND 2014**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

SECTION 1.

A. Base “A” salaries shall be as follows:

Classification	2010	2011	2012	2013	2014
Probationary	49,809.72	50,432.00	51,189.00	52,085.00	53,127.00
Patrolman	54,007.15	54,682.00	55,502.00	56,474.00	57,603.00
2 years	58,204.58	58,932.00	59,816.00	60,863.00	62,080.00
3 years	66,325.42	67,154.00	68,162.00	69,355.00	70,742.00
4 years	74,445.98	75,377.00	76,508.00	77,847.00	79,403.00
5 years	80,102.49	81,104.00	82,321.00	83,762.00	85,436.00
6 years	85,759.00	86,831.00	88,133.00	89,676.00	91,469.00
Sergeant	93,391.55	94,559.00	95,977.00	97,657.00	99,610.00
Lieutenant	96,847.04	98,058.00	99,529.00	101,271.00	103,296.00

B. Base salaries for employees hired from September 4, 2012 through December 31, 2014 shall be as follows:

1. Classification – Probationary - \$45,000.00
2. Patrolman, once they are hired and the probationary period is complete, shall be entitled to the across-the-board contractual wage increase in 2013 (if applicable) and 2014 (if applicable) as required by the 2010-2014 collective bargaining agreement between PBA Local 283 and the Borough of Hightstown.

SECTION 2. Formula for Salary Computation.

A. Police officers’ salaries shall be computed in accordance with the following formula:

Base “A” + longevity = Base “B”

Base "B" divided by 2080 = Hourly rate for holiday pay
 Holiday hourly rate x 104 holiday hours = Holiday adjustment value
 Base "B" + Holiday adjustment value + College + Stipends = Base "C"
 Base "C" divided by 2080 = Current year's hourly pay rate

B. Base "A" is set forth above

Base "B" is **only** used to calculate Holiday Pay

Base "C" is the current year's salary

SECTION 3. Longevity pay.

For the year 2010 only, each employee covered by this agreement shall, in addition to his/her regular wages and benefits, be paid longevity increments based upon years of service with the Department of police in accordance with the following schedule:

After 5 years of service	1% of Base A pay
After 10 years of service	2% of Base A pay
After 15 years of service	3% of Base A pay
After 20 years of service	4% of Base A pay
After 24 years of service	5% of Base A pay

Effective January 1, 2011, each employee covered by this agreement shall, in addition to his regular wages and benefits, be paid longevity increments based upon years of service with the police department in accordance with the following schedule:

After 5 years of service	\$850.00
After 10 years of service	\$1,800.00
After 15 years of service	\$2,600.00
After 20 years of service	\$3,500.00
After 24 years of service	\$4,400.00

SECTION 4. Other pay.

A. The following stipends shall be paid:

1.	Officers assigned to head the traffic bureau	\$750 per year
2.	Detectives on call 24/7	\$750 per year
3.	Highest college of university degree obtained:	
	a. Associates Degree in field of police science, public administration or criminal justice	\$150
	b. Bachelor's Degree in field of police science, public administration or criminal justice	\$250
	c. Master's Degree in field of police science, public administration or criminal justice	\$350
	d. Doctorate in field of police science, public administration or criminal justice	\$450

SECTION 5. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be retroactive to January 1, 2010.

SECTION 6. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Ordinance 2013-04 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 \$485,000 Therefor and Authorizing the Issuance \$485,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Kirson opened the Public Hearing on ordinance 2013-04. There being no comments, the public hearing was closed.

Council President Quattrone moved ordinance 2013-04 for adoption, Councilmember Bibens seconded.

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

Ordinance adopted, 6-0.

Ordinance 2013-04

*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 \$485,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$485,000 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:

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 \$485,000, including a Municipal Aid Grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$220,000 (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.

In order to finance the cost of the improvement or purpose and in anticipation of the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$485,000 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.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for various road improvements, consisting of Grape Run Road and Pershing Avenue, 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.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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 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 \$485,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$70,000 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 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied to direct payment of the cost of the improvement or 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 additional 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 "Rule") 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.

Ordinance 2013-05 First Reading and Introduction – An Ordinance Authorizing the Borough of Hightstown to Lease Certain Real Properties Located Along Bank and Mechanic Streets, More Commonly Known and Designated as block 30, Lots 4, 5, 6 and 7 on the Borough’s Tax Map, from Greystone Capital Partners, for the Placement of Modular Facilities to Provide Temporary Office Space for Certain Borough Operations, and Authorizing the Appropriate Borough Official to Execute all Necessary Documents Associated Therewith

Councilmember Doran moved ordinance 2013-05 for introduction, Councilmember Woods seconded.

Councilmember Bluth inquired how Council can vote on this ordinance when Council does not know if the insurance is going to cover it. Councilmember Doran noted that this was only introduction and that the information will be available before adoption. The Borough Attorney advised that Council can also table the ordinance if they do not have the information at the March 4th meeting.

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

Ordinance introduced, 4-2.

Ordinance 2013-05

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

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO LEASE CERTAIN REAL PROPERTIES LOCATED ALONG BANK AND MECHANIC STREETS, MORE COMMONLY KNOWN AND DESIGNATED AS BLOCK 30, LOTS 4, 5, 6 AND 7 ON THE BOROUGH’S TAX MAP, FROM GREYSTONE CAPITAL PARTNERS, FOR THE PLACEMENT OF MODULAR FACILITIES TO PROVIDE TEMPORARY OFFICE SPACE FOR CERTAIN BOROUGH OPERATIONS, AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, Greystone Capital Partners (also referenced as the “Landlord”) is the owner of certain parcels of real property located along Bank and Mechanic Streets in the Borough of Hightstown (also referenced as the “Borough”), more commonly known and designated as Block 30, Lots 4, 5, 6 and 7 on the Borough’s Tax Map (hereinafter collectively referenced as the “properties”); and

WHEREAS, the properties are physically situated behind the “Ely House,” and comprise a cumulative total land area of approximately 0.44 of an acre (measuring approximately 168’ x 114’); and

WHEREAS, the properties are currently vacant and the only improvements that are constructed thereon at the current time are parking lots which are of an asphalt/macadam substance; and

WHEREAS, the Borough wishes to acquire an interest in the properties by way of a lease agreement so that the Borough may utilize the properties for the erection and placement of modular facilities to provide temporary office space(s) for the Borough’s municipal operations, including but not limited to the Borough’s administrative offices and the Borough’s Police Department (also referenced as the “project”); and

WHEREAS, the project is necessary as a result of the damages sustained to the former Borough Hall facilities as a result of Hurricane Irene, which occurred in August of 2011 and which caused the former Borough Hall facilities to become uninhabitable; and

WHEREAS, following negotiation, the Borough and the Landlord have reached an agreement regarding the terms and conditions associated with this understanding; and

WHEREAS, said terms and conditions are contained in a proposed Lease Agreement, a copy of which is attached hereto and made a part hereof (copies of the proposed Lease Agreement are available at no cost from the Borough Clerk’s office during February 19, 2013

regular business hours); and

WHEREAS, the Mayor and Borough Council believe that the proposed Lease Agreement is in the best interests of the residents of the Borough; and

WHEREAS, the Mayor and Borough Council have previously referred the project to the Planning Board, pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, and specifically N.J.S.A. 40:55D-31, for review and recommendation in conjunction with the Borough's Master Plan; and

WHEREAS, the New Jersey Local Lands and Buildings law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-5(a)(1), authorizes a municipality, by ordinance, to provide for the acquisition of any real property by purchase or lease; and

WHEREAS, the Mayor and Borough Council wish to authorize the appropriate Borough Officials to execute the attached Lease Agreement on behalf of the Borough for the public purposes set forth above; and

WHEREAS, the properties are currently involved in foreclosure proceedings instituted by the Landlord's mortgagee (TD Bank) (also referenced as the "Bank"); and

WHEREAS, the Bank's counsel has previously approved the attached Lease Agreement on behalf of the Bank; and

WHEREAS, the Mayor and Borough Council also wish to authorize the appropriate Borough Officials to execute a Non-disturbance and Subordination Agreement with TD Bank, and/or any other Agreement(s) that may, in the opinion of the Borough Attorney, be necessary in order to properly protect the Borough's interests with regard to the lease of the properties in the event of a Sheriff's sale.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Lease Agreement between the Borough of Hightstown and Greystone Capital Partners, so that the Borough may lease the properties for the public purposes referenced above in accordance with the terms and conditions set forth in the said Lease Agreement.
2. That the Mayor is hereby also authorized to execute, and the Borough Clerk to attest, a Non-disturbance and Subordination Agreement with TD Bank, and/or any other Agreement(s) that may, in the opinion of the Borough Attorney, be necessary in order to properly protect the Borough's interests with regard to the lease of the properties in the event of a Sheriff's sale. All such documents shall be in a form acceptable to the Borough Attorney.
3. That all Borough officials and professionals are hereby authorized and directed to take all actions that are necessary in order to effectuate the intentions of this Ordinance.
4. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Resolution 2013-48 Payment of Bills

Councilmember Woods requested that item E0576 be pulled and voted separately.

Councilmember Woods moved Resolution 2013-38 without item #E0576, Councilmember Bibens seconded.

February 19, 2013

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

Councilmember Doran moved item #E0576, Council President Quattrone seconded.

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

Resolution adopted, 5-0 with one abstention.

Resolution 2013-48

*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 \$152,594.28 from the following accounts:

Current		\$43,008.50	
W/S Operating		30,230.04	
General Capital		4,506.52	
Water/Sewer Capital		2,637.25	
Grant		1,150.40	
Trust		1,808.14	
Housing Trust		50,000.00	
Animal Control		337.20	
Law Enforcement Trust			
Housing Rehab Loans			
Unemployment Trust		2,362.38	
Escrow		<u>16,553.85</u>	
Total		<u>\$152,594.28</u>	

Resolution 2013-50 Authorizing the Borough of Hightstown to Enter into a Shared Services Agreement for Repair and Maintenance of Public Water and Sewer Lines, and Public Roads and Streets with the Borough of Roosevelt

Council President Quattrone moved Resolution 2013-50, Councilmember Bluth seconded.

There was discussion regarding rates for holidays and overtime, travel time, and equipment use. Council President Quattrone and Councilmember Bluth withdrew their motions.

Councilmember Bibens moved to table this resolution until the Administrator can provide a breakdown of the actual cost to the Borough to provide these services, Councilmember Bibens seconded.

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

Resolution tabled 6-0.

Resolution 2013-51 Accepting Medical Service Providers for the Police Department

Council President Quattrone moved Resolution 2013-51, Councilmember Bibens seconded.

There was discussion regarding medical testing costs and payment obligations.

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

Resolutions adopted 6-0.

Resolution 2013-51

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

ACCEPTING MEDICAL SERVICE PROVIDERS FOR THE POLICE DEPARTMENT

WHEREAS, there is a need for medical and/or psychological services to be provided for the Hightstown Police Department for return to work, fit for duty, and pre-employment examinations; and

WHEREAS, the Police Director has recommended that Robert Wood Johnson Occupational & Corporate Health be accepted as the official medical service provider for the Police Department; and

WHEREAS, the Police Director has recommended that Plainfield Consultation Center be accepted as the official psychological service provider for the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Hightstown Borough Council does hereby consent to and authorize the Police Director's use of Robert Wood Johnson Occupational & Corporate Health for medical services, and Plainfield Consultation Center for psychological services for the Police Department.

Resolution 2013-52 Adopting Guidelines for the Conduct of Business at Hightstown Borough Council Meetings

Councilmember Woods moved Resolution 2013-52, Councilmember Doran seconded.

There was discussion regarding like resolutions by other municipalities, making the first public comment period for items which the Council has jurisdiction, and preserving status quo as stated in the Open Public Meetings Act.

Council members Woods and Doran withdrew their motions.

Councilmember Doran moved Resolution 2013-52 as amended pursuant to discussion, Councilmember Woods seconded.

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

Resolutions adopted 4-2.

Resolution 2013-52

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

**ADOPTING GUIDELINES FOR THE CONDUCT OF BUSINESS AT HIGHTSTOWN
BOROUGH COUNCIL MEETINGS**

WHEREAS, pursuant to N.J.S.A. 40A:60-6, the Borough Council is the legislative body of the municipality and may adopt a resolution for any purpose required for the government of the municipality and possesses all of the executive responsibilities of the municipality not placed, by law, in the Office of the Mayor; and

WHEREAS, the Mayor and Borough Council wish to establish guidelines for conduct at all public meetings held by the Governing Body.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the following rules and procedures shall govern at all Borough Council Meetings for the year 2013:

A. Conduct at Meetings.

1. The Mayor shall serve as Presiding Officer and shall conduct all meetings.
2. The Council President shall serve as Presiding Officer and conduct the meeting when the Mayor is absent.
3. If the Mayor and Council President are both absent, the Municipal Clerk shall call the meeting to order and appoint the senior member of Council to serve as Presiding Officer. The Temporary Chairperson shall conduct the meeting, but shall have no powers beyond those necessary to conduct the meeting.
4. A majority of the whole number of members of the Borough Council shall constitute a quorum.
5. If a quorum is not present fifteen minutes after the appointed time for any meeting, the Presiding Officer or the Municipal Clerk may declare the meeting cancelled due to a lack of a quorum.
6. While the Borough Council is in session, the members thereof shall preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Borough Council, nor disturb any member while speaking, or refuse to obey the order of the Borough Council or its Presiding Officer, unless such action is in accordance with proper Parliamentary procedure.
7. Members of the Governing Body shall not utilize their cell phones while the meeting is in session, either during an Executive session or during the open public portion of any meeting, whether verbally or by text, except for emergent circumstances. If an emergency should arise necessitating the use of a cell phone, then the member shall excuse himself or herself from the dais and leave the meeting room to engage in cell phone communications.
8. The Borough Attorney shall be the Parliamentarian.
9. Meetings shall be conducted in accordance with these regulations and Robert's Rules of Order for items not covered in these regulations.

B. Addressing the Mayor and Council.

Any person desiring to address the Mayor and Council shall proceed to the podium during the appropriate time and give his or her name and address. Remarks shall be confined to the order of business prescribed by this section:

1. During the "Public Comment" portion(s) of the meeting, any person may address the Mayor and Council on any matter that the person feels may be of concern to the residents of the municipality. A response may be provided, either immediately or during the "Mayor/Council/Administrative Comments" portion of the meeting. There shall be two (2) "Public Comment periods" held during each regular meeting of the Mayor and Council.
2. Any person(s) who disrupts the orderly conduct of any meeting shall be called to order by the Presiding Officer. If such conduct continues to disrupt the meeting despite the Presiding Officer's warning(s), then the Presiding Officer, at his or her discretion, may order such person removed from the meeting.

3. During a statutorily prescribed public hearing on a particular agenda item (such as the public hearing associated with the potential adoption of any Ordinance), or during any other specifically described public hearing, comments made by members of the public shall be limited to the particular subject matter of the hearing.

BE IT FURTHER RESOLVED, that the Borough Council of Hightstown Borough may, according to law, amend these guidelines as needed from time to time.

Resolution 2013-53 Proclaiming February 2013 as Teen Dating Violence Awareness Month

Councilmember Thibault moved Resolution 2013-53, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-53

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

**PROCLAIMING FEBRUARY 2013 AS TEEN DATING VIOLENCE PREVENTION AND
AWARENESS MONTH**

WHEREAS, females between the ages 16-24 are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average; and

WHEREAS, one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide and are much more likely to carry patterns of abuse into future relationships; and

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors and the experience may disrupt normal development of self-esteem and body image; and

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds; and

WHEREAS, only 33% of teens who are in an abusive relationship ever tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors and school staff so that they may recognize when youth are exhibiting signs of dating violence; and

WHEREAS, the establishment of Dating Violence Prevention and Awareness Month will benefit young people, their families, schools and communities regardless of socioeconomic status, gender, sexual orientation or ethnicity; and

WHEREAS, everyone has the right to a safe and healthy relationship and to be free from abuse.

NOW, THEREFORE BE IT RESOLVED the Mayor and Council of Hightstown Borough, does hereby proclaim February 2013, Dating Violence Prevention and Awareness Month, throughout Hightstown Borough and urge all Hightstown Residents to work toward ending teen dating violence by empowering young people to develop healthier relationships, assisting victims in accessing the information and supportive services they need, creating better and more resources for young people in need, instituting effective intervention and prevention policies in schools and engaging in discussions with family members and peers to promote awareness and prevention of the quiet epidemic of teen dating violence.

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

Scott Caster, 12 Clover Lane – commented that the Journal frequently is inaccurate when reporting about Hightstown.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Doran – noted that she is disappointed in public who scold and run; this was a good meeting.

Councilmember Woods – commented that this was a productive meeting.

Councilmember Bibens – commented that this was a good meeting; the Fair Committee meeting is tomorrow night; she is excited about the decision on the walking bridge.

Councilmember Bluth – noted that she is disappointed that Council chose not to investigate another option but gave approval for a totally new site; the high school is renovating their cafeteria and came to the Planning Board for a courtesy review, the football field renovation is in East Windsor.

Councilmember Bibens – noted that she attended the Fire Department meeting last week.

Councilmember Thibault – commented that the price of the Lucas property does not change enough for a re-evaluation; the Health Department has issued their annual report and a report on the pigeon issue downtown.

Council President Quattrone – noted that he is also disappointed in the vote regarding investigating another option; the Memorial Day Parade meeting will be on February 26th and the First Aid meeting is tomorrow night.

Councilmember Thibault moved to adjourn at 10:33pm, Councilmember Bibens, seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk