

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
July 15, 2013
6:00 pm**

The meeting was called to order by Mayor Kirson at 6:01pm 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; George Lang, Chief finance Officer; and Edward McManimon, Bond Counsel.

Resolution 2013-154 Authorizing a Meeting Which Excludes the Public

Councilmember Doran requested that litigation regarding Gordy be added to the resolution.

Mayor Kirson requested that contract negotiations regarding insurance be added to the resolution.

Council President Quattrone moved resolution 2013-154 as amended, Councilmember Bibens seconded.

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

Resolution adopted as amended, 6-0.

Resolution 2013-154
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on July 15, 2013 at approximately 6:00 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Attorney-Client Privilege

July 15, 2013

Personnel –Borough Clerk and Administrative Asst. to the Police Department

Contract Negotiations – Insurance

Litigation - Gordy

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: October 15, 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 7:40 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Frederick Raffetto, Borough Attorney, had joined the meeting during executive session and was now present; Edward McManimon, Bond Counsel had departed the meeting during executive session and was no longer present.

Councilmember Thibault requested that the ordinance amending and supplementing Chapter 13, entitled “Housing” be moved from discussion to first reading and introduction on the agenda.

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

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

Agenda approved as amended.

Councilmember Thibault moved that the March 4, 2013 executive session minutes be tabled, Councilmember Bibens seconded.

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

Minutes tabled 4-2.

Councilmember Bibens moved that the March 4, 2013 open session minutes for approval, Councilmember Woods seconded.

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

Minutes approved 6-0.

Councilmember Woods moved that the May 20, 2013 open session minutes be tabled, Councilmember Doran seconded.

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

Minutes tabled 4-2.

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

Troy Watkins, 68 Meadow Drive – commented that it is inappropriate for Council to make comments during the public comment period.

Councilmember Woods noted that the public should stay for Council comments to hear their comments. There was discussion and the Borough Attorney reviewed Roberts Rules of Order for the public comment period.

Walter Sikorski, 326 N. Main Street – commented that ordinance 2013-06 should be allowed to go to referendum so the voters can decide.

Eugene Sarafin, 628 S. Main Street – commented that he attended Peddie; noted that Councilmember Thibault is suing the Borough costing millions; he is embarrassed by the Borough Council; the ordinance for housing C.O. fees is insulting to Peddie School.

Scott Caster, 12 Clover Lane – appealed to the Mayor and Council to have open discussion regarding the hiring of the Administrator and let the public know what was in the advertisement for the position.

Jeff Peters, 113 Park Way – commented that he signed the petition and it is his opinion that signers do not want Borough Hall in the present location, it is not about the money; requested that Council address why the community cannot vote by referendum on the matter.

Rick Pratt, 214 Stockton Street – commented that he felt Council hurried the previous speaker.

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

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

Mayor Kirson opened the public hearing for ordinance 2013-13 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – inquired if installation of satellite dishes is still possible in the Borough.

Mayor Kirson responded that it was; this ordinance sets the parameters for installation.

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

Council President Quattrone moved ordinance 2013-13 for adoption, Councilmember Thibault seconded.

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

Ordinance adopted 6-0.

Ordinance 2013-13

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

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

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

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

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

a. Definitions.

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

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

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

b. Zoning.

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

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

c. Procedure for review for Large Satellite Dish.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Installation of Small Satellite Dish.

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

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

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

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

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

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

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

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

e. Satellite Dishes in the Historic District.

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

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

- (b) Satellite dishes may not be installed in the front yard.
- (c) Satellite dishes shall not be attached to the building façade or roof-mounted so they are visible from the public right-of-way.
- (d) When satellite dishes are secured to a brick wall, satellite dishes shall be anchored only in the mortar joints and not to the bricks.
- (e) If the proposed location for the satellite dish is not permitted by this Section, the installation shall be referred to the Hightstown Historic Preservation Commission for their consent to install, which decision shall be issued within thirty (30) days, unless extended for good cause.
- f. When no longer in use, all Satellite Dishes shall be removed within thirty (30) days of being taken out-of-service.
- g. Variances from this Chapter may be granted by the Planning Board upon submission of an application.
- h. This Ordinance may be enforced by the Zoning or Construction Official. All violations shall be subject to a fine not exceeding \$500 per violation per day.

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

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

Ordinance 2013-14 Final Reading and Public Hearing An Ordinance Rescinding Ordinance 2013-10

Mayor Kirson opened the public hearing for ordinance 2013-14 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that it has been two years since Irene, and implored the Council to adopt this ordinance.

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

Councilmember Bibens moved ordinance 2013-14 for adoption, Councilmember Woods seconded.

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

Ordinance adopted 6-0.

Ordinance 2013-14
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE RESCINDING ORDINANCE 2013-10

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

Ordinance 2013-15 Final Reading and Public Hearing Fully Funded Capital Ordinance

Mayor Kirson opened the public hearing for ordinance 2013-15 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that he did not know the Borough could afford \$10,000.00.

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

Councilmember Bibens moved ordinance 2013-15 for adoption, Councilmember Doran seconded.

Councilmember Doran noted that this ordinance is for furniture and is reimbursable through insurance.

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

Ordinance adopted 6-0.

Ordinance 2013-15
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE APPROPRIATING \$10,000 from the general capital fund balance FOR CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

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

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

Improvements to Municipal facilities including office furniture and equipment

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

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

Ordinance 2013-16 Final Reading and Public Hearing Ordinance Rescinding Bond Ordinance 2013-06

Mayor Kirson commented that this ordinance rescinds the bond ordinance for Borough Hall. He noted that he had been a proponent of moving to the Lucas property, but that property is no longer available and we need to move forward and negotiate with the insurance. There is nowhere else to go, and we need to move forward with the business of the Borough. He supports the location of Borough Hall.

Mayor Kirson opened the public hearing for ordinance 2013-16 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that there is a choice, the Borough can rent facilities, building in a flood zone is inappropriate; the ordinance ignored the options and this is political ploy to prevent the public from voting on this. He strongly recommended that the Council allow the voters to decide.

Scott Caster, 12 Clover Lane – noted that this is an emotional subject for the community and finds Mr. Sarafin's comments acceptable; he would like to see the town align regardless of their feelings. He recommended that Council vote with their conscience and if they build downtown it should be considered that it can be sold in the future if we consolidate with East Windsor.

Jeff Peters, 11 Park Way – commented that there are more than two options; we can consolidate with a neighboring municipality.

Rick Pratt, 214 Stockton Street – commented that building in the same location blocks the re-development of the rug mill, which should be considered. This is not about the Lucas property, or the same location, the petition is about flooding potential in the future, given the history of the location. Council is voting for the entire town, but is not listening to the people.

Eugene Sarafin, 628 S. Main Street – commented that any meetings with the insurance should be held in public and Council cannot rescind this ordinance and then introduce another for this project; another petition will be filed for any bond ordinance brought forward. He is insulted by Council and noted that they should go back to East Windsor and renegotiate for a shared police department, we do not need a police department or a court.

Steve Misiura, 352 S. Main Street – noted that if the purpose of this ordinance is to re-introduce another, then he is against it. The petition was clear, and if you feel the people were misled when they signed it, let them vote. He then quoted a FEMA article regarding false security in flood maps. He continued that this property is in the re-development zone and building Borough Hall in its present location is moving backwards.

Walter Sikorski, 326 N. Main Street – noted that when he left Council, after seven years, he offered for Council to contact him, but nobody has. Building in the same location precludes any re-development. The Patriot Study and outsourcing did not succeed because of impending suits against the Borough, we will be stuck with twenty years of debt. Essential services are still being provided by the Borough, we do not need a Borough Hall; there are other options available.

Denny Hansen, 211 Grant Avenue – commented that the Council does not listen to the public and that is why they petitioned against the bond ordinance; the people want to be heard and they want to vote on the ordinance.

Scott Caster, 12 Clover Lane – requested that before the public hearing is closed he would like clarification on Mr. Sarafin's note that Council cannot rescind this ordinance and introduce another later.

The Borough Attorney reviewed the public hearing process for a bond ordinance and noted that Bond Counsel is currently advising Council and the advice given is attorney-client privileged.

Mr. Sarafin then noted that any discussion with Bond Counsel should be held publicly, it is not attorney-client privilege.

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

Councilmember Doran moved ordinance 2013-16 for adoption, Councilmember Woods seconded.

Councilmember Woods commented that the bond ordinance is about the money, a resolution was adopted regarding the location; even if this was put on the ballot the public would be voting about the bond ordinance, not a location. She then inquired of the Borough Attorney for clarification.

The Borough Attorney agreed with Councilmember Woods, the petition filed had to do with indebtedness, not a location. The Mayor and Council are elected to make decisions on behalf of the public; a policy decision on where the location of Borough Hall should be is one of the Mayor and Council, if the public is not satisfied with policy decisions that Council makes their recourse is to vote them out of office. The bond ordinance was put forward in order to fund the policy decision that was made. The law provides, by way of the petition, a way for the public to challenge the occurring of indebtedness and that is the only intent of the petition by law. This is not a matter where the Council put forward a referendum question to the public in which they asked where the public would like Borough Hall to be located; that is a different type of non-binding referendum where the Governing Body has the right to inquire public opinion prior to taking action on a matter, but that is not what happened here.

Councilmember Doran commented that this bond ordinance was put forward to fund the building of Borough Hall in its current location, pursuant to the resolution Council adopted. This is the most cost effective option for the taxpayer, it is the option that the insurance will cover. There was a petition brought forward to stop the ordinance from taking effect, and that is what Council is doing by rescinding the ordinance, you can't have it both ways; let us do our job.

Councilmember Bluth commented that the voters should decide on this ordinance, the petition's purpose was to have the ordinance question put on the ballot.

Councilmember Thibault noted that his first thought was to let the voters vote, but each speaker who has come forward wants the ordinance voted down; there is no difference whether Council rescinds the ordinance or the voters vote it down, both processes are doing the same thing. Council has looked at nine locations, not just the Lucas property and Main Street, and each was rejected for various reasons. He has considered the financial and consolidation impacts and heard what the people want; he will vote to rescind the ordinance.

Councilmember Bibens commented that the Rug Mill re-development is not hindered by the re-building of Borough Hall, it can be sold in the future if needed. We are trying to do the job we were elected to do and be financially responsible. We need to get something done.

Council President Quattrone noted that he had hoped to move to the Lucas property, but now that does not seem to be an option. I was elected by the people to make decisions and by signing the petition they have told me how to vote. There has been years of discussion regarding the Rug Mill re-development. The option I wanted for Borough Hall has been sold, so now where will we go? We cannot develop the Rug Mill property just for Borough Hall. I will be voting no on this ordinance because the voters have told me to.

Councilmember Woods noted that she looked into the re-developing the Rug Mill using Borough offices as the anchor, she even did a presentation and invited Planning Board members, but they did not attend. We were elected to make these decisions.

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

Ordinance adopted 4-2.

Ordinance 2013-16
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY
AN ORDINANCE RESCINDING BOND ORDINANCE 2013-06

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

Ordinance 2013-17 First Reading and Introduction Ordinance Amending and Supplementing Chapter 13 Entitled “Housing”, Section 13-8, Entitled “Certificate of Compliance Requirements for Changes in Occupancy of Rented Dwellings”, Subsection 13-8-1 “Certificate of Compliance Required; Exceptions” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Councilmember Thibault moved ordinance 2013-17 for introduction, Councilmember Doran seconded.

Councilmember Thibault noted that there was concern at the last meeting regarding the turn-over of residents at the facility, he suggested making it an annual inspection and fee.

There was discussion regarding cost versus revenue, which Peddie residences pay property taxes, clarification of Certificate of Occupancy and annual inspection requirements; the definition of a unit; exemptions; assessments of Peddie properties; donations made by Peddie to the Borough, Fire Department, and EMS; concerns with the way the ordinance is written.

Councilmember Thibault commented that it is all about treating everyone equally; the Peddie exemption is an insult to the taxpayers.

After further discussion the Borough Attorney was asked to develop special language regarding educational facilities and the Administrator was requested to develop the cost estimate for inspections.

Councilmember Thibault withdrew his motion to introduce this ordinance, Councilmember Doran withdrew her second.

Temporary Administrative Offices

Administrator LeTellier noted that the cost of the trailer has been negotiated to be \$18,000 and the Borough will be building the steps to the unit. The electricity is connected and the quotes for computer and telephone hook-ups are being sought; Public Works is in the process of moving into the trailer and the offices are being painted; it is hoped that the furniture can be purchased in the next two to three weeks. When complete, Public Works will be located in the modular and the Administrative offices will be located in the building.

Ordinance Regarding Delinquent Water/Sewer Billings

Councilmember Doran noted that she has spoken with the Collector and still finds it unacceptable to place a lien on property for non-payment of a water bill. She is still concerned about the ill, seniors, and third party notifications; the Collector has arranged to put the third party notifications information in the payment screen and stickers are being applied to the post cards used for bills. She was very pleased with the response from the Collector.

Councilmember Thibault expressed concern that there is no consumer protection for Hightstown residents, noting that he has contacted the BPU and they are sending him best practice information and it should be implemented.

Need for Special Meetings

Councilmember Doran noted that she requested this be put on the agenda because the last few specially scheduled meetings were cancelled. Mr. LeTellier noted that the July 25th meeting may be needed to discuss the flood maps and changes because this may have long term effects on the Borough Hall project and this would be an informational meeting.

Resolution 2013-155 Payment of Bills

Councilmember Bibens moved Resolution 2013-155, Council President Quattrone seconded.

There was discussion.

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

Resolution adopted, 6-0.

Resolution 2013-155
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 \$918,281.61 from the following accounts:

Current		\$697,808.91
W/S Operating		\$139,677.54
General Capital		\$2,125.00
Water/Sewer Capital		\$20,727.63
Grant		\$1,072.95
Trust		\$4,881.56
Housing Trust		\$31,342.50
Animal Control		\$0.00
Law Enforcement Trust		\$0.00
Housing Rehab Loans		\$0.00
Unemployment Trust		\$0.00
Escrow		\$20,645.52
Total		<u>\$918,281.61</u>

Resolution 2013-123 Authorizing Salaries for Certain Employees

Police Director/Administrator LeTellier requested that the Administrative Assistant to the Police Department be taken out of the resolution since she is not a Department Head. He also informed the Council that the CFO is forfeiting his salary increase.

Mayor Kirson suggested that if the resolution is going to be amended to remove the Administrative Assistant, maybe the CFO exemption should be included.

Council President Quattrone moved Resolution 2013-123 as amended, Councilmember Bibens seconded.

Councilmember Thibault noted that he has been in contact with Local Government Services regarding the \$5,000 addition to two employee salaries in 2011 and they noted that the salary increases should be publicly disclosed. The Borough Attorney advised that the Mayor and Council of 2011 established the salaries in 2011 and memorialized it in the salary resolution; it was their prerogative. If Council would like to amend the resolution from 2011, they may do so to clarify the record. Councilmember Thibault stated that there is no record of that decision, to which the Borough Attorney noted that the determination was made in executive session and memorialized in public via the resolution that was adopted. If Council wishes further clarification, they may amend the resolution to provide that clarification.

There was further discussion.

July 15, 2013

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

Resolution adopted as amended, 4-2.

Resolution 2013-123
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**ESTABLISHING SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE
BOROUGH OF HIGHTSTOWN FOR THE YEAR 2013**

WHEREAS, Section 2-9.8(b) of the *Revised General Ordinances of the Borough of Hightstown* provides that salaries of Department Heads shall be set by the Mayor and Council and that the salaries of other non-union employees shall be set by the Borough Administrator within the range provided by Ordinance; and

WHEREAS, it is the desire of the Mayor and Council to set 2013 salaries for certain non-union employees to provide a two percent increase, consistent with that received by members of the Local 32 union for 2013 with the exception of the Chief Finance Officer whose salary will remain the same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the salary for the titles below shall be effective January 1, 2013:

<u>Position/Title</u>	<u>2013 Salary</u>
Chief Financial Officer	46,818.00
Borough Clerk	68,875.00
Treasurer	50,816.00
Municipal Court Administrator	58,367.00
Municipal Court Administrator - on call stipend	1,000.00
Municipal Magistrate	36,429.00
Water Plant Operator	68,499.00
Superintendent of AWWTP	79,339.00
Registrar of Vital Statistics	3,747.00
Construction Code Official	19,771.00
Technical Assistant	40,373.00
Building Subcode Official	3,845.00
Building Inspector	3,845.00
Public Health Nurse	68,604.00
 <u>HOURLY PAY:</u>	
Zoning Officer	28.15

Resolution 2013-156 Authorizing a Shared Services Agreement between Hightstown Borough and Robbinsville Township for Use of Court Facilities

Council President Quattrone moved resolution 2013-156, Councilmember Woods seconded.

The Borough Attorney reviewed the agreement.

July 15, 2013

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

Resolution adopted 6-0.

Resolution 2013-156
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING EXECUTION OF AGREEMENT WITH THE TOWNSHIP OF ROBBINSVILLE TO SHARE MUNICIPAL COURT FACILITIES.

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, *et seq.* (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, N.J.S.A. 2B:12-1(c) provides that “two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and to agree to appoint judges and administrators without establishing a joint municipal court;” and

WHEREAS, the Borough of Hightstown (referenced as “Hightstown” or the “Borough”) and the Township of Robbinsville desire to share facilities and equipment relating to their respective municipal court operations (collectively, the “Services”) in accordance with N.J.S.A. 2B:12-1(c) in order to conserve resources and to provide for a more efficient and more economically sound municipal court system, while each municipality maintains its right to appoint its own judge, prosecutor and public defender; and

WHEREAS, in accordance with the Act, the Parties wish to collectively provide for the Services in accordance with the terms and conditions set forth in the attached Agreement, effective upon the following: (1) mutual execution of the attached Agreement by the Parties; and (2) approval of the Agreement by the Administrative Office of the Courts (hereinafter, the “AOC”) and the Assignment Judge of the Superior Court of New Jersey, Mercer County Vicinage (hereinafter, the “Assignment Judge”), whichever occurs later; and

WHEREAS, the Governing Body of Hightstown finds that it would be in the best interests of Hightstown for the Parties to collectively provide for the Services under the terms and conditions referenced in the attached Agreement.

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, that the Borough hereby authorizes the Mayor to execute, and the Municipal Clerk to attest, the attached Agreement, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney, on behalf of Hightstown, in order to share Municipal Court facilities, pursuant to N.J.S.A. 2B:12-1(c), with the Township of Robbinsville.

BE IT FURTHER RESOLVED, that the said Agreement shall become effective upon the following: (1) mutual execution of the Agreement by the Parties; and (2) approval of the Agreement by the AOC and the Assignment Judge, whichever occurs later.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following: (1) the Township of Robbinsville; (2) the Borough’s Municipal Court Judge; (3) the Acting Borough Administrator; and (4) the Borough Attorney.

Resolution 2013-157 Authorizing Payment #1 to Derstine Company LLC (Media for Water Filtration)

Councilmember Woods moved Resolution 2013-157, Council President Quattrone seconded.

July 15, 2013

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

Resolution adopted 6-0.

Resolution 2013-157
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING PAYMENT # 1 TO DERSTINE COMPANY LLC (MEDIA FOR WATER
FILTRATION)**

WHEREAS, resolution 2012-50 adopted on February 6, 2012 awarded the contract for Media for Water Filtration for the Water Treatment Plant to Derstine Company, LLC of Sounderton, Pennsylvania in the amount of \$95,000.00; and

WHEREAS, the contractor has submitted payment request No. 1 for work related to concrete repairs to the secondary digester in the total amount of \$28,800.00; and

WHEREAS, the Borough Engineer has recommended approval of payment No. 1 to Derstine Company, LLC in the amount of \$28,800.00; and

WHEREAS, the certified payroll has been received; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from Derstine Company, LLC of Sounderton, Pennsylvania is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-158 Appointing a Police Sergeant – Officer Benjamin Miller

Councilmember Bibens moved Resolution 2013-158, Councilmember Woods seconded.

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

Resolution adopted 3-1, with two abstentions.

Resolution 2013-158
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

APPOINTING A POLICE SERGEANT – OFFICER BENJAMIN MILLER

WHEREAS, due to a retirement from the Hightstown Police Department there is a need to appoint a Police Sergeant in order to maintain the proper and efficient conduct of all police functions it is necessary to appoint a Sergeant to replace the retired Sergeant; and

WHEREAS, Officer Benjamin Miller has successfully been performing of the duties of Acting Sergeant since March 1, 2013; and

July 15, 2013

WHEREAS, a test was administered in accordance with policy and it was found that Officer Benjamin Miller meets all of the qualifications of a promotion to Police Sergeant; and

WHEREAS, Officer Miller will be required to fulfill a one year probationary period in the title of Sergeant; and

WHEREAS, James LeTellier, Police Director, has recommended that Officer Benjamin Miller assume the duties and salary of Sergeant effective immediately to establish both a clear chain of command and full compliance with all legal obligations of the Hightstown Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Officer Benjamin Miller is hereby appointed as Sergeant for the Borough of Hightstown Police Department effective Tuesday, July 16, 2013.

Resolution 2013-159 Authorizing a Refund for a Zoning Permit

Councilmember Bibens moved Resolution 2013-159, Councilmember Woods seconded.

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

Resolution adopted 6-0.

Resolution 2013-159
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A REFUND FOR A ZONING PERMIT

WHEREAS, Gary Garr of Hightstown, New Jersey paid for a Zoning permit with a cash payment in the amount of \$45.00; and

WHEREAS, \$45.00 was deposited into account #3-01-08-105-600; and

WHEREAS, the applicant has decided not to proceed with the application and zoning approval had not yet been issued; and

WHEREAS, the Construction Official has requested that a refund of the \$45.00 paid for said permit be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$45.00 to Gary Garr of 123 Monmouth Street, Hightstown, New Jersey 08520, for a zoning permit as stated within.

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

Scott Caster, 12 Clover Lane – commented that the public has a missing link regarding the discussions held with Bond Counsel; Council issues should be addressed and the ordinances should be brought forward by Administration; suggested that Council should talk to Peddie.

Eugene Sarafin, 628 S. Main Street – commented that Council cannot separate the bond from what they are doing with the money and it will be decided in court if Council comes forward with another bond ordinance; Peddie has been here for 100+ years and donates to the Borough and education, we don't need their tax money. They are our friends.

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

Mayor/Council/Administrative Comments and Committee Reports

July 15, 2013

Councilmember Bluth – noted that she is disappointed that Bond Counsel did not stay to speak to the public; he explained to Council what could and could not be done regarding the bond ordinance for which the petition was filed. She then inquired of the Police Director/Administrator as to whether there was a cooling facility available for those who do not have air conditioning. Mr. LeTellier responded that there is and residents are signed up to receive such notifications. He added that once the facilities are noticed they will be put on the website.

Councilmember Thibault – Reviewed Peddie School's history of donations and set-asides for Hightstown and East Windsor residents, noting that the residents still pay tuition; people need to separate fact from fiction. He then commented that he is disturbed to hear things said in public that are from executive session, or are reports from sub-committee meetings before the remainder of Council gets the information. It has got to stop and Council needs to be careful.

Councilmember Bibens – commented that she is at the dais because she was elected, and it is time to move forward; she is confident that it can be accomplished, but it is taking a while due to resistance from the public.

Councilmember Doran – stated that the subcommittee is reviewing the Borough Administrator applications.

Councilmember Woods - distributed and reviewed the June report for Water/Sewer. Mayor Kirson gave an explanation of a Tax Sale.

Councilmember Woods – commented that the Council Liaisons should be bringing reports or updates from the various committees to Council; noted that the public comes forward with misinformation and then leaves before Council comments.

Council President Quattrone – noted that the First Aid is doing well and working on protocol; stated that there was no police blotter in the paper; commented that the issue with private schools and exempt properties is bigger than Hightstown and needs to be addressed.

Mayor Kirson – noted that he made the statement about Borough Hall, but believes strongly in shared services and consolidation.

Councilmember Thibault moved to adjourn at 10:28 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk