

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
July 1, 2013
6:00 pm**

The meeting was called to order by Mayor Kirson at 6:09pm 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.

Resolution 2013-145 Authorizing a Meeting Which Excludes the Public

Councilmember Thibault moved that resolution 2013-145 be amended to add Public Safety and Attorney-Client privilege, Councilmember Bibens seconded.

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

Resolution amended 6-0.

Councilmember Bibens moved resolution 2013-145 as amended, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2013-145

*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 1, 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:

Contract Negotiations – Insurance & Shared Services

Personnel – Sergeant Promotion, Borough Clerk, and Interim Administrator

Public Safety

Attorney-Client Privilege

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 1, 2013 or when the need for confidentiality no longer exists. The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

The public meeting was called to order by Mayor Kirson at 7:44 pm and he again read the Open Public Meetings Act statement.

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

Councilmember Woods requested that the discussion regarding the flood map update be pulled from the agenda and Councilmember Bluth requested that the search committee for the Borough Administrator be added to the agenda. Mayor Kirson requested that resolution 2013-153 be added to the agenda.

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.

Resolution 2013-146 Accepting Membership of Ronald N. Cornejo in Hightstown Engine Co. No. 1

Councilmember Bibens moved resolution 2013-146, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2013-146

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

**ACCEPTING MEMBERSHIP OF RONALD N. CORNEJO
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Ronald N. Cornejo of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership
July 1, 2013

of Ronald N. Cornejo in Hightstown Engine Company No. 1 is hereby accepted.

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

Council President Quattrone moved that the March 4, 2013 executive session minutes be tabled, Councilmember Woods seconded.

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

Minutes tabled 5-0, with one abstention.

Councilmember Woods moved that the March 4, 2013 open session minutes be tabled, Councilmember Doran seconded.

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

Minutes tabled 3-2, with one abstention.

Council President Quattrone moved that the March 18, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 4-1, with one abstention.

Councilmember Woods moved that the March 28, 2013 open session minutes, with corrections, for approval, Councilmember Bibens seconded.

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

Minutes approved 6-0.

Councilmember Bibens moved that the April 1, 2013 open session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved 6-0.

Councilmember Bibens moved that the April 1, 2013 executive session minutes for approval, Council President Quattrone seconded.

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

Minutes approved 6-0.

Councilmember Bibens moved that the April 15, 2013 open session minutes for approval, Council President Quattrone seconded.

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

Minutes approved 5-0, with one abstention.

July 1, 2013

Councilmember Bluth moved that the April 15, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 4-0, with two abstentions.

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

Eugene Sarafin, 628 S. Main Street – commented regarding the “Why are your property taxes so high?” document by Councilmember Thibault. Mr. Sarafin then used profane language and insulting remarks.

Charles Harlick, 309 Lincoln Avenue – spoke regarding merit raises and performance reviews, Administrator duties, and plans for change.

Rick Pratt, 214 Stockton Street – commented regarding development of the rug mill and coca cola properties, and the Borough Administrator appointment.

Marybeth Cromwell, 128 Broad Street – commented that the taxi stands are not being used.

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

Resolution 2013-147 Authorizing Payment #1 – SWERP, Inc. (Concrete Repairs to Secondary Digester)

Councilmember Bibens moved resolution 2013-147, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2013-147

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

AUTHORIZING PAYMENT # 1 TO SWERP, INC. (CONCRETE REPAIRS TO SECONDARY DIGESTER)

WHEREAS, resolution 2012-48 adopted on February 6, 2012 awarded the contract for the Concrete Repairs to the Secondary Digester to SWERP, Inc. of Lafayette Hill, New Jersey in the amount of \$79,870.00; and

WHEREAS, the contractor has submitted payment request No. 1 for work related to concrete repairs to the secondary digester in the total amount of \$78,272.60; and

WHEREAS, the Borough Engineer has recommended approval of payment No. 1 to SWERP, Inc. in the amount of \$78,272.60; and

WHEREAS, the certified payroll has been received; and

WHEREAS, the Treasurer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. July 1, 2013

1 from SWERP, Inc. of Lafayette Hill, New Jersey in the amount of \$78,272.60 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-148 Authorizing Payment #9 – Liberty Construction & Development, Inc. (Water Plant Filter)

Council President Quattrone moved resolution 2013-148, Councilmember Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2013-148

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

**AUTHORIZING PAYMENT # 9 TO LIBERTY CONSTRUCTION & DEVELOPMENT, INC.
(WATER TREATMENT PLANT FILTER)**

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

WHEREAS, the contractor has submitted payment request No. 9 for work related to carpentry, site restoration, and electrical, piping and filter installation in the total amount of \$51,425.30; and

WHEREAS, the Borough Engineer has recommended approval of payment No. 9 to Liberty Construction & Development, Inc in the amount of \$51,425.30; and

WHEREAS, the certified payroll has been received; and

WHEREAS, the Treasurer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 9 from Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$51,425.30 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Ordinance 2013-12 Final Reading and Public Hearing An Ordinance Amending and Supplementing Chapter 2 Entitled “Administration”, Section 2-55, Entitled “Fees for Municipal Services”, Subsection 2-55.2 “Fees for Copies” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey

Mayor Kirson opened the public hearing on ordinance 2013-12 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that he is present.

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

Councilmember Bibens moved ordinance 2013-12 for adoption, Councilmember Doran seconded.

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

Ordinance adopted 6-0.

Ordinance 2013-12

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 ENTITLED “ADMINISTRATION”,
SECTION 2-55, ENTITLED “FEES FOR MUNICIPAL SERVICES,” SUBSECTION 2-55.2 “FEES FOR
COPIES” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW
JERSEY.”**

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Chapter 2, Section 2-55, Subsection 2-55.2 of the Borough Code relating to enforcement and penalties as set forth herein.

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, that Chapter 2 “Administration”, Section 2-55 “Fees for Municipal Services”, Subsection 2-55.2 “Fees for Copies” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

Subsection 2-55.2 Fees for Copies.

The following fees shall be charged for copies of public documents:

- a. For copies of public documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b).
- b. For oversized copies of public documents, the actual cost incurred in making the copy shall be charged. If the document must be copied by another source, e.g. a printer, for duplication, the actual cost paid by the Borough shall be paid by the requestor.
- c. There shall be no charge for electronic transmission of documents via fax or e-mail.
- d. For certified copies of a Vital Statistic document, the fee charged shall be consistent with those charged by the New Jersey Department of Health, Office of Vital Statistics.
- e. Municipal Court discovery and police accident reports
 1. All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.
 2. The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:
 - i. For documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b)
 - ii. Actual postage for any discovery or accident report sent by mail
 - iii. \$.25 for the envelope for any discovery or accident report sent by mail
 - iv. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.

- v. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.
 - vi. For any item that cannot be photocopied on the Borough's copy machine or for any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
 - vii. Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.
 - viii. There shall be no charge to persons over the age of 65 for discoveries or police accident reports.
- f. For duplicate tax, water and sewer bills, five (\$5.00) dollars each.
- g. For a certificate as to approval of subdivisions, as follows:
- 1. When the property described in the application is shown on the Assessment Map subdivided into Borough lots and does not exceed five thousand (5,000) square feet in area, three (\$3.00) dollars, and for each additional five thousand (5,000) square feet in area or fraction thereof, an additional fifty (\$0.50) cents.
 - 2. When the property is shown on the Assessment Map as acreage or is so assessed and lies wholly within the limits of a single block, three (\$3.00) dollars, and if within the limits of two (2) or more blocks, an additional one (\$1.00) dollar for each block.
 - 3. When the property described in the application is or has been subdivided and assessed as more than one (1) item, an additional fee of one (\$1.00) dollar shall be allowed for each subdivision separately assessed.
 - 4. Five (\$5.00) dollars shall be the maximum charge for a certificate covering lands lying wholly within one (1) block as shown on the Assessment Map of the Borough, unless there is a subdivision of proprietorship indicated by the assessment.
- h. For a certificate as to approval of subdivision within three (3) years from the date of the original search, one (\$1.00) dollar per year.
- i. For official searches for municipal liens (tax searches) or for improvements authorized but not assessed, ten (\$10.00) dollars.
- j. For a continuation of an official search for municipal liens or for a continuation of an official search for improvements authorized but not assessed, two (\$2.00) dollars per year.
- k. For a duplicate tax sale certificate, one hundred (\$100.00) dollars.
- l. For a full copy of the Revised General Ordinances of the Borough of Hightstown, one hundred (\$100.00) dollars.
- m. For a full copy of the Borough's Master Plan, one hundred and ninety-five (\$195.00) dollars.
- n. For a copy of an audio or video tape, the actual cost of the media and duplication thereof.

(Ord. No. 19-1994; Ord. No. 1998-12 § 1(A)--(E); Ord. No. 2003-32; Ord. No. 2004-03; Ord. No. 2004-13; Ord. No. 2005-09; Ord. No. 2008-09; Ord. No. 2010-17)

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies; and

BE IT FURTHER ORDAINED, that 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 the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon final passage and publication in accordance with the law.

Ordinance 2013-13 First Reading and Introduction An Ordinance Supplementing, Amending and Revising Chapter 28 Entitled “Zoning”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Bluth moved ordinance 2013-13 for introduction, Councilmember Bibens seconded.

There was discussion regarding fines and the ability to view satellite dishes from public thoroughfares.

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

Ordinance introduced 6-0, public hearing July 15, 2013.

Ordinance 2013-13

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

AN ORDINANCE SUPPLEMENTING, AMENDING AND REVISING CHAPTER 28, “ZONING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN” REGARDING SATELLITE ANTENNA AND DISHES

WHEREAS, the purpose of this Ordinance is to accommodate satellite antenna and dishes in appropriate locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for satellite antenna and dishes to ensure compliance with the provisions of the requirements and standards established herein.

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

Section 1. Chapter 28, entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented in order to establish the following provisions:

a. Definitions.

1. Small Satellite Antenna or Dish - any apparatus which is designed for the purpose of sending or receiving television, radio, microwave, satellite or similar signals with the exception of conventional television, radio and amateur radio antennas, and has a receiving diameter of thirty-nine inches (39”) or less

2. Large Satellite Antenna or Dish - any apparatus which is designed for the purpose of sending or receiving television, radio, microwave, satellite or similar signals with the exception of conventional television, radio and amateur radio antennas, and has a receiving diameter of more than thirty-nine inches (39”).

3. Satellite Dish - shall include small satellite and large satellite antennas or dishes.

b. Zoning.

1. Small Satellite Dishes may be located in all zones and shall be deemed permitted accessory uses and structures

2. Large Satellite Dishes may be located in all zones subject to receipt of a Zoning Permit and shall be deemed permitted accessory uses and structures.

c. Procedure for review for Large Satellite Dish.

1. Zoning Permit. No Large Satellite Dish shall be erected, constructed, or installed without first obtaining a zoning permit from the Zoning Officer. Large Satellite Dishes that are already installed and in use when this Ordinance is adopted shall have one hundred, twenty (120) days to become compliant with the requirements of this Ordinance.

(a) Application: Applications submitted to the Zoning Officer shall contain a plan with the following information:

- (1) Property lines and physical dimensions of the applicant's property.
- (2) Location, dimensions, and types of existing major structures on the property.
- (3) Location of the proposed satellite dish and associated equipment.
- (4) Any overhead utility lines.

2. Standards. The Zoning Officer shall evaluate the application for compliance with the following standards:

(a) A Large Satellite Dish is permitted only as an accessory use and structure on a lot that contains a principal structure.

(b) A Large Satellite Dish is permitted as an accessory use and structure only in a rear yard and must be ground mounted and located in conformance with the rear yard setback requirements for the zoning district in which the property is located.

(c) A Large Satellite Dish may only be ground-mounted with screening.

(d) A Large Satellite Dish may not be located in a setback area and may not be located within ten (10) feet of the property line in any residential zone.

(e) The bottom of a Large Satellite Dish including the base and mount may not be higher than thirteen inches (13") above the ground, where located.

(f) No surface dimension of a Large Dish Antenna shall exceed twelve feet (12').

(g) No Large Satellite Dish shall exceed a height of eight feet (8').

(h) A Large Satellite Dish shall be used only by the residents of the principal structure located on the subject premises. Any connection, electrical or otherwise, to adjacent properties shall be deemed a violation of the provisions hereof.

(i) All power control and signal cables from the Large Satellite Dish shall be installed below the ground surface in accordance with applicable provisions of the Uniform Construction Code, including all required Permits.

(j) Large Satellite Dishes shall be located and screened to minimize motor noise and visual impact from the street and adjacent properties. The satellite dish must be surrounded by an enclosure which may be a natural or artificial buffer having a height of six (6) feet, which is planted or constructed so as to conceal the dish antenna as much as possible from view at ground level at all property lines. If a natural buffer is utilized, it shall be planted with such trees or plants

to maintain the buffer quality during the entire year. Screening must be maintained or the Zoning Permit shall be subject to revocation.

(k) No lot may contain more than one (1) Large Satellite Dish.

(l) All Large Satellite Dishes shall be installed by a trained and licensed satellite dish installer.

(m) All Large Satellite Dishes must be capable of withstanding sustained 100 mph wind speeds without suffering physical damage in accordance with the applicable Building Code as designated by the Borough Construction Official from time to time, and a Construction Permit obtained, if required.

(n) Large Satellite Dishes that are exclusively used to receive and/or transmit business data may be granted exceptions to one or more requirements of this Ordinance at the discretion of the Zoning Officer.

d. Installation of Small Satellite Dish.

1. Small satellite dishes may be roof-mounted or ground-mounted.

2. If roof-mounted, the Small Satellite Dish may not project more than twenty-four inches (24") inches above the highest elevation point of the roof.

3. If ground-mounted, a Small Satellite Dish located in the front yard must be effectively screened so it is not visible from any public right-of-way. Screening must be maintained or the permit shall be subject to revocation.

4. Small Satellite Dishes in the front or rear yard must comply with all setback requirements for accessory buildings, depending on zone, and may not be located in any setback area.

5. A Small Satellite Dish shall be used only by residents of the main building of the subject premises. Connections, electrical or otherwise, to adjacent properties are not permitted and shall be deemed a violation of the yard and setback requirements.

6. All Small Satellite Dish shall be installed by a trained and licensed satellite dish installer.

7. No more than two (2) Small Satellite Dishes may be installed per dwelling unit or nonresidential building.

8. All Small Satellite Dishes must be capable of withstanding sustained 100 mph wind speeds without suffering physical damage or becoming loosened or dislodged from their location in accordance with applicable building codes as designated by the Borough Construction Official from time to time, and a Construction Permit obtained, if required.

e. Satellite Dishes in the Historic District.

1. In order to maintain the architectural detail and character of the Hightstown Historic District, satellite dishes installed in the Historic District shall comply with the following conditions:

(a) Significant architectural details shall not be removed, damaged or covered by the installation of any dish.

(b) Satellite dishes may not be installed in the front yard.

(c) Satellite dishes shall not be attached to the building façade or roof-mounted so they are visible from the public right-of-way.

(d) When satellite dishes are secured to a brick wall, satellite dishes shall be anchored only in the mortar joints and not to the bricks.

(e) If the proposed location for the satellite dish is not permitted by this Section, the installation shall be referred to the Hightstown Historic Preservation Commission for their consent to install, which decision shall be issued within thirty (30) days, unless extended for good cause.

f. When no longer in use, all Satellite Dishes shall be removed within thirty (30) days of being taken out-of-service.

g. Variances from this Chapter may be granted by the Planning Board upon submission of an application.

h. This Ordinance may be enforced by the Zoning or Construction Official. All violations shall be subject to a fine not exceeding \$500 per violation per day.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. 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 the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Ordinance 2013-14 First Reading and Introduction An Ordinance Rescinding Ordinance 2013-10

Councilmember Woods moved ordinance 2013-14 for introduction, Councilmember Doran seconded.

Councilmember Doran explained that this ordinance rescinds the ordinance for the lease of the property on Mercer Street that was to be leased for the use of temporary Administrative offices.

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

Ordinance introduced 6-0, public hearing July 15, 2013.

Ordinance 2013-14

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

AN ORDINANCE RESCINDING ORDINANCE 2013-10

IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Hightstown Borough Ordinance 2013-10 which authorized the Borough of Hightstown to lease certain premises located at 100 and 102 Mercer Street, constituting part of the real property known and designated as block 33, lot 20 on the Hightstown Borough tax map, to provide for temporary office space for certain Borough operations, and authorized the appropriate Borough Officials to execute all necessary documents associated therewith, as introduced on April 1, 2013 and adopted on April 15, 2013, is rescinded.

Grape Run and Pershing Avenue scope of work change

Carmela Roberts, Borough Engineer, reviewed the process and plans for sidewalks and ADA upgrades; noting that there are shallow sewer lines on Pershing Avenue and excavation will cause damage to the piping. She recommended the replacement of the sewer main and laterals, which adds an estimated \$70,000 to the project cost. She further recommended that the Borough advertise the plan as is and see what is submitted. She would like to submit the plan to NJDOT as is.

There was discussion regarding the taxpayers paying for water/sewer repairs; house connection costs for homeowners; timeline and school being in session (due to location and bussing); and the total cost and availability of funds.

Councilmember Bibens moved that the Engineer should contact NJDOT regarding the matter and bid the Grape Run and Pershing Avenue project, Councilmember Bluth seconded.

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

Motion approved 6-0.

Ordinance Regarding Delinquent Water/Sewer Billings

Councilmember Doran expressed her concern with only giving 45 days notice for the shut-off of water. There was discussion. Councilmember Woods noted that orange door hangers are placed at each residence as a warning prior to the shut off of water service. Mayor Kirson noted that the delinquent notices last year brought in the payments and that the Borough is flexible and willing to work with the homeowner.

It was requested that the ordinance be brought forward at the next meeting for introduction.

Councilmember Thibault suggested that a Consumer Advocate Group be set up to assist homeowners who need assistance, and Councilmember Woods noted that the Collector fulfills that role. There was additional discussion regarding public versus private utilities, fees, and tenant rights.

Temporary Administrative Offices

Administrator LeTellier stated that he is looking for a trailer in which to move the Public Works offices, and reviewed the plan to move offices within the current building to free up space and make better working conditions for the employees. He explained that there is money needed to proceed with this plan and noted that the purchase of the trailer would be an investment as it will be re-usable after Borough Hall is complete.

George Lang, CFO, noted that we could use capital surplus for office furniture, painting and cleaning. Mr. LeTellier requested \$10,000 in additional funding to complete the project, as the \$20,000 that is in the budget for the Mercer Street location lease would be used to purchase the trailer. George Lang noted that the \$20,000 would be used to purchase the modular for Public Works and the additional funding could come from a fully funded ordinance. Mr. LeTellier reviewed the modular unit for which he has been negotiating the purchase.

Councilmember Woods moved to amend the agenda to add a fully funded ordinance for this project, Councilmember Bibens seconded.

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

Motion approved 6-0.

Municipal Clerk Sopronyi advised that the ordinance would be 2013-15.

Ordinance 2013-15 First Reading and Introduction An Ordinance Appropriating \$10,000 from the General Capital Fund Balance for Capital Improvements in and by The Borough of Hightstown, In The County of Mercer, New Jersey

Council President Quattrone moved ordinance 2013-15 for introduction, Councilmember Bluth seconded.

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

Ordinance introduced 6-0, public hearing July 15, 2013.

Ordinance 2013-15

**AN ORDINANCE APPROPRIATING \$10,000 FROM THE GENERAL CAPITAL FUND BALANCE
FOR CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN,
IN THE COUNTY OF MERCER, NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The sum of \$10,000.00 is hereby appropriated from General Capital Fund Balance for the following capital purpose by the Borough of Hightstown, in the County of Mercer, New Jersey, including all work and materials necessary therefor and incidental thereto:

Improvements to Municipal facilities including office furniture and equipment

Section 2. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

Bond Ordinance 2013-06 (Referendum)

There was discussion regarding rescinding ordinance 2014-06 due to the petition that has been filed and certified by the Municipal Clerk.

Councilmember Bluth stated that she does not think the ordinance should be rescinded, it should go to ballot; the petition was not about the money, it was about re-building in the same location. Councilmember Woods inquired as to what happened to compromise, and Councilmember Thibault noted that Bond Counsel should to come back in and speak to Council again about the next steps.

There was additional discussion and Mr. LeTellier noted that there are fewer options for the Borough now and that mitigation is also needed; Council can begin the process by rescinding the ordinance and Bond Counsel can come in at the next meeting.

Council President Quattrone stated that he will vote no for rescinding the ordinance because this is a big issue with the public and their petition is requesting that it go to ballot.

Councilmember Doran moved to amend the agenda to add an ordinance to rescind ordinance 2013-06, Councilmember Woods seconded.

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

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Motion approved 4-2.

Municipal Clerk Sopronyi advised that the ordinance would be 2013-16.

Ordinance 2013-16 First Reading and Introduction An Ordinance Rescinding Ordinance 2013-06

Councilmember Doran moved ordinance 2013-16 for introduction, Councilmember Bibens seconded.

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

Ordinance introduced 4-2, public hearing July 15, 2013.

Ordinance 2013-16

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

AN ORDINANCE RESCINDING BOND ORDINANCE 2013-06

IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Hightstown Borough Ordinance 2013-06 which provided for the construction of a new municipal building in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$3,375,000 therefor and authorized the issuance of \$475,000 bond or notes of the Borough to finance part of the cost thereof, as introduced on March 18, 2013 and adopted on April 1, 2013, is hereby rescinded.

Fees

Educational Institutions

Councilmember Thibault inquired how revenue could be raised without affecting homeowners and referenced Borough Code 13-6-2 noting that there should be a fee of \$60.00 annually per room for the inspection of dorm rooms; educational facilities should be held to the same standard as residential units.

Mayor Kirson noted that residents cannot rent rooms in their homes, but the Administrator should confirm who is responsible for dorm room inspections, the municipality or the state.

Councilmember Bluth commented that the Borough tends to lose considerably more than it gains through donations to the Borough, Fire and EMS from Peddie; shared services should be explored for cost savings.

There was further discussion with several Council members expressing concern with inspecting dorm rooms and charging fees. Councilmember Thibault noted that he is interested in removing the exemption for the inspection of dorm rooms.

Taxis

Councilmember Thibault commented that taxi fees should be raised to \$250.00 per vehicle. Councilmember Woods inquired as to whether Hightstown is charging the maximum allowed by law, to which the Borough Attorney responded that the state limits the latitude fee for companies, but not for drivers. Councilmember Bluth noted that the insurance limits required of taxi companies are too low, but our neighboring communities do not require higher limits. Mr. LeTellier noted that the County is trying to work toward uniform fees and raising fees may open Hightstown up to gypsy cabs. The licensed taxi owners are working with Hightstown and it is keeping the gypsy cabs out of town at present. Mayor Kirson commented that the Police Director should be given the opportunity work with the taxi owners.

After further discussion, Council decided to leave the fees as presently charged.

Search Committee for Borough Administrator

As previously decided, Council members Bluth and Doran are reviewing the resumes received for Administrator. Councilmember Doran noted that they believe a third party should join the committee, someone who is not on Council. They would like Keith LePrevost to join the committee, and he has agreed to do so if Council approves.

Council agreed to Keith LePrevost joining the search committee.

Resolution 2013-149 Payment of Bills

Council President Quattrone moved Resolution 2013-149, Councilmember Bibens seconded.

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

Resolution adopted, 6-0.

Resolution 2013-149

*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 \$ from the following accounts:

Current		\$29,401.42
W/S Operating		37,323.30
General Capital		5,087.00
Water/Sewer Capital		164.00
Grant		785.00
Trust		650.00
Housing Trust		0.00
Animal Control		6.60
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>1,023.90</u>
Total		<u>\$74,441.22</u>

Resolution 2013-123 Authorizing Salaries for Certain Employees

Council President Quattrone moved Resolution 2013-123, Councilmember Bluth seconded.

There was discussion and Councilmember Thibault expressed concern regarding how two employees had the waiver for health benefits added to their salary in 2010, noting that the issue is not whether the employees should have received the waiver added into their salaries, but how it was done. He will vote against the salary resolution because he does not think the previous Council did this properly.

Councilmember Woods inquired as to what the Registrar and Computer System Administrator duties are. Municipal Clerk Sopronyi explained the duties and need for the Registrar. There was discussion regarding the Computer Administrator title and duties. Council requested the Computer Administrator job description and a written accounting of all salaries covered by this resolution.

Council President Quattrone withdrew his motion to move this resolution, Councilmember Bluth withdrew her second.

Resolution 2013-150 Authorizing a Shared Services Agreement between Hightstown Borough and East Windsor Township for Contribution of the Matching Share for Bus Services

Councilmember Bibens moved resolution 2013-150, Councilmember Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2013-150

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

**AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN HIGHTSTOWN
BOROUGH AND EAST WINDSOR TOWNSHIP FOR CONTRIBUTION OF THE MATCHING
LOCAL SHARE FOR BUS SERVICES**

WHEREAS, the Borough of Hightstown is desirous of entering into a renewed shared services agreement with the Township of East Windsor for the purpose of providing public transportation services for its citizens; and

WHEREAS, the term of said agreement shall be from July 1, 2013 through June 30, 2014; and

WHEREAS, the Borough's share of the cost of this service, by the terms of the agreement, is \$2,180.00, representing no increase from prior years; and

WHEREAS, the Treasurer has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized and directed to execute a Shared Services Agreement for Contribution of the Matching Local Share for Bus Services with East Windsor Township in the amount of \$2,180.00.

Resolution 2013-151 Amending Resolution 2013-22

Council President Quattrone moved Resolution 2013-151, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-151

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

AMENDING RESOLUTION 2013-22

WHEREAS, Hightstown Borough resolution 2013-22 authorized Michael Theokas, then Borough Administrator, to sign checks for the payment of money from the accounts of the Borough of Hightstown; and

WHEREAS, effective June 17, 2013 James LeTellier has been appointed as the Interim Borough Administrator pursuant to resolution 2013-144; and

WHEREAS, it is necessary to amend resolution 2013-22 by replacing the name of Michael Theokas, Borough Administrator with James LeTellier, Interim Borough Administrator.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that resolution 2013-22 shall be amended by replacing the name of Michael Theokas, Borough Administrator with James LeTellier, Interim Borough Administrator.

Resolution 2013-152 Authorizing Payment for the Steeple Clock at the First Baptist Church

Councilmember Doran moved Resolution 2013-152, Council President Quattrone seconded.

Council President Quattrone explained that this payment covers the refurbishment of the clock performed when the church refurbished the tower; the church has agreed to assume ownership and maintenance of the clock in the future and a resolution will be forthcoming to turn the ownership over to the First Baptist Church.

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

Resolution adopted 6-0.

Resolution 2013-152

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

AUTHORIZING PAYMENT FOR THE STEEPLE CLOCK AT THE FIRST BAPTIST CHURCH

WHEREAS, the Borough of Hightstown owns and maintains the steeple clock located in the steeple tower of the First Baptist Church located at 125 South Main Street in Hightstown; and

WHEREAS, the First Baptist Church acquired quotes for the renovation of the clock and the Qualified Purchasing Agent has determined that the lowest quote was in the amount of \$8,000.00; and

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WHEREAS, the Vendor that submitted the lowest quote was paid by the First Baptist Church for the work associated with renovating said tower and clock; and

WHEREAS, it is the desire of the Mayor and Council to reimburse the First Baptist Church for the above amount.

Resolution 2013-153 EMS with East Windsor

Council President Quattrone moved Resolution 2013-153, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-153

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

**AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN HIGHTSTOWN
BOROUGH AND EAST WINDSOR TOWNSHIP FOR EMERGENCY MEDICAL SERVICES**

WHEREAS, East Windsor contracts for daytime Emergency Medical Services with Capital Health System; and

WHEREAS, Hightstown desires to contract with East Windsor for provision of daytime, Emergency Medical Services; and

WHEREAS, East Windsor is agreeable to providing daytime Emergency Medical Services for a fee and upon certain specified conditions as stated in the agreement; and

WHEREAS, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 et seq., permits local units of this State to enter into a contract with any other local unit for the joint provision within their combined jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the term of said agreement shall be from July 1, 2013 through June 30, 2014; and

WHEREAS, the cost of this service, by the terms of the agreement, is \$10,500.00, payments to be made to East Windsor Township on a quarterly basis in the amount of \$2,625.00; and

WHEREAS, East Windsor and Hightstown must authorize and approve this Agreement by Resolution duly adopted pursuant to N.J.S.A. 40A:65-4 of the "Uniform Shared Services and Consolidation Act."; and

WHEREAS, the Treasurer has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized and directed to execute a Shared Services Agreement for Emergency Medical Services with East Windsor Township in the amount of \$10,500.00.

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

Walter Sikorski, 326 N. Main Street – suggested a joint consolidation committee be appointed to study the prospect of consolidation and save money.

Eugene Sarafin, 628 S. Main Street – commented regarding charging Peddie School for C.O. inspections and noted that their students support the downtown businesses.

Bruce Conord, 175 South Street – commented that Hightstown should buy the First Baptist Church and make it Borough Hall; suggested that Hightstown support the recognition of all marriages.

Bill Gilmore, 219 Greeley Street – commented that Peddie is a major institution and the Borough should be creating a partnership with them, they have invested in this community.

Councilmember Thibault left the meeting at this time.

Scott Caster, 12 Clover Lane – commented that Hightstown should break the rules sometimes and think outside of the box; taxi stands are not needed in the Borough.

Tory Watkins, 68 Meadow Drive – commented that Council consideration of the C.O. inspection fees should be the cost to the Borough; the Borough is not sustainable.

Charles Harlick, 309 Lincoln Avenue – commented that the non-union position salaries are modest, but 2% is significant; questioned the need for a Public Health Nurse.

Marybeth Colvell, 128 Broad Street – noted that the residents are not getting answers to specific questions when they are trying to make arrangements regarding payments of their water bills.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bluth – expressed her sympathies regarding the loss of the firemen in Arizona.

Councilmember Bibens – commented that there is a lot of discussion on this agenda; East Windsor is the big sister to Hightstown and consolidation is worth looking into; Council is very busy trying to do the best for Hightstown and it is not easy, let us do what we need to do.

Councilmember Woods – stated that the demographics were very different for the Princeton consolidation; Mayor Kirson is speaking with the Mayor in East Windsor regarding several matters, this Council has done a lot in regards to shared services; there is room for discussion regarding taxi stands; this was a good meeting.

Councilmember Doran – commented that she is looking forward to the Public Works modular facility; she is interested in performance reviews and how they are handled; the Public Health Nurse question can probably be best answered by Councilmember Thibault; it was a good point made regarding the cost of inspections, she would like the Administrator's plan.

Council President Quattrone – noted that he has reviewed, with the Public Works Superintendent, trash and recycling costs and tonnage; everyone talks about how taxes have gone up, but nobody mentions the loss of state aid; the one armed bandit trash truck is down, we are presently using the manual truck; there were good discussion items on the agenda, but it does not go well since members already know what other members are going to say; there are a lot of big projects going on, and the petition really meant something with so many signatures.

Mayor Kirson – noted that the Public Health Nurse is in Hightstown three days per week and in West Windsor the other two days; the County budget stated that Hightstown has the highest taxes, but that is incorrect. He will try to get it corrected.

Police Director LeTellier – noted that performance reviews are a valuable tool and are used in the Borough; Susan Jackson resigned and we are advertising for a Planning Board Secretary and Administrative Assistant; the Deputy Court Administrator recommendation is forthcoming; residents are always welcome to approach him.

Councilmember Bibens moved to adjourn at 10:53 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk