

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
June 17, 2013
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:34 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; James LeTellier, Administrator/Police Director; and Frederick Raffetto, Borough Attorney.

Resolution 2013-137 Authorizing a Meeting Which Excludes the Public

Police Director LeTellier requested that Public Safety, and the Borough Attorney requested that contract negotiations & Potential Litigation regarding the Primary Clarifier, be added to resolution 2013-137

Councilmember Bibens moved resolution 2013-137 as amended, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2013-137
*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 June 17, 2013 at approximately 6:30 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:

Litigation – Enchantment @ Hightstown

Contract Negotiations – Insurance & Shared Services

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Public Safety

Contract Negotiations & Potential Litigation – Primary Clarifier

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: September 17, 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 7:53 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO, joined, and James LeTellier Police Director re-entered the meeting at this time.

Councilmember Bibens requested that the discussion regarding the Borough Administrator be held prior to the public hearing on the 2013 budget.

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

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

Agenda approved as amended.

Borough Administrator

Councilmember Doran put forward James LeTellier as Interim Administrator, stating that he has the credentials, is qualified, knows Hightstown Borough and attends the Council meetings. She noted that he should be appointed immediately.

Mayor Kirson recused himself from discussion on this matter.

The Borough Attorney cited the Borough code regarding appointing an interim Administrator and inquired as to whether Mr. LeTellier would receive additional compensation for assuming this title. Councilmember Doran responded that the appointment would be for 90 days with additional compensation at \$2,500 per month.

There was additional discussion regarding compensation and qualifications. Mr. LeTellier advised that he was willing to give Hightstown 60 hours per week, 40 hours as Police Director and 20 hours per week as Administrator.

The Borough Attorney was directed to write resolution 2013-144, appointing Mr. LeTellier as interim Administrator for a period of 90 days with additional compensation set at \$2,500 per month, effective immediately.

Mayor Kirson returned to the meeting.

Resolution 2013-144 Authorizing Appointment of Part-Time Acting Borough Administrator (James LeTellier)

Councilmember Bibens moved resolution 2013-144, Councilmember Doran seconded.

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

Resolution adopted, 4-2.

Resolution 2013-144

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

AUTHORIZING APPOINTMENT OF PART-TIME ACTING BOROUGH ADMINISTRATOR (JAMES LETELLIER)

WHEREAS, on May 8, 2013, the Hightstown Borough Council adopted Resolution No. 2013-111, which authorized the removal of Michael Theokas from the position of Borough Administrator for the Borough; and

WEREAS, the Borough is currently advertising for a permanent replacement for this position; and

WHEREAS, Section 2-9.5(b) of the Borough Code authorizes the Borough to appoint an Acting Administrator upon the removal of the Borough Administrator, for a period of ninety (90) days or until a permanent Administrator has been appointed pursuant to Section 2-9.3 of the Borough Code; and

WHEREAS, if the vacancy in the office of (permanent) Borough Administrator is not filled within the first (90) days, the Acting Administrator's appointment may be renewed for periods of up to an additional ninety (90) days; and

WHEREAS, pursuant to Section 2-9.5(b) of the Borough Code, the Borough Council wishes to appoint James LeTellier to serve as the Acting Administrator for the Borough, in a part-time capacity, for a period of ninety (90) days, with such appointment to be effective immediately; and

WHEREAS, this appointment shall be subject to the following terms and conditions:

- (1) During his tenure as the Acting Administrator, Mr. LeTellier shall devote at least forty (40) hours per week to the Borough in his capacity as the Borough's Police Director, and at least twenty (20) hours per week to the Borough in his capacity as the Borough's Acting Administrator;
- (2) In consideration for the services that Mr. LeTellier shall perform as the Acting Administrator, the Borough shall pay to Mr. LeTellier an additional gross salary of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) per month, which salary shall be in addition to his salary as the Police Director;
- (3) The appointment of Mr. LeTellier as the Acting Administrator shall be on a part-time basis, as referenced above, with Mr. LeTellier providing at least twenty (20) hours per week to the Borough in his capacity as the Borough's Acting Administrator;
- (4) The term of Mr. LeTellier's appointment as the Acting Administrator shall be for a period of ninety (90) days or until a (permanent) Administrator has been appointed pursuant to Section 2-9.3 of the Borough Code. If the vacancy in the office of (permanent) Borough Administrator has not been filled within the first (90) days, then Mr. LeTellier's appointment as the Acting Administrator may be renewed for periods of up to an additional ninety (90) days pursuant to further action of the Governing Body;
- (5) All other terms and conditions associated with Mr. LeTellier's temporary appointment as the Acting Administrator for the Borough shall be as set forth in an employment agreement, which shall be drafted by the Borough's Labor Counsel and subject to the further approval of the Governing Body.

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

1. That the Borough hereby appoints James LeTellier to serve as the Acting Administrator for the Borough, in a part-time capacity, for a period of ninety (90) days, pursuant to the terms and conditions specified above, with such appointment to be effective immediately.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. James LeTellier;
- b. Eric M. Bernstein, Esq., Labor Counsel;
- c. Frederick C. Raffetto, Esq., Borough Attorney;

Mayor Kirson opened the Public Hearing for the 2013 Budget Amendment and the following individuals spoke:

Scott Caster, 12 Clover Lane – commented regarding the Administrator qualifications and the need for the title to be full-time.

Eugene Sarafin, 628 S. Main Street – commented regarding the amount raised by taxation.

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

Resolution 2013-115 Self-Examination of the Budget

Councilmember Bibens moved resolution 2013-115, Council President Quattrone seconded.

George Lang, CFO, gave an explanation of the resolution.

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

Resolution adopted 6-0.

Resolution 2013-115

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

SELF-EXAMINATION BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Hightstown has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Hightstown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year

- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will
permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution 2013-117 Adoption of the 2013 Budget

Councilmember Woods moved resolution 2013-117, Councilmember Bluth seconded.

There was discussion and Councilmember Thibault distributed and reviewed “The Top Ten Reasons your Borough Property Taxes are so High”.

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

Resolution adopted 6-0.

Resolution 2013-118 Authorizing Change Order # 2 – Clyde N. Lattimer & Sons Construction Company, Inc. (Primary Clarifier Upgrade)

Council President Quattrone moved resolution 2013-118, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-118

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

**AUTHORIZING CHANGE ORDER #2 – CLYDE N. LATTIMER & SON CONSTRUCTION CO.
INC. (PRIMARY CLARIFIER UPGRADE)**

WHEREAS, on February 6, 2012, the Borough Council awarded a contract for the Clyde N. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$148,400.00; and,

WHEREAS, the completion of this project has been delayed due to the time required for equipment deliveries and poor weather conditions caused by Hurricane Sandy, and requests by the AWWTP Superintendent to accommodate the normal plant operations schedule; and,

WHEREAS, the Contractor has requested change order #2 for additional costs due to the delay in project completion resulting in a change order in the amount of \$28,815.00 resulting in a revised contract amount of \$177,215.00; and

WHEREAS, change order #2 also requests a revised completion date of October 4, 2013; and

WHEREAS, the Borough Engineer has recommended approval of this change order; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the approval of this change order is conditional upon approval by the New Jersey Department of Environmental Protection; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that change order #2 to the contract with Clyde N. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$28,815.00 for a total contract in the amount of \$177,215.00, and the project completion date of October 4, 2013 is hereby approved, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2013-121 Authorizing Payment #3 – Clyde N. Lattimer & Sons Construction Company, Inc. (Primary Clarifier Upgrade)

Councilmember Woods moved resolution 2013-121, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-121

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

**AUTHORIZING PAYMENT # 3 – CLYDE N. LATTIMER & SON CONSTRUCTION
COMPANY, INC. (PRIMARY CLARIFIER UPGRADE)**

WHEREAS, on February 6, 2012 the Borough Council awarded a contract for Primary Clarifier Upgrade to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$148,400.00; and

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WHEREAS, the contractor has submitted payment request #3 related to equipment and storage for the project in the total amount of \$20,727.63; and

WHEREAS, the Borough Engineer has recommended approval of payment #3 to Clyde B. Lattimer & Son Construction Co., Inc. in the amount of \$20,727.63; and

WHEREAS, the required certified payrolls have been submitted; 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. 3 to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$20,727.63 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Ordinance 2013-12 Introduction and First Reading 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

Councilmember Woods moved ordinance 2013-12 for introduction, Council President Quattrone seconded.

Borough Clerk Sopronyi explained the need for this ordinance.

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

Ordinance introduced 6-0, Public Hearing July 1, 2013.

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 Regarding Satellite Dishes & Antennas

Mayor Kirson advised that the need for this ordinance was derived from complaints of dishes on front lawns. After discussion, it was decided that there is a need for the ordinance and Council requested that it be placed on the next agenda for introduction.

Ordinance Regarding Delinquent Water/Sewer Billings

Mayor Kirson advised that this ordinance was brought forward by the Collector so there would be consistency regarding the late payment date and to eliminate the requirement for certified mailings.

There was discussion and Councilmember Doran had concerns regarding the elderly, and requested that residents have the opportunity to have a third party receive these notices and set up payment plans. Councilmember Thibault noted that the consumer protections afforded residents differ between an MUA, public utility and municipal utility; and that liens can be placed against properties. Mayor Kirson noted that approximately \$260,000 is delinquent as of the end of 2012.

After further discussion, Council requested that this ordinance be placed on the next agenda for introduction; in the meanwhile, the Administrator will address the third party billing matter.

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

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Charles Barton, 309 Lincoln Avenue – expressed concern over property taxes.

David Bell, 114 First Avenue – congratulated the Police Director on his new appointment and noted concern with the Peddie School homes tax exemption.

Eugene Sarafin, 628 S. Main Street – made derogatory comments about Council, and commented regarding the movie Groundhog Day, Peddie School payment of taxes, and the re-build of Borough Hall.

Wendy Dillon, 157 Mechanic Street – complained about noise and dumping on Reed Street, but she has spoken with the Police Director prior to the meeting, and he assured her he will take care of it.

Herbert Smith, 150 South Main Street – Congratulated the Police Director on his appointment and noted that he likes all members of Council.

Rick Kerr, 229 Wilson Avenue – spoke regarding our forefathers and the pillars of society.

Scott Caster, 12 Clover Lane – commented that he is frustrated and offered alternate ways of operating the Borough; he applauded Councilmember Thibault's tax speech and noted that Council should support him.

J P Gibbons, 602 N. Main Street – commented regarding the three minute limit and budget concerns.

Marybeth Koval, 128 Broad Street – noted that she has budget and personal concerns due to the economy, and complained that her family is being harassed by the Police Department.

Steve Misiura, 352 S. Main Street – commented that the Administrator should be an outside hire, not from within, and he has concerns about the appointment.

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

Resolution 2013-138 Payment of Bills

Council President Quattrone moved Resolution 2013-138, Councilmember Doran seconded.

There was discussion.

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

Resolution adopted, 4-0 with one abstention.

Resolution 2013-138

*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 \$2,071,634.13 from the following accounts:

Water/Sewer Capital		23,046.83
Grant		0.00
Trust		5,300.40
Housing Trust		525.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>14,159.50</u>
Total		<u>\$2,071,634.18</u>

Resolution 2013-123 Authorizing Salaries for Certain Employees

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

There was discussion and Police Director LeTellier requested that his administrative assistant be added to the resolution.

Councilmember Doran moved to amend the resolution to include the administrative assistant to the police department, Councilmember Woods seconded.

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

Resolution amended 5-0.

Councilmember Thibault moved to table resolution 2013-123 until the Council receives a written breakdown of each department head's salary, Councilmember Woods seconded.

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

Resolution Tabled 5-0.

Resolution 2013-139 Authorizing a Refund of Tax Overpayments as Entered by the Tax Court of New Jersey (Block 61.01, Lot 42)

Councilmember Thibault moved Resolution 2013-139, Councilmember Woods seconded.

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

Resolution adopted 5-0.

Resolution 2013-139

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT AS ENTERED BY TAX COURT OF
NEW JERSEY (BLOCK 61.01, LOT 42)**

WHEREAS, the Tax Court of New Jersey has issued a settlement in a 2012 tax appeal for Block 61.01, Lot 42 in the Borough of Hightstown; and

WHEREAS, the total overpayment of taxes for this period was \$4,201.78; and

WHEREAS, the owner of said property owes \$404.16 in delinquent Water/Sewer charges, said amount reducing the overpayment refund paid to the owner; and

WHEREAS, the Tax Collector has requested that the amount of \$3,797.62 be refunded to the property owner know as Bobbie International, LLC as required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$3,797.62 to Jennifer R. Jacobus, Esq., Attorney for Bobbie International, LLC, c/o Dr. Manocha and mailed to Jennifer R. Jacobus, Esq. 301 South Livingston Ave., Livingston, NJ 07039, representing the tax overpayment as set forth herein.

Resolution 2013-140 Authorizing a Refund of Tax Overpayments as Entered by the Tax Court of New Jersey (Block 61.01, Lot 41)

Council President Quattrone moved Resolution 2013-140, Councilmember Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2013-140

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT AS ENTERED BY TAX COURT OF
NEW JERSEY (BLOCK 61.01, LOT 41)**

WHEREAS, the Tax Court of New Jersey has issued a settlement in a 2012 tax appeal for Block 61.01, Lot 41 in the Borough of Hightstown; and

WHEREAS, the total overpayment of taxes for this period was \$554.71; and

WHEREAS, the Tax Collector has requested that the amount of \$554.71 be refunded to the property owner know as Bobbie International, LLC as required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$554.71 to Jennifer R. Jacobus, Esq., Attorney for Bobbie International, LLC, c/o Dr. Manocha and mailed to Jennifer R. Jacobus, Esq. 301 South Livingston Ave., Livingston, NJ 07039, representing the tax overpayment as set forth herein.

Resolution 2013-141 Authorizing Renewal of Alcohol Beverage License #1104-33-003-008 – Tavern 103 LLC (t/a Tavern on the Lake)

Council President Quattrone moved Resolution 2013-141, Councilmember Woods seconded.

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

Resolution adopted 4-0, with one abstention.

Resolution 2013-141

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

**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-008 –
TAVERN 103 LLC, T/A TAVERN ON THE LAKE**

WHEREAS, Tavern 103 LLC has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-008, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Tavern 103 LLC is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Director has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Tavern 103 LLC, doing business as Tavern on the Lake at 101-103 Main Street:

2013-14 Plenary Retail Consumption License
License #1104-33-003-008
Fee: \$2,500.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2013-142 Authorizing an Agreement for Professional Planner Services Associated with the Re-examination of the Master Plan – Tamara Lee Consulting, LLC

Council President Quattrone moved Resolution 2013-142, Councilmember Woods seconded.

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

Resolution adopted 5-0.

Resolution 2013-142

BOROUGH OF HIGHTSTOWN

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*COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL PLANNER SERVICES
ASSOCIATED WITH THE RE-EXAMINATION OF THE MASTER PLAN – TAMARA LEE
CONSULTING, LLC**

WHEREAS, there exists the need for specialized planning services for re-examination of the Hightstown Borough Master Plan; and

WHEREAS, the Planning Board requests that Tamara Lee Consulting, LLC be appointed to perform these specialized services; and

WHEREAS, the cost for the proposed services shall not exceed \$10,000.00 without further approval by the Borough Council; and,

WHEREAS, the Chief Finance Officer has certified that funds are available for this purpose; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; and

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

WHEREAS, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, this contract is specifically for the re-examination of the master plan; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Tamara Lee Consulting, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, 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 authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Tamara Lee Consulting, LLC regarding the above-referenced professional planning services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Tamara Lee Consulting, LLC, is a firm whose planner is authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Tamara Lee Consulting LLC, Planner; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2013-143 Waiving Fees for Certain Parking Permits

Council President Quattrone moved Resolution 2013-143, Councilmember Woods seconded.

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

Resolution adopted 5-0.

Resolution 2013-143

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

WAIVING FEES FOR CERTAIN PARKING PERMITS

WHEREAS Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2013-2014 parking permits for use by their staff, including four special permits for use in the Main Street parking lot and four permits for use in the Borough's permit parking area near Wells Fargo Bank; and

WHEREAS, Rise has requested that the fees for these permits be waived; and

WHEREAS, because Rise is an agency that receives financial support from, and serves residents of the Borough, the Mayor and Council wish to authorize issuance of said permits at no fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk shall issue Rise eight (8) 2013-2014 parking permits as detailed herein and that the fees for these permits shall be waived.

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

Eugene Sarafin, 628 S. Main Street – commented regarding employee salaries and the Council's distrust of employees.

Rick Kerr, 229 Wilson Avenue – commented regarding back door negotiations.

Scott Caster, 12 Clover Lane – commented regarding generating tax revenue from non-profit properties and Windsor Hights Herald articles.

Charles Harlick, 309 Lincoln Avenue – commented regarding the concept of merit raises.

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 happy with the appointment of the Interim Administrator and that new faces are present in the public at this meeting; commented that the public comment period is coming too late in the meeting and that she is not in favor of the three minute limit for public comments, but that it must be enforced; noted that the Borough owes the Baptist Church money for the clock and that the payment should be made.

Councilmember Woods – commented that she is pleased with the choice of Interim Administrator; the Water/Sewer Department had their meeting and they are working toward putting in action revenue generators that are in the ordinance; she would like to see budget questions answered.

Councilmember Thibault – stated that sunshine is the best disinfectant and he trusts but verifies; he is very passionate about taxes because of residents who have been hurt by the economy; noted he attended the Eagle Scout ceremony for Ryan Lanphear and found it to be very moving.

Councilmember Bluth – commented that the first public comment period should be moved up on the agenda.

Mayor Kirson – noted that the Association Park gazebo grand opening is this Thursday at 6pm and that this is a great gift from Eagle Scout Ryan Lanphear.

Council President Quattrone – noted that we now have a budget and can acquire the bicycle signs Mr. Caster has been requesting; the public comment period will be moved up on the agenda; revised rules and regulations for the Police Department, as proposed by the Police Director, are forthcoming.

Police Director LeTellier – noted that he reviewed the disciplinary and job description sections of the rules and regulations, and has made revisions naming the Police Director as the authority in the revised rules and regulations.

Council President Quattrone – suggested that the revisions go to Labor Counsel for review prior to bringing them to Council. Council agreed and requested that Labor Counsel review and comment on the revisions prior to Council review. He then noted that he voted no for Mr. LeTellier's appointment as Administrator because he feels he should be spending his time at the police department; the Borough Attorney will give a response to the tax exemption questions posed to him by Councilmember Thibault; noted that Peddie School does a lot for the Borough but does not publicize what they do; Hightstown's budget is watched closely. He commented that Council should be working closely with one another, but in the entire flood and budget situations nobody came to him for a compromise. Council should not argue all the time, they need to work together and he has not gotten a single call from a Councilmember in over seven weeks; Council needs to get something done.

Mayor Kirson – noted that he attended a tax reform seminar and it was very enlightening, there is a lot of work being done; New Jersey is suffering. He then thanked everyone for coming to the meeting.

Councilmember Thibault moved to adjourn at 10:45 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk