

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**November 5, 2012**

**6:00 pm**

The meeting was called to order by Mayor Kirson at 6:05 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; and Frederick Raffetto, Borough Attorney.

**Resolution 2012-254 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-254, Councilmember Doran seconded.

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

Resolution adopted, 6-0

Resolution 2012-254

*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 November 5, 2012 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 – PBA

Shared Services

415 Mercer Street

November 5, 2012

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: February 5, 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 7:32 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

George Lang, CFO; James LeTellier, Police Director; and Ken Lewis, Public Works Superintendent joined the meeting at this time.

Councilmember Quattrone requested that PBA invoice payment and the temporary re-location of Borough employees be added to the agenda under discussion.

Councilmember Doran requested that a response to the Planning Board regarding the location of Borough Hall be added to the agenda under discussion.

Councilmember Thibault requested that a resolution be added to the agenda regarding JCP&L's performance after Superstorm Sandy and that an update on this storm be given along with the update for Hurricane Irene.

Mayor Kirson asked that a resolution be added to the agenda waiving fees for permits to repair damage caused by Superstorm Sandy.

Councilmember Woods requested that the next steps to re-building Borough Hall be added to the agenda under discussion.

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

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

Agenda approved as amended.

There was discussion regarding the minutes of the August 23, 2012 open session and Councilmember Woods requested changes to paragraph five on page two. Councilmember Woods moved that these minutes be tabled for revisions, Councilmember Thibault seconded.

Councilmember Woods moved the August 23, 2012 executive session minutes for approval, Councilmember Thibault seconded.

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

Minutes approved.

Councilmember Bibens moved the September 4, 2012 open session minutes for approval, Council President Quattrone seconded.

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

Minutes approved.

Councilmember Doran moved the September 4, 2012 executive session minutes for approval, Councilmember Woods seconded.

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

Minutes approved.

Council President Quattrone moved the September 18, 2012 open and executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved.

**Resolution 2012-255 Approval to Submit a Grant Application and execute a Grant Contract with the New Jersey Department of Transportation for Glenbrook Place, Greeley Street and Park Avenue Project**

Council President Quattrone moved resolution 2012-255, Councilmember Bluth seconded.

Mayor Kirson noted for the record that Council members Doran and Woods reside on streets listed in the grant application and they have opted to abstain from voting on this resolution.

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

Resolution adopted 4-0, with 2 abstentions.

Resolution 2012-255

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

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR GLENBROOK PLACE, GREELEY STREET AND PARK AVENUE PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough Hightstown formally approves the grant application for the above stated projects.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Hightstown Borough-00378 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 2012-256 Authorizing Payment #4 and Change Order #1 Final – Earle Asphalt (Various Road Improvements)**

Councilmember Bibens moved resolution 2012-256, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2012-256

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

**AUTHORIZING PAYMENT # 4 AND CHANGE ORDER # 1 AND FINAL – EARLE ASPHALT COMPANY (VARIOUS ROAD IMPROVEMENTS)**

**WHEREAS**, on October 17, 2011, the Borough Council awarded a contract for Various Road Improvements to Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$331,313.13; and

**WHEREAS**, the Contractor has requested change order #1 and final with extras in the amount of \$35,760.84, supplemental in the amount of \$13,248.92 and a reduction in the amount of \$49,009.79 resulting in a total change order of \$0.03 in reductions  
November 5, 2012

to the contract; and

**WHEREAS**, the contractor has submitted payment request #4 for work done in the total amount of \$38,010.82; and

**WHEREAS**, the amount of this payment is for general construction; and

**WHEREAS**, the Borough Engineer has recommended approval of this change order and payment; 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 change order #1 and Final to the contract with Earle Asphalt Company of Farmingdale, New Jersey in a reduction in the amount of \$0.03 is hereby approved and the contract price revised to \$331,313.10.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 4 from Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$38,010.82 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-262 Authorizing Additional Funds for the Contract for Magnesium Hydroxide – Premiere Magnesia, LLC**

Councilmember Woods moved resolution 2012-262, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2012-262

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

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

Richard Pratt, 214 Stockton Street – shamed Council for making decisions based on flood maps and that are not good for the Borough, they should listen to their advisors; residents are not coming to the meetings to comment because Council does not listen to their opinions; commented on resolution 2012-250.

Eugene Sarafin, 628 S. Main Street – commented that Council is not making an intelligent decision and Borough Hall should not be in a flood zone; commented regarding the danger of brush and tree limbs being left in the street; spoke regarding the Presidential election; commented that Public Works has done a remarkable job in this town.

Barbara Jones, 215 Greeley Street and Environmental Commission Chair – clarified that resolution 2012-250 is an important document with a deadline and suggested changing the verbiage by taking out “urge” the Planning Board and replace it with “intent is to include...” so Council feels comfortable adopting it; announced that the Environmental Commission received an Achievement Award from ANJEC for the stormwater ordinance and a workshop is being held in which the Borough is being used as an example.

There was discussion regarding the Sustainable Jersey certification.

Kathleen Gravely, 40 Westerlea – commended Council on the information and options brought forward regarding Borough Hall and commented that residents are not coming to the meetings because things are not going their way.

Bill Gilmore, 219 Greeley Street – took offense to the previous comments and noted that the Borough Professionals have advised against re-building Borough Hall in its present location; commented that the focus should be on shared services to save money.

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

November 5, 2012

**Ordinance 2012-17 First Reading and Introduction – An Ordinance Amending Section 3(a) of Bond Ordinance 2011-11 of the Borough of Hightstown, in the County of Mercer, New Jersey, Finally Adopted December 5 2011 in Order to Include Additional Projects**

Council President Quattrone moved ordinance 2012-17 for introduction, Councilmember Woods seconded.

George Lang, CFO explained that this amendment is simply re-allocating funds previously approved for Public Works purchases to additional purposes. Council President Quattrone noted that the tractors presently owned by Public Works are from 1987 and 1988 and the mower is from 1990. This equipment needs to be replaced with a tractor and accessories such as a snow blower and broom to clear snow and sweep downtown. Ken Lewis, Public Works Superintendent commented that he will be replacing two mowers and the tractor with the re-allocated funds. He then answered Council questions regarding the estimated equipment life, options and accessories; he then offered Council the opportunity to see the equipment currently owned.

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

Ordinance introduced 5-1; public hearing is scheduled for November 19, 2012.

**Resolution 2012-250 Establishing a Land Use Pledge Committing to Good, Planned and Thoughtful Land Use Decisions with the Intent of Making Hightstown Borough a Sustainable Community**

Councilmember Bluth moved resolution 2012-250 with the amendment to the verbiage as suggested by Barbara Jones, Councilmember Bibens seconded.

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

Resolution adopted 5-0, with one abstention.

**Resolution 2012-257 Payment of Bills**

Councilmember Woods requested that the payment to the School District on the manual bill list and items E0576 and P0114 be pulled and voted separately. Councilmember Bibens requested that the Harvest Fair manual bill list also be pulled for a separate vote.

Council President Quattrone moved Resolution 2012-247 without the Harvest Fair manual bill list, the School District payment on the manual bill list, and items E0567 and P0114, Councilmember Bluth seconded.

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

Councilmember Woods moved the Harvest Fair manual bills list for payment, Councilmember Thibault seconded.

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

Councilmember Bibens moved the School District payment on the manual bills list for payment, Councilmember Bluth seconded.

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

Council President Quattrone moved item E0576 for payment, Councilmember Thibault seconded.

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

Councilmember Bluth moved item M0523 for payment, Councilmember Bibens seconded.

Councilmember Thibault inquired what the purpose of this payment, to which Mr. Theokas responded that it is either our premium or litigations costs.

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

Council President Quattrone moved item P0114 for payment, Councilmember Bibens seconded.

Councilmember Woods stated that she has issue with paying for something that Council did not request. The Borough Attonrey advised that Council should pay for the services rendered in good faith under the direction given. He also reminded Council that Mr. Perez did perform additional services to make good on the \$4,000.00. There was discussion.

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

Resolution adopted 3-0 with various abstentions on particular items.

Resolution 2012-257

*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 5

the amount of

\$957,748.11

from the following accounts

Current	\$ 894,279.25
W/S Operating	35,316.24
General Capital	-
Water/Sewer Capital	4,861.15
Grant	-
Trust	8,726.50
Housing Trust	1,432.03
Animal Control	500.00
Law Enforcement Trust	
Housing Rehab Loans	
Unemployment Trust	-
Escrow	12,632.94
Total	<u><b>\$957,748.11</b></u>

**Resolution 2012-258 Authorizing Signers for Municipal Court Accounts**

Council President Quattrone moved Resolution 2012-258, Councilmember Woods seconded.

The Borough Clerk explained that due to a change in personnel in the court it was necessary to authorize new signers on the accounts.

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

Resolution adopted 6-0.

Resolution 2012-258

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER*

*STATE OF NEW JERSEY*

November 5, 2012

- 6 -

**AUTHORIZING SIGNATURES  
FOR MUNICIPAL COURT ACCOUNTS**

**WHEREAS**, the banks designated as depositories of monies of the Borough of Hightstown were established in accordance with the Cash Management Plan adopted by the Borough on January 2, 2012; and

**WHEREAS**, it is required that the Borough designate the signers on Municipal Court Accounts; and

**WHEREAS**, it is necessary for the Municipal Court Administrator, Kristy Gilsenan and Deputy Municipal Court Administrator, Sonia Salinas to sign for the accounts associated with the Hightstown Borough Municipal Court.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Kristy Gilsenan and Sonia Salinas are authorized to sign checks for the payment of money from the accounts for the Municipal Court as stated herein.

**BE IT FURTHER RESOLVED**, that the Municipal Court Administrator and Deputy Municipal Court Administrator shall not be held liable for any loss of public money deposited by them with the aforesaid banks when such loss is occasioned by the failure of such banks faithfully to account for and pay over such money on legal demand.

**Resolution 2012-259    Establishing a Section 125 Flexible Spending Account with American Fidelity**

Councilmember Woods moved Resolution 2012-259, Council President Quattrone seconded.

George Lang, CFO explained that the Borough was changing from AFLAC to American Fidelity because they offer better service and assist the Borough in meeting IRS regulations regarding the Section 125 Plan. There was discussion.

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

Resolution adopted 6-0.

Resolution 2012-259

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

**ESTABLISHING A SECTION 125 FLEXIBLE BENEFIT PLAN WITH AMERICAN FIDELITY**

**WHEREAS**, PL 2011, c. 78, was adopted on June 28, 2011 and provides for major reform for pension and health benefits for public workers in the State of NJ; and

**WHEREAS**, this law requires the Borough of Hightstown to provide employees with a Section 125 flexible spending account; and

**WHEREAS**, the flexible spending account allows an employee to voluntarily set aside a portion of their earnings to pay for qualified medical expenses and dependent care; and

**WHEREAS**, resolution 2011-278 implemented the plan in Hightstown Borough with AFLAC; and

**WHEREAS**, the Administrator, Borough Clerk, and Chief Finance Officer have monitored and evaluated the flexible spending account and voluntary benefits and researched additional alternatives; and

**WHEREAS**, it has been determined that American Fidelity can provide the Section 125 Flexible Benefit Plan and the opportunity for additional and advanced benefits to employees at no cost to the Borough.

**NOW, THEREFORE BE IT RESOLVED** that the Borough Clerk and Borough Administrator and/or Chief Financial Officer are hereby authorized to implement a Section 125 Flexible Benefit Plan and voluntary benefits for the employees of Hightstown Borough with American Fidelity and to prepare and sign all necessary Section 125 Plan documents.

**BE IT FURTHER RESOLVED** that the agreement with American Fidelity will be effective January 1, 2013 and that the present Section 125 Flexible Spending Plan in effect with AFLAC shall be cancelled effective January 1, 2013.

**Resolution 2012-260     Authorizing a Refund of Overpayment in Taxes**

Council President Quattrone moved Resolution 2012-260, Councilmember Bibens seconded.

Mr. Theokas explained the need for this resolution.

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

Resolution adopted 6-0.

Resolution 2012-260

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, an overpayment of taxes was made for the third quarter 2012 property taxes for Block 52, Lot 12 in the Borough of Hightstown; and

**WHEREAS**, the mortgage company, Citimortgage, Inc. of 14700 Citicorp Drive, Department 1009, Hagerstown, MD 27142 has requested that a refund be issued for the overpayment in the amount of \$2,719.39; and

**WHEREAS**, the Tax Collector has requested that the amount of said overpayment be refunded to the mortgage company.

**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 \$2,719.39 to Citimortgage, Inc. of 14700 Citicorp Drive, Department 1009, Hagerstown, MD 27142, representing their tax overpayment as set forth herein.

**Resolution 2012-261     Authorizing and Auction License – Empire Antiques**

Council President Quattrone moved Resolution 2012-261, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2012-261

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

**AUTHORIZING THE ISSUANCE OF AUCTION LICENSE – EMPIRE ANTIQUES**

**WHEREAS**, an application for a license to hold an auction on Saturday, November 24, 2012 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 Police Director; 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  
November 5, 2012



Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, November 24, 2012 at 278 Monmouth Street.

**Resolution 2012-263 Waiving Permit Fees for Damage Due to Hurricane Sandy**

Councilmember Bluth moved Resolution 2012-263, Councilmember Thibault seconded.

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

Resolution adopted 6-0.

Resolution 2012-263

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

**WAIVING PERMIT FEES FOR DAMAGE DUE TO HURRICANE SANDY**

**WHEREAS**, Hurricane Sandy has caused substantial damage to residences and businesses of Hightstown Borough; and

**WHEREAS**, the Borough Council wishes to offer relief to the residents and business owners of the Borough who must have work done as a result of this event by waiving permit fees for said work; and

**WHEREAS**, pursuant to N.J.A.C. 5:23-4.19(b)5, if a municipality waives permit fees for work done as a result of this event, the State of New Jersey shall also waive the permit surcharge fee; and

**WHEREAS**, all other requirements for the issuance of permits for this work shall remain in effect and required of all applicants.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, that permit fees for work done as a result of Hurricane Sandy shall be waived for residents and business owners of Hightstown Borough with all other requirements for the issuance of permits for this work shall remain in effect and required of applicants.

**Resolution 2012-264 Calling for the New Jersey Board of Public Utilities to Investigate JCP&L's Performance in the Aftermath of Hurricane Sandy**

Councilmember Thibault moved Resolution 2012-264, Councilmember Doran seconded.

Councilmember Thibault commented that he wrote this resolution and brought it forward because he attempted to get information on power restoration following the storm and could not. He noted that information was free flowing from PSE&G, Verizon, and cable companies, but not from JCP&L. There was discussion regarding damage and power outages caused by the storm.

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

Resolution adopted 5-1.

Resolution 2012-264

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

**CALLING FOR THE NEW JERSEY BOARD OF PUBLIC UTILITIES TO INVESTIGATE  
JCP&L'S PERFORMANCE IN THE AFTERMATH OF HURRICANE SANDY**

**WHEREAS**, Hurricane Sandy led to widespread power outages on October 29, 2012 affecting more than 2,000 homes and businesses in the Borough of Hightstown; and

**WHEREAS**, nearly 50 homes remain without power on November, 5, a full week after Hurricane Sandy with no information available when they might be restored; and

**WHEREAS**, there has been vocal resident dissatisfaction with JCP&L's lack of communication concerning the restoration of power; and

**WHEREAS**, residents have cited the much higher level of communication from other public utilities and businesses, including PSE&G, Comcast and Verizon, among others; and

**WHEREAS**, on October 26, 2012, JCP&L President John Lynch was quoted saying that "The biggest lesson learned is getting the information out to customers and municipalities as specifically, quickly and often as possible"; and

**WHEREAS**, Council shares the public's dissatisfaction and frustration with JCP&L's failure to provide accurate, specific and frequent information concerning power restoration;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that they call upon the New Jersey Board of Public Utilities to undertake an investigation into JCP&L's poor performance in restoring power and communicating with customers and local officials during the aftermath of Hurricane Sandy.

## **DISCUSSION ITEMS**

### **Packet Preparation**

Mayor Kirson advised that since Council has requested that their packets be distributed on Wednesday, any item not received by the Monday before a meeting will wait until the following meeting. There was discussion.

### **Clock Tower**

Mr. Theokas advised Council that after much research, it has been determined that Hightstown Borough owns the clock in the tower at the First Baptist Church. This clock was acquired following a fire in the steeple between 1910 and 1920 when the Borough decided that they wanted the clock downtown. The steeple is in need of repair and the church also wants to do the clock; the steeple will cost \$40,000.00 and the clock will cost \$8,000.00 according to their estimate. There will be further information forthcoming at a future meeting. There was discussion.

### **Hurricane Irene Update**

Mr. Theokas advised that the insurance and FEMA are cross-checking to see what has been paid and what is owed by whom.

### **Hurricane Sandy Update**

Mr. Theokas advised that Public Works prepared for the storm with jersey barriers and sandbags which were filled by Peddie School Students; the biggest expense for this storm will be manpower. Several meetings were held prior to the storm and Hightstown dodged a bullet. Public Works is doing a great job bringing things back to normal.

Council President Quattrone advised that overtime and other costs will be reported to FEMA.

Mr. Theokas noted that Larry VanKirk, Public Works, Scott Jenkins, Peddie School, the Tavern, Americana Diner and the Police all did a great job and there were no injuries.

Councilmember Bibens noted that St. Anthony's and First Presbyterian Churches also offered use of their facilities if needed.

There was discussion regarding the events of the storm.

#### **Code Enforcement Update**

Mayor Kirson reviewed the police report as presented. Police Director LeTellier explained that they have a new system for reports and advised that the sexual assaults are family related, there is not a rapist on the loose.

#### **PBA Invoice**

Mayor Kirson advised the public that the invoice being referred to is a \$297.00 invoice for legal fees during negotiation of a grievance settlement; the Borough already paid \$805.00 of the legal fees of the PBA; the PBA now wants the Borough to pay the additional invoice received after they paid the prior balance.

Councilmember Thibault noted that Labor Counsel said the payment of these fees is unprecedented and that he had voted against the first payment. The union was formed to negotiate on behalf of the Police and the taxpayers should not carry the bills of the union.

Police Director LeTellier commented that the Borough violated the contract and this was a settlement, not negotiations. The Borough's actions caused the PBA to acquire the fees and it is not unprecedented. He feels the settlement is saving the Borough thousands of dollars and they should this invoice.

There was discussion and Councilmember Woods stated that she feels the payment is a matter of principle; Councilmember Doran noted that she voted against paying the first invoice, but since it was paid she will vote for paying this one. Councilmember Thibault inquired as to whether the PBA will pay for legal fees in connection with disciplinary actions.

Mayor Kirson took a straw vote and it was decided that this invoice will be put on the next bills list for payment.

#### **Temporary Facilities for Offices**

Councilmember Woods stated that she asked that this be added to the agenda because Council has acknowledged the need for these facilities and they need to give direction for information to come forward so the process can begin.

There was discussion and it was requested that Administration provide information regarding trailers and other options at the next meeting.

#### **Planning Board Response**

Councilmember Thibault distributed and reviewed a resolution which he had written in response to the Planning Board's decision not to endorse the Council's decision to re-build Borough Hall in its present location. Councilmember Doran commented regarding contradictory comments by Mr. Pratt. The Borough Attorney advised that he and the Borough Planner recommended that the Borough Council respond to the Planning Board's memo, but it is not required by law; however, it is good for the record. He noted that the Council now needs to send additional information regarding decisions on the building itself to the Planning Board. After discussion the Borough Attorney was directed to review and prepare a resolution to go to the Planning Board in response to their memo.

#### **Borough Hall Re-Build**

After brief discussion, Council requested that the Borough Professionals attend the next meeting for this discussion.

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

Eugene Sarafin, 628 S. Main Street – shouted that he can now sue the Borough because of the resolution they are putting forward to the Planning Board; commented that Council should trust and appreciate their professionals and administration; noted the lack of utilities and cell phones during an emergency.

Bill Gilmore, 219 Greeley Street – commented GHEWIP has spoken to many organizations and business owners with the result being that Borough Hall should be re-located from downtown, but this is being ignored; why would you rent trailers when you could lease the Lucas property where the police department is already located? He recommended that Council look for shared services for the Court and cells for the police.

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

**Mayor/Council/Administrative Comments and Committee Reports**

**Councilmember Thibault** – stated that the Labor Attorney he referred to in the comment that payment of the PBA bills is unprecedented is the Borough Labor Attorney.

**Councilmember Bluth** – stated that her thoughts are with the victims of Hurricane Sandy.

**Councilmember Doran** – thanked Mr. Gilmore for using a soft voice and not shouting at the Council.

**Councilmember Woods** – thanked the employees who did so much for preparation and clean-up from Sandy; commented that ignore is not a synonym for disagree.

**Council President Quattrone** – thanked the employees and hopes victim recovery takes place soon; commented that he thinks JCP&L is doing a good job.

**Councilmember Bibens** – commented that Council tries to do a good job and should not be berated and cursed at during public comment. This is a tough job and people should not be rude.

Council then inquired of the Borough Attorney as to what they can do to prevent rude, disruptive behavior and cursing from the public (referring to Mr. Sarafin), to which he responded that the public has the right of free speech. The Borough Clerk suggested that the Council adopt a Code of Conduct for meetings.

**Administrator Theokas** – noted that all voting tomorrow will take place at the First Presbyterian Church; the tax lien sale is this Thursday; the League of Municipalities Conference has been cancelled.

Council President Quattrone moved to adjourn at 10:00 pm Councilmember Bibens, seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk