

Meeting Minutes
Hightstown Borough Council
Regular Meeting
December 16, 2013
6:00 pm

The meeting was called to order by Mayor Kirson at 6:04 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: Karen Cassel, Acting Deputy Borough Clerk; Frederick Raffetto, Acting Deputy Clerk for Executive Session/Borough Attorney; James LeTellier, Police Director; Eric Bernstein, Labor Council

Mayor Kirson suggested the Council move Resolutions 244 and 245 as a consent agenda.

Resolution 2013-244 Naming Acting Deputy Clerk for Executive Session and Resolution 2013-245 Naming Acting Deputy Clerk for Public Session

Councilmember Bibens moved resolutions 2013-244 and 2014-245, Councilmember Bluth seconded.

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

Resolutions adopted, 6-0

Resolution 2013-244
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

NAMING AN ACTING DEPUTY CLERK FOR EXECUTIVE SESSION

WHEREAS, The Borough Clerk is not available for the December 16, 2013 meeting of the Borough Council; and

WHEREAS, it is the desire of Borough Council to deputize Frederick Raffetto, Borough Attorney, to perform the duties of the Borough Clerk for the executive session portion of this meeting; and

WHEREAS, Frederick Raffetto, Borough Attorney shall perform all the duties of the Borough Clerk for said meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Frederick Raffetto, Borough Attorney, is hereby named as Acting Deputy Clerk for the executive session meeting of the Borough Council on December 16, 2013 and shall perform the duties of the Borough Clerk for said executive session meeting.

Resolution 2013-245
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

NAMING AN ACTING DEPUTY CLERK FOR PUBLIC SESSION

WHEREAS, The Borough Clerk is not available for the December 16, 2013 meeting of the Borough Council; and

WHEREAS, it is the desire of Borough Council to deputize Karen Cassel to perform the duties of the Borough Clerk for the public portion of this meeting; and

WHEREAS, Karen Cassel shall perform all the duties of the Borough Clerk for said meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Peggy Riggio is hereby named as Acting Deputy Clerk for the public meeting of the Borough Council on December 16, 2013 and shall perform the duties of the Borough Clerk for said meeting.

Resolution 2013-245 Authorizing a Meeting Which Excludes the Public

Councilmember Woods moved resolution 2013-246, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2013-246
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 December 16, 2013 at 6:00p.m. in the First Aid Building located at 168 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:

Personnel – Investigation

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: March 16, 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.

Acting Deputy Clerk, Karen Cassel, departed the meet at this time. Borough Attorney, Frederick Raffetto will act as Deputy Clerk for Executive Session.

The public meeting was called to order by Mayor Kirson at 7:31 pm.

Mayor Kirson again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Councilmember Bibens and Eric Bernstein, Labor Council left the meeting during Executive Session and were no longer present. James LeTellier, Police Director and Karen Cassel, Acting Deputy Clerk re-entered the meeting at this time.

Councilmember Wood mentioned that Councilmember Bibens had asked that the Bridge update be added to the agenda. Councilmember Thibault asked that there be discussions of Code Enforcement and Borough Hall added to the agenda.

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

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

Agenda approved as amended. 5-0

Minutes for the Special Executive Session of August 29, 2013 were tabled.

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

Gene Sarafin, 628 S. Main Street – commented that he was disturbed about the comments he had heard at the last meeting. He felt that the Government had a social contract to take care of people. He spoke about the past joint recreation committee with East Windsor, the regional school system and his disappointment that only one member of Council welcomed the new Council members. He asked for Peace and Goodwill toward men.

Derek Hahn, Chairperson of the Bridge Committee –told Council that the Bridge Permit had finally been approved. He would be working with Borough Clerk, Debra Sopronyi to get the bid package out as soon as possible.

Scott Caster, 12 Clover Lane – appealed to address the administrator position openly. He thanked the Council for their service.

There being no further comments, Mayor Kirson closed the Public Comment Period 1.

Resolution 2013-247 – Authorizing the Payment of Bills.

Mayor Kirson amended the Bills list to vote separately on the Wyckoff's Mills Association bill in the amount of \$6,674.79 and East Windsor Regional School System bill in the amount of \$816,557.00. He asked for a motion to move the entire Bills list with the exclusion of those two items.

Council President Quattrone moved resolution 2013-247 without the Wyckoff's Mills Association and the East Windsor Regional School System payments, Councilmember Bluth seconded.

Councilmember Thibault had questions about various payments and mileage reimbursement; He noted that mileage reimbursement should be submitted more often than once a year.

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

Councilmember Thibault made a motion to approve the Wyckoff's Mills payment of \$6,674.79; Councilmember Quattrone seconded.

Council members Thibault, Woods, Doran and Quattrone voted yes; Councilmember Bluth abstained.

Councilmember Bluth moved to approve the payment in the amount of \$816,557.00 to the East Windsor Regional School District; Councilmember Quattrone seconded.

Council Members Bluth, Doran, Quattrone, Thibault voted yes; Councilmember Woods abstained.

Resolution approved 3-0, with two abstentions.

Resolution 2013-247
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 \$1,899,969.25 from the following accounts:

Current		\$1,676,007.24
W/S Operating		36,957.21
General Capital		82,218.80
Water/Sewer Capital		103,470.00
Grant		0.00
Trust		0.00
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>1,316.00</u>
Total		<u>\$1,899,969.25</u>

Resolution 2013-248 Authorizing a Transfer of Funds in the 2013 Budget

December 16, 2013

Councilmember Quattrone moved to approved Resolution 2013-248. Councilmember Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2013-248

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING A TRANSFER OF FUNDS IN THE 2013 BUDGET

Whereas, N.J.S.A. 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2013 budget are hereby authorized:

Current:	<u>From</u>	<u>To</u>
General Administration	\$ 11,000.00	
Salaries and Wages		
Assessment of Taxes		
Other Expenses	\$ 1,000.00	
Office Supplies and Paper Products		
Other Expenses		\$ 1,000.00
Grant Writing and Administration		
Other Expenses		\$ 3,000.00
Engineer		
Other Expenses		\$ 3,000.00
Social Security		
Other Expenses		\$ 5,000.00
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TOTALS	\$ 12,000.00	\$ 12,000.00

Resolution 2013-249 Cancelling General Capital Improvement Appropriation Balances

Councilmember Quattrone moved to approve Resolution 2013-249. Councilmember Doran seconded.

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

Resolution adopted 5-0

Resolution 2013-249

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

CANCELLING GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to General Capital Fund Balance;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Hightstown, County of Mercer, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

			Funded	Unfunded
				Deferred
Ord. No.	Date Auth.	Project Description	Capital Fund Balance	Charges to Future Taxation
02-08	05/06/02	Downtown Revitalization Project	\$ 448.95	\$ -
08-01	1/22/2008	Westerlea Avenue Improvements	-	25,500.00
09-20	9/21/2009	Stockton Street Historic District Improvements	-	650,000.00
TOTAL			\$ 448.95	\$ 675,500.00

Resolution 2013-250 Renewing a Contract for Curbside Recycling Collection – Waste Management of New Jersey, Inc

Councilmember Bibens returned at this time.

Councilmember Quattrone moved Resolution 2013-250 for approval. Councilmember Doran seconded.

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

Resolution adopted 5-0

Resolution 2013-250
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**RENEWING A CONTRACT FOR CURBSIDE RECYCLING COLLECTION – WASTE
MANAGEMENT OF NEW JERSEY, INC.**

WHEREAS, Resolution 2012-35 awarded a contract for Curbside Recycling Collection to Waste Management of New Jersey, Inc. of Ewing, New Jersey; and,

WHEREAS, pursuant to N.J.S. A. 40A:11 – 15 (3) the bid was for a period of five (5) years, said contract being awarded for a period of one (1) year with the Borough reserving the right to renew at the end of each one-year contract period for a total aggregate contract period of five (5) years; and,

WHEREAS, the cost for this contract for year three is \$30,480.00 with the monthly cost per unit for added units to be at the rate of \$2.00 throughout the period.

WHEREAS, the Purchasing Agent and Public Works Superintendent have reviewed the services provided and recommend that the contract be renewed for an additional one year period; and,

WHEREAS, funds for this expenditure will be made available in the 2014 and 2015 budgets; and

WHEREAS, funds for the continuation of this contract for the two subsequent years, should the Council decide to renew, shall be made available in the appropriate year's budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Curbside Recycling Collection in Hightstown Borough is hereby renewed with Waste Management of New Jersey, Inc. of December 16, 2013

Ewing, New Jersey for a one year period in the amount of \$30,480.00 with the Borough reserving the right to renew each year for a total aggregate contract period of five (5) years.

Resolution 2013-251 Cancellation of Tax Balances Under \$10.00

Councilmember Thibault moved Resolution 2013-251 for approval; Councilmember Doran seconded.

Council members Woods, Bibens, Bluth, Doran, Quattrone, and Thibault voted yes.

Resolution approved 6-0

Resolution 2013-251
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

CANCELLATION OF TAX BALANCES UNDER \$10.00

WHEREAS, balances exist for current year taxes, and;

WHEREAS, N.J.S.A. 40A:5-17.1 states that the governing body may appoint any official to cancel tax refunds and delinquencies under \$10.00; and

WHEREAS, the Borough Council of the Borough of Hightstown, County of Mercer, State of New Jersey, authorizes the Tax Collector to cancel tax balances under \$10.00.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that the small tax balances on the attached schedule be canceled. Said schedule is hereby made a part of this resolution.

Resolution 2013-252 Authorizing a Shared Services Agreement for Emergency “911”/Police Dispatching Services

Mr. Quattrone moved Resolution 2013-252 for approval. Councilmember Bluth seconded.

Councilmember Thibault pointed out that there was a 2% increase from 2012 to 2013 and the calls from Cranbury increased 7%. So Hightstown is handling 7% more calls but only getting a 2% increase while the Borough’s costs are going up 14%.

Council members Thibault, Woods, Bibens, Bluth, Doran and Quattrone voted yes.

Resolution adopted 6-0

Resolution 2013-252
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING A SHARED SERVICES AGREEMENT FOR EMERGENCY “9-1-1”/
POLICE DISPATCHING SERVICES**

WHEREAS, in previous years, the Borough of Hightstown has entered into an Shared Services Agreement with the Township of Cranbury for the provision of emergency “9-1-1”/ police dispatching services; and

WHEREAS, the Borough of Hightstown desires to continue to provide these services to the Township of Cranbury from January 1, 2014 to December 31, 2014; and

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq. (the “Act”) authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Mayor and Council have reviewed the proposed Shared Services Agreement for Emergency “9-1-1”/ Police Dispatching Services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Shared Services Agreement with the Township of Cranbury for Emergency “9-1-1” /Police Dispatching Services for the period January 1, 2014 through December 31, 2014, is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4 and Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.

Resolution 2013-253 Authorizing a Fifth Extension of a Temporary Use and Occupancy Agreement Concerning The Borough’s Continued Use of a Portion of the Property Known and Designated as 61.01, Lots 43, 44, and 45, Commonly known as 415 Mercer St

Councilmember Quattrone moved Resolution 2013-253 for approval. Councilmember Bibens seconded.

There was discussion about the ownership of the property. Mr. Raffetto stated that it is owned by Hights Realty, LLC. He said that he would research the specific members of the LLC.

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

Resolution approved 5-0, with one abstention.

Resolution 2013-253
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING A FIFTH EXTENSION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT CONCERNING THE BOROUGH’S CONTINUED USE OF A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45, COMMONLY KNOWN AS 415 MERCER STREET, HIGHTSTOWN, NEW JERSEY.

WHEREAS, the Hightstown Borough Governing Body has previously adopted Resolutions which have authorized the Borough of Hightstown (the “Borough”) to enter into a Temporary Use and Occupancy Agreement (the “Agreement”) regarding the Borough’s temporary use of a portion of the premises located at 415 Mercer Street in the Borough, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough’s Tax Map (hereinafter referenced as the “Property”), for the relocation of the Borough’s Police Department and associated operations; and

WHEREAS, the most recent extension of the Agreement shall expire on or about December 31, 2013; and

WHEREAS, Hights Realty, LLC has acquired title to the Property, and therefore the attached “Fifth Extension of Temporary Use and Occupancy Agreement” shall be executed by the appropriate representatives of Hights Realty, LLC and the Borough, and all payments thereunder shall be made to Hights Realty, LLC; and

WHEREAS, the Borough and Hights Realty, LLC wish to extend said temporary period through **January 31, 2014**, pursuant to the terms and conditions set forth in the attached “Fifth Extension of Temporary Use and Occupancy Agreement.”

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached “Fifth Extension of Temporary Use and Occupancy Agreement” between the Borough of Hightstown and Hights Realty, LLC, so that the Borough’s temporary use and occupancy of a portion of the Property (as set forth in the original Temporary Use and Occupancy Agreement) may endure through **January 31, 2014**.

BE IT FURTHER RESOLVED, that the extension of the said Agreement shall be subject to all of the terms and conditions set forth in the original Temporary Use and Occupancy Agreement, except as notified in the attached.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be provided to each of the following:

1. Hights Realty, LLC
2. Frederick C. Raffetto, Esquire, Borough Attorney
3. James LeTellier, Police Director

Resolution 2013-254 Authorizing an Upgrade to the Sensus Water Metering System for the Hightstown Borough Water Treatment Plant

Mayor Kirson explained this was an upgrade to the current system. He stated that he would like to have more time to assess the December 16, 2013

actual need to upgrade before spending the funds.

Councilmember Quattrone made a motion to table Resolution 2013-254. Councilmember Bibens seconded.

Councilmember Thibault stated that whenever there is a major expenditure, someone from the department involved should be at the council meeting to answer questions.

Council members Thibault, Woods, Bibens, Bluth, Doran and Quattrone voted yes.

Resolution tabled 6-0

Code Enforcement

Councilmember Thibault asked how close the Borough was to hiring a Code Enforcement Officer. Mayor Kirson stated that they hoped to get the new Code Enforcement Officer in by January but in the interim they had still had the Special Officer taking care of those duties. Mr. Thibault told Council that he had been researching programs that provide funding for homeowners that are in financial need and can't maintain their homes. He stated the Code Enforcer should have that information available to give to homeowners in violation. Councilmember Bibens stated that the information should be on the website as well.

Budget Update

Mayor Kirson told the Council that the Budget Sheets have been given to the Department Heads.

Borough Hall Update

Mayor Kirson told the Council that there had been a meeting last week with Representatives from FEMA and NJOEM. He felt the meeting was productive. He noted that Carmela Roberts, Borough Engineer; Eli Goldstein, Architect; and George Lang, CFO, were all working with FEMA.

There was discussion on what costs would be covered by FEMA and Councilmember Thibault noted that there were many opportunities for funding from FEMA for costs beyond the insurance deductible such as costs to make a new building ADA compliant and up to the Borough Code for flood zones.

Borough Administrator Update

Councilmember Bluth told the council that she and Councilmember Bibens had reviewed the resumes submitted, conducted the interviews and they had four candidates that they would like to bring forth to the Council.

There was discussion about possible dates. It was decided that a Special Meeting would be set on January 7th at 6 PM to meet with the candidates.

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

Gene Sarafin, 628 South Main St - spoke about the future of the Borough, ratables and consolidating with East Windsor.

Derek Hahn, Bridge Committee Chairperson, 18 Cranbury Neck Rd, Cranbury – asked for more volunteers on the Bridge Committee

Scott Caster, 12 Clover Lane – stated that he was very concerned that no one from the media was in attendance at the meeting.

There being no further comments, Mayor Kirson closed the Public Comment Period II.

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Woods – Handed out the Water and Sewer Report. She read her horoscope to the Council as an analogy for her time on the Council. She stated that they she had tried her best to protect Hightstown. She thanked Councilmember Doran and Thibault. She told the remaining Council members and the incoming Council members that they were the ultimate authority for the Police Department and they were ultimately responsible for the actions of those in charge. She went on to state that she was happy about the Bridge.

Councilmember Bibens – Stated that she was leaving with her head held high and that she had done the best she could with what she had to work with. She stated that the good outweighs the bad in this town. She thanked everyone for having her there and stated that she looked forward to spending time with her family and wished the Council good luck. She reminded everyone that there was now an ice-skating rink at Rocky Brook.

Councilmember Bluth – Wished Everyone a Happy Holiday and Healthy New Year.

Councilmember Thibault – Asked for a moment of Silence for Joanne Palma. He expressed his concern about not having Media at this meeting. He spoke about consolidation being a two way street; Hightstown would vote for it and East Windsor would vote against it.

Council President Quattrone – Thanked Council members Bibens and Woods for their service. He told Council that the ambulance is back in service. They have ordered more salt and sand for the expected snowfall. He wished everyone a joyful and happy New Year.

Mayor Kirson – Stated that it was unfortunate that the press was not in attendance. He wished everyone a Happy New Year.

Councilmember Bibens moved to adjourn at 8:49 pm, Councilmember Woods seconded. All ayes.

Respectfully Submitted,

Karen Cassel
Acting Deputy Clerk