

Meeting Minutes
Hightstown Borough Council
Regular Meeting
May 2, 2011
6:30 pm

The meeting was called to order by Mayor Kirson at 6:35 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 advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Mayor called for a Roll Call.

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Gilmartin</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk, Frederick Raffetto, Borough Attorney; and Phil Nettle, Special Labor Counsel

Resolution 2011-131

Councilmember Quattrone moved resolution 2011-131. Councilmember Woods requested that the resolution be amended to include Attorney-Client Privilege; Councilmember Quattrone withdrew his motion.

Councilmember Quattrone moved resolution 2011-131 as amended. Councilmember Gilmartin seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-131

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 May 2, 2011 at approximately 6:30 pm in Council Chambers 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 – Chief of Police

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: August 2, 2011, 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.

Council re-convened into open session at 7:40 pm.

The meeting was called to order by Mayor Kirson at 7:40 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed the Roll call which has remained the same: George Lang, Chief Financial Officer had also joined the public meeting.

Council President McGinty requested that the agenda be amended to hold the public hearing on the budget prior to interviewing for the vacant seat on Council.

Councilmember Quattrone moved the agenda as amended. Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Agenda approved as amended, 5-0

Resolution 2011-133 Read the Budget by Title Only

George Lang gave a brief synopsis of the budget process and stated that this will be the first budget since 1997 in which there was no tax increase; there also will not be a water/sewer rate increase. He explained that he took several items, including salaries, that were previously being charged to the water/sewer budget and brought them back in to the municipal budget because this is where they should be charged. There was discussion.

Councilmember Gilmartin moved resolution 2011-133, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-133

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

**A RESOLUTION AUTHORIZING THE BUDGET TO
BE READ BY TITLE ONLY**

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that prior to the date of hearing a complete copy of the approved budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE BE IT RESOLVED that the budget shall be read by title only.

ROLL CALL RECORDED VOTE:

	1st	2nd	Yes	No
Ms. Bibens			✓	
Ms. Gilmartin	✓		✓	
Ms. McGinty			✓	
Mr. Quattrone		✓	✓	

Ms. Woods			✓	
Vacancy				

Mayor Kirson opened the Budget Public Hearing and the following individuals spoke during the period:

Phyllis Deal, 305 Stockton Street – inquired whether the Capital Bond Ordinance improvements to the Water and Sewer Plants will change the budget. The Chief Financial Officer answered that they would not.

Rob Thibault, 504 S. Main Street – commented regarding water/sewer rates, court revenue, salaries, health benefits, police department costs, pension costs, and an easier to read budget document.

Scott Caster, 12 Clover Lane –noted that he was under the impression the tax rate was going to be lowered since we have all these savings; he suggested we reallocate the expenditures previously charged to the water/sewer budget back to that budget and give a tax rate reduction to the taxpayer.

There being no further comments, the Mayor closed the public hearing on the 2011 budget and stated that there will be a budget meeting on May 10th.

Council discussed the budget and the reduction in the Parks and Recreation budget.

Council President McGinty requested that the agenda be amended so resolutions 134, 135 and 136 are heard now on the agenda, prior to the interviews. Councilmember Quattrone moved for the amendment to the agenda, Councilmember Woods seconded. All were in favor.

Resolution 2011-134 Authorizing the Payment of Bills

Council President McGinty moved resolution 2011-134, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-134

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 Mayor, the appropriate Councilmember and the Treasurer

in the amount of \$ 43,739.95 from the following
accounts

Current	\$ 26,903.09
W/S Operating	9,805.88

May 2, 2011

General Capital	5,651.25
Water/Sewer Capital	
Grant	316.50
Trust	1,063.23
Housing Trust	-
Animal Control	
Law Enforcement Trust	-
Housing Rehab Loans	-
Unemployment Trust	
Escrow	
Total	<u>\$ 43,739.95</u>

Resolution 2011-135 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2011 Budget

Council President McGinty moved resolution 2011-135, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-135

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2011 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2011 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2011 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	5,700.00	1,070,344.00	1,076,044.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	630,088.00	630,088.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	5,700.00	1,700,432.00	1,706,132.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2011 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy

May 2, 2011

provided to the Acting Treasurer.

Resolution 2011-136 Authorizing the Issuance of an Auction License – Empire Antiques

Council President McGinty moved resolution 2011-136, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-136

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

**AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION -
EMPIRE ANTIQUES**

WHEREAS, an application for a license to hold an auction on Saturday, May 21, 2011 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Chief of Police; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, May 21, 2011 at 278 Monmouth Street.

The Mayor requested that the three candidates for the empty Council seat to come forward. The individuals that were nominated by the Democratic Party to replace Mr. Musing were Gail Doran, 201 Hutchinson Street; Eugene Sarafin, 628 S. Main Street, and J. Michael Vanderbeck, 344 Stockton Street. All Nominees had submitted their resume for review by Council.

Mayor Kirson explained that he was going to moderate the interview process and that each candidate would be asked a question in rotation. The questions asked included, but were not limited to:

- How would you change the level of transparency in Hightstown, or are we transparent enough?
- Where would you like to see Hightstown in five to ten years, and how would you meet that goal?
- What issues do you find of greatest importance and urgency?
- What qualities, skills, and background do you possess to make you the best candidate to work with this particular Council at this time?
- Do you believe Hightstown can improve operations enough to reduce taxes, improve services and remain independent?
- Would you see yourself as a consensus builder, leader or follower on Council and how would that help Hightstown move forward?
- What would you do to increase volunteerism in the Borough and how would you recognize these volunteers?
- Hypothetically, if you were given advice by the Borough Attorney regarding an ethical or conflict issue, would you follow it?
- Whoever is appointed to this position tonight will assume the position of Liaison to the Construction Office, how would you improve code Enforcement?
- Would you support Council efforts to develop shared services where we now provide services?
- Do you believe you should listen to the Professionals when coming down to a final vote?
- What would you do to advance open Council discussion and answer questions of the public?

- If chosen for this position, will you consider running for the remainder of the unexpired term?
- Can you give us a sense of the steps you would take to facilitate discussion?

The interviews concluded and the Mayor thanked the candidates.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Phyllis Deal, 305 Stockton Street; Eugene Sarafin, 628 S, Main Street; Fran Palumbo, 101 Main Street; Rob Thibault, 504 N. Man Street.

Resolution 2011-132 Appointing a Councilmember to Fill a Vacancy until the General Election

Council President McGinty moved blank resolution 2011-132 for purposes of discussion, Councilmember Gilmartin seconded.

There was Council discussion regarding the interviews and candidates.

Councilmember Gilmartin moved that resolution 2011-132 be amended to include the name of J. Michael Vanderbeck, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution amended, 5-0

Councilmember Gilmartin moved that resolution 2011-132 as amended to include the name of J. Michael Vanderbeck, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Resolution adopted as amended, 5-0

Resolution 2011-132

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

APPOINTING A COUNCILMEMBER TO FILL A VACANCY UNTIL THE GENERAL ELECTION

WHEREAS, there exists a vacancy in the office of Councilmember due to the resignation of Dimitri Musing effective April 12, 2011; and

WHEREAS, the Municipal Vacancy Law (N.J.S.A. 40A:16-1 *et seq.*), provides that the Municipal Committee of the party that previously filled the seat shall submit within fifteen (15) days three (3) names for Council's consideration in filling the vacancy; and

WHEREAS, the Democratic Municipal Committee submitted the names of three (3) Nominees on April 20, 2011; and

WHEREAS, pursuant to the Municipal Vacancy Law, the Borough Council must, fill the vacancy by the appointment of a successor from the same political party which had nominated the incumbent whose office had become vacant; and

WHEREAS, the Borough Council has publicly interviewed the nominees presented by the Democratic Municipal Committee and deliberated to fill the vacancy with a member who would best serve the residents of the Borough; and

WHEREAS, by vote of Borough Council, the Council has decided to appoint Joseph Michael Vanderbeck to fill the position of Councilmember until the General Election on November 8, 2011 when a successor will be elected by the voters to fulfill the vacant unexpired term of Councilmember ending December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Joseph Michael Vanderbeck is hereby appointed to serve in the position of Councilmember to fill the vacancy until the General Election on

November 8, 2011 when a successor will be elected by the voters to fulfill the vacant unexpired term of Councilmember Dimitri Musing ending December 31, 2012.

Mayor Kirson swore Mr. J. Michael Vanderbeck into the office of Councilmember, to serve until the General Election. Councilmember Vanderbeck then took his seat at the dais.

The Mayor gave an update regarding code and police enforcement and told Council the monthly police reports were in their mailboxes. Councilmember Vanderbeck confirmed the departments and committees to which he would serve as Liaison.

Mayor Kirson opened Public Comment Period II and the following individuals spoke: Eugene Sarafin, 628 S. Main Street; Paul Byrnes, 320 Stockton Street; Mike Theokas, 142 Mill Run East; Scott Caster, 12 Clover Lane; and Gail Doran, 201 Hutchinson Street.

Council/Mayor/Administrative Comments

Councilmember Gilmartin – thanked the candidates and welcomed Councilmember Vanderbeck. She also encouraged Mr. Sarafin and Ms. Doran to join the volunteerism committee.

Councilmember Bibens – thanked the candidates and welcomed Councilmember Vanderbeck.

Councilmember Woods – welcomed Councilmember Vanderbeck and thanked the candidates; she also thanked Council for some well thought out questions. She commented that special recognition should be given to Mr. Dan Buriak and his accomplishments with historic preservation.

Councilmember Vanderbeck – thanked Council and stated that he found the selection process to be a great experience. He advised that he would miss the May 16th meeting as he will be out of the country.

Council President McGinty – welcomed Councilmember Vanderbeck and acknowledged the candidates. She then commented regarding the economic peril facing the Borough and how Council needs to address it head-on.

Councilmember Quattrone – welcomed Councilmember Vanderbeck and noted some of his previous experience in the Borough. He commented that the Chief Financial Officer prepares the budget, but Council must plan.

Mayor Kirson – reminded everyone that a budget workshop meeting has been scheduled for May 10, 2011 beginning at 8:00pm in Council Chambers.

Councilmember Gilmartin moved to adjourn the meeting at 11:20 PM and Councilmember Woods seconded; the motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk