

Meeting Minutes
Hightstown Borough Council
Special Workshop Meeting
October 17, 2012

7:00 pm

The meeting was called to order by Mayor Kirson at 6:30 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; James LeTellier, Police Director; Frederick Raffetto, Borough Attorney; Carmela Roberts, Borough Engineer; Tamara Lee, Borough Planner; and Rick Perez, Architect.

Councilmember Thibault asked that the agenda be amended to include a presentation by him following approval of the agenda and prior to Council discussion.

Councilmember Bluth moved the agenda as amended by Councilmember Thibault for approval, Councilmember Bibens seconded.

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

Agenda approved as amended.

Presentation

Councilmember Thibault addressed Council and members of the public with a presentation which was a compilations of prior presentations and information previously discussed, including but not limited to FEMA flood maps and elevations, demolition, re-building and purchase options, and required space needs.

Borough Hall Discussion

Councilmember Woods distributed and reviewed a possible lay-out option for the new Borough Hall complex which included having the building run parallel with Main Street with parking behind it; and the Fire Department and Borough Complex sharing a driveway. This would take a majority of the facility out of the 500 year flood zone and access to the rug mill property could be from Stockton Street. There was discussion.

Mayor Kirson noted that the insurance policy will only re-build at cost, less a \$500,000 deductible (which possibly could be reimbursed at 75% from FEMA), if it is re-built in the same location as the prior building. Any alternative, location or otherwise, would require the Borough to negotiate with the insurance company for a settlement which would be paid directly with no further obligation from them. He thinks there is the opportunity for a safe haven out of down town and encourages its consideration so the development of down town can continue. Lucas is going into foreclosure and the property offers the opportunity to possibly move the Public Works facility to that location in the future mitigating additional costs from flooding. Purchasing this property would affect each homeowner an estimated \$12.00 per year and regardless of the zone, the present area still floods; the Borough is giving up an opportunity and prime location for re-development. If the Borough Hall is re-built and floods again, it will be the legacy of the 2012 Council.

Councilmember Woods stated that it is the decision of a majority of Council that the Borough Hall be re-built at its present location and the focus of this meeting is to expand on the location decision with a plan to move forward.

Councilmember Thibault commented that the residents still must pay school and county taxes; 20% of the population is over the age of 65 and on fixed income; last year you took money from them and the year before you took \$100 from them. He has had residents tell him that they have given up cable television or newspaper delivery; they don't know what they going to give up next. It may not be a lot of money to the Mayor, but to some people in town \$27.00 a year represents the difference between eating hamburger and eating cat food. The Mayor corrected Councilmember Thibault that the amount would be approximately \$12.00 per year. Councilmember Thibault excused himself and shouted that he did not interrupt the Mayor during his time. The Mayor then commented that Councilmember Thibault is full of crap and told the public "this man is full of crap". The Mayor went on to say to Councilmember Thibault, "you are always spinning numbers, you have been spinning numbers for seven months to a year now and I cannot listen to it anymore, you are full of crap". The Mayor turned the meeting over to Council President Quattrone and departed the meeting. Council President Quattrone noted that he insists that Council have their discussion in a civil and organized manner.

Councilmember Thibault continued that the Council has looked at all the options and decided, as the financial managers of the Borough, that the Lucas property is not a good deal for the taxpayers and is also listed on the DEP list of polluted properties; he then referred to the Master Plan regarding Borough Hall location and accessibility.

Steve Misiura, Chair of the Planning Board, came forward and requested to address Council on behalf of the Planning Board.

Council members Doran, Thibault and Woods objected to the Planning Board coming forward at this time. Councilmember Thibault commented that per the Borough Planner, the Planning Board's duty is to assure that Council's decision complies with the Master Plan and nothing more. Councilmember Woods stated that it would be appropriate to hear from the Planning Board at a regular meeting, this meeting is to focus discussion on expanding Council's original decision of location and she would like to hear from the Professionals on the matter. Councilmember Doran agreed that the Planning Board should not address Council at this time and the professionals should show Council their options at the present location.

Mr. Theokas noted that Mayor Kirson was correct in that the insurance is working with the current footprint of the Borough Hall and any move of Borough Hall would require a negotiated finite settlement.

There was discussion regarding the insurance claim, FEMA mitigation plans, re-building in a less flood prone area, and the flood zones as proposed in the not yet adopted flood maps.

Council President Quattrone requested that the Council allow the Planning Board to come forward and address Council; it is inappropriate to exclude them from this discussion. There was discussion and Councilmember Doran stated that the Planning Board should address them during public comment. Councilmember Thibault motioned that the Planning Board not be permitted to formally address Council at this meeting, Councilmember Wood seconded.

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

Motion approved 5-1. The Planning Board will not be formally heard at this meeting.

Councilmember Thibault commented that the Planner's previous memo confirmed the Planning Board's role in this project. Borough Planner, Tmara Lee, noted that it is required that the Council must get the Planning Board's opinion and respond to it. Councilmember Woods asked the Planner for her opinion on the matter.

The Borough Planner responded that the Master Plan Re-development Plan is part of the Master Plan but was not referenced in Councilmember Thibault's presentation or Council discussion. Planning policies in the Re-development Plan stated that the Borough Hall location is less important and a viable option is to re-locate it for the rug mill property development; the Planning Board opinion is consistent with the Master Plan. Both are viable options, but suspect of FEMA maps because there has been previous flooding of Borough Hall; the maps are done in a macro scale and she is not sure the maps are sufficient to use to make a determination of flood lines. You must first find a true buildable area.

There was discussion regarding the re-development of the rug mill property. The Borough Planner noted that it is never good planning to put a municipal building, hospital or school in a flood zone. The intent has always been to connect the rug mills property to Main Street. There was further discussion.

The Borough Engineer commented that Borough Hall has flooded at least twice and the maps are based on technology, not a flood study; even though the lines move, flooding does not. In the proposed maps, the building will be in the 500 year flood zone and DEP wants the elevation to be one foot above the 100 year flood zone. There was discussion regarding the turnpike widening project and its affect on Hightstown. The Engineer noted that the project adds sixty additional impervious acres in the watershed and they have determined that it will not affect Hightstown; she has sent a letter contesting that determination.

There was continued discussion regarding acquiring elevations of the area being considered for Borough Hall and space needs for the building. Mr. Perez, the Architect, noted that the space needed in his report is the minimum for the present staff and that the existing building numbers in the presentation given may be incorrect. Once the code requirements are established a definitive space requirement can be given. Discussion continued regarding space needed, available foot print, buildable area, flood plain and elevations, ADA compliance issues with raising the building and having a driveway near the traffic signal on Main Street.

Council President Quattrone opened Public Comment Period I and the following individuals spoke:

Steve Misiura, 352 S. Main Street (Planning Board Chair) – noted that the Planning Board is disturbed with the procedure used to determine the location of Borough Hall and stated that Council need to articulate their reason for ignoring the planning Board recommendation. He then read the response memo sent to Council into the record:

“At its regularly scheduled meeting on October 9, 2012, the Hightstown Planning Board discussed Resolution 2012-229 sent to it by Borough Council on September 20th 2012, regarding the location of Borough Hall as a Capital Project review as required by Law. The Planning Board’s review of the project at this time, only involves the issue of the “location” of the municipal building. The Board listened to the opinions of the Borough Planner and Borough Engineer, as well as members of the public at large. The Board was provided some information that Borough Council had compiled over the past year. Also as requested, the Board was given two Planning Reports and an Engineering Report prepared by the Borough Planner and Engineer respectively. These reports have been provided to Council.

After considering all the information at its disposal, the Planning Board voted in a 6-3 vote, not to support the Borough Council’s resolution to keep Borough Hall in its current location. It should be noted that both of the Board alternates voted in the majority as well, although their votes are not counted in the tally for the record.

The primary reason given for the Board’s decision had to do with the location of the 100-year flood limit and the 500-year flood limit. As indicated on the map provided in the engineers report, almost the entire property falls within the existing 1977 100- year flood zone and within the anticipated 500- year flood zone. Additionally, public roadway access to the property also falls within one or both of these flood zones. The Planning Boards opinion is that it is not a wise planning policy to build within the limits of a flood zone, nor is it in the best interests of the Borough to do so. Regardless of the eventual map determinations regarding the flood limit locations, the Borough Hall property clearly has the propensity to flood, and has flooded on numerous occasions over the past 100 years. In addition, as part of the Engineering Report, a separate report was included that indicated stormwater runoff into the Peddie Lake may increase due to the Turnpike widening which could increase the frequency and magnitude of future flooding. There are also predictions reported in the media that the severity of future storms will increase as a result of Global Warming. The Board’s primary concern is the role of Borough Hall as a command center in the event of disasters such as Hurricane Irene, and specifically the situation our Police, Public Works and other Borough personnel would be in if another similar event occurs. The Board found no suitable answer to mitigating flood issues, while at the same time ensuring our emergency services having proper access and ability to protect the health, safety and welfare of the Borough residents.

A secondary reason for not supporting the Council Resolution has to do with the Master Plan and the Redevelopment Plan as it pertains to the Rug Mill property. There is no definitive position regarding the future of the Rug Mill, and how it should be developed. However, all agree to the importance of that property being developed in the best interests of the Borough, and that the Borough Hall property plays some part in that. To permanently place the Borough Hall back in the same location on North Main Street, between the Rug Mill and the downtown, thus reducing the visual and physical link between the two, reduces the number of options for redevelopment.

An additional item of concern that was raised, related to the Master Plan Goal to, “restore the historic character of the central downtown business district.” The existing municipal building, which is of a 1960’s era modernist design, if restored to its present appearance, would not be consistent with this goal.

The Planning Board also expressed frustration, that despite the more than year long discussion of the Borough Hall, and several public meetings held by Council, numerous media stories, and several presentations about Borough Hall and the future development of Borough properties, that this represents the first formal communication and transfer of information from the Council to the Planning Board. The Board is and always has been willing and able to assist Council in matters regarding land use, planning, and best use of Borough property and encourages Council to solicit advice and assistance from the Planning Board. The Planning Board is available at Council's request."

Mr. Misiura then referred to a flood zone article which referenced Hurricane Irene as a 100 year storm, but data shows these storms could occur every ten to twenty years.

Eugene Sarafin, 628 S. Main Street – commented that the Planning Board recommendation is well written; suggested that Council look at the Baptist Church as an alternative to the present location; recommended that Council should pay attention to the wisdom of the Planning Board.

Keith LePrevost, 213 Greeley Street – commented that Council should listen to their professionals and recommended that they go to other municipalities to see what they are doing.

J. P. Gibbons, 602 N. Main Street – noted that he is confused about the rug mill and Borough Hall connection to development; commented that we need a public/private partnership; commented that we need an estimate of what the Borough Hall property is good for; recommended petitioning the Governor's office on the turnpike issue; the Borough should hire a professional to negotiate with the insurance.

George Serrano, 4 Westerlea Avenue – noted that he was a first responder during the hurricane and the turnpike was throwing water into Hightstown.

Scott Caster, 12 Clover Lane – has concerns with the process, it is not good enough to base the decision on myth, Council should stop operating on education and the way they think; the conclusion should be made for all of the Borough, not just Borough Hall. Council needs to work with the Planning Board.

Kathleen Gravely, 40 Westerlea Avenue – commented that access to Main street is already a nightmare, you cannot put a driveway where suggested; who is going to be interested in a property that floods? The rug mill development will not happen if you project it can't work.

Fran Palumbo, 101 Main Street – commented regarding the Fire Departments' work during the flood and finds it appalling that Borough Hall has not re-opened; people in town want to see Borough Hall located downtown; it is insulting for the Mayor to walk out of the meeting; it was a very nice presentation.

Larry Quattrone, 302 Mercer Street – sympathized with those flooded, and noted that he was there during the flood. He favors getting Borough Hall out of the flood zone and does not think the businesses should be located in the zone either. Past experience tells him that developers consider the connection to Main Street as important to the rug mill development. The plan presented tonight is a good one, it is thinking out of the box. The Fire Department is a different situation, it is housing equipment which can be moved, and Borough Hall can't be moved on the spur of the moment. The insurance wants us higher and dryer, the building has seen floods in the past and it's a priority.

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

Councilmember Thibault then presented the next steps as getting a survey of the Borough property and contact the rug mill property owner. He also inquired as to whether the report from August 14th is on the website, to which the Clerk responded that it is.

Resolution 2012-251 Authorizing a Meeting Which Excludes the Public

Councilmember Woods inquired as to how Council could avoid going into executive session if they do not want to; the Borough Clerk advised that they should vote down the resolution.

Councilmember Woods moved resolution 2012-251, Councilmember Doran seconded.

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

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Resolution defeated 6-0.

Councilmember Thibault moved to adjourn at 9:40 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk