

Meeting Minutes
Hightstown Borough Council
Regular Meeting
March 4, 2013

6:00 pm

The meeting was called to order by Mayor Kirson at 6:03 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; James LeTellier, Police Director; Eric Bernstein, Labor Counsel; Frederick Raffetto, Borough Attorney; and Eric Bernstein, Labor Counsel.

Resolution 2013-69 Authorizing a Meeting Which Excludes the Public

Councilmember Thibault requested that the Miller litigation discussion occur last in executive session.

Councilmember Doran requested that Public Safety be added to resolution 2013-69.

Fred Raffetto, Borough Attorney requested that Castoro be added to litigation and that Lexington Insurance and 100/102 Mercer Street be added to contract negotiations. He noted that Mr. Bloom, Project Manager, will arrive at approximately 7pm to discuss these matters.

Councilmember Thibault moved resolution 2013-69 as amended, Councilmember Woods seconded.

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

Resolution adopted, 5-0

Resolution 2013-69

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 March 4, 2013 at approximately 6:30 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:

March 4, 2013

Personnel – Borough Administrator

Litigation – Miller & Castoro

Contract Negotiations – Greystone Property, Lexington Insurance & 100/102 Mercer Street

Public Safety

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: May 19, 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 7:31 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO; Carmela Roberts, Borough Engineer; and Dawson Bloom, Project Manager joined the meeting at this time.

Mayor Kirson requested that resolution 2013-65 be pulled from the agenda.

Councilmember Woods requested that the January 7, 2013 executive session and January 22, 2013 open and executive session minutes be pulled from the agenda.

Councilmember Doran requested that the February 25, 2013 special session minutes be pulled from the agenda and the details communication/decision path, temporary Police Department, temporary Administrative Offices and Borough Hall be added to the Borough Hall/Temporary Administrative Offices discussion subject; she would like temporary Police Department, temporary Administrative Offices and Borough Hall to be itemized on each agenda in the future.

Councilmember Thibault requested that the discussion subject of code violations at the temporary Police Department and a resolution prohibiting discussion of rental properties be added to the agenda prior to the discussion items presently on the agenda.

Councilmember Thibault moved the agenda as amended for approval, Councilmember Doran seconded.

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

Agenda approved as amended.

Councilmember Doran moved the January 7, 2013 open session minutes for approval, Council President Quattrone seconded.

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

Minutes approved.

Councilmember Woods moved the February 13, 2013 budget session minutes for approval, Councilmember Doran seconded.

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

Minutes approved 5-0.

Councilmember Doran moved the February 15, 2013 executive session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved 5-0.

Mayor Kirson then noted that it is a privilege to present a proclamation to honor Sgt. Glen Runge who has served 19 years in the Borough. He then read the proclamation aloud:

*Borough of Hightstown
Proclamation*

Honoring Sergeant Glen Runge

Whereas, Glen Runge was hired on February 12, 1994 by the Borough of Hightstown to serve on the Borough Police Force and is retiring after 19 years of service to the residents and community; and

Whereas, Glen was promoted to the position of Sergeant in 2004; and

Whereas, Sgt. Runge served as a DARE Instructor for 15 years and as the DARE Officer at the Walter C. Black School for 14 years, receiving a Letter of Appreciation from Mayor Robert Patten for his involvement with the DARE Program; and

Whereas, over the course of his 19 years with the Hightstown Police Department Sgt. Glen Runge has received several Certificates of Appreciation from various organizations including Better Beginnings Child Development Center and Head Start, as well as from the National Education Association for support and participation in the Read Across America Program; and

Whereas, he was also the recipient of the Borough of Hightstown Citizen Award in 1998; and

Whereas, Sgt. Glen Runge has received Department Commendations for investigations of a burglary and an attempted murder on two separate occasions; and

Whereas, Glen also received a Letter of Appreciation from Sgt. Giblin of the Little Silver Police Department for assisting his mother during a First Aid call.

Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that **Sergeant Glen Runge** is hereby recognized and commended for 19 years of professionalism, compassion, dedication to law enforcement and committed service to the Borough of Hightstown and its residents.

Mayor Kirson then expressed appreciation on behalf of the teachers and students from Walter C. Black School for the DARE program noting that over the years he has had a positive impact on thousands of students.

Police Director LeTellier then presented a shadow box award on behalf of the Hightstown Police Department for Sgt. Runge's years of service.

Sgt. Runge thanked the Mayor, Police Director, and those who attended the meeting. He stated that he was proud to have served Hightstown Borough, and thanked the residents for the opportunity to serve them.

Detective Ben Miller then came forward and presented Sgt. Glen Runge with a lifetime membership and lapel pin from the PBA.

Resolution 2013-56 Awarding a Contract for Superfloc A-1883RS by Kemira – George S. Coyne Chemical co., Inc.

Councilmember Woods moved resolution 2013-56, Councilmember Doran seconded.

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

Resolution adopted 5-0.

Resolution 2013-56

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

**AWARDING A CONTRACT FOR SUPERFLOC A-1883RS BY KEMIRA – GEORGE S. COYNE
CHEMICAL CO., INC.**

WHEREAS, two (2) bids were received on December 4, 2012 for Zeta Lyte 1A Anionic Polyelectrolyte for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid submitted by George S. Coyne Chemical Co., Inc. of Croydon, Pennsylvania was for the "equal" product Superfloc A-1883RS by the manufacturer Kemira, and as chemicals can vary in their efficiency it was necessary and agreed that George S. Coyne Chemical Co., Inc. would provide a sample of the product for a thirty (30) day test period; and

WHEREAS, the sample has been tested as required and the Advanced Waste Water Treatment Plant Superintendent has indicated that the testing of the “equal” product Superfloc A-1883RS by the manufacturer Kemira is equal to Zeta Lyte 1A Anionic Polyelectrolyte; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer’s recommendation that a two year contract for the “equal” product Superfloc A-1883RS by the manufacturer Kemira be awarded to the low bidder, George S. Coyne Chemical Co., Inc. of Croydon, Pennsylvania at a per unit price of \$12.01 per gallon with a total contract price of \$18,495.40; and

WHEREAS, said contract shall be effective March 4, 2013; and

WHEREAS, the Borough Attorney has reviewed the bid and has determined that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance; and

WHEREAS, funds will be made available in the 2013 and 2014 budgets for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for “equal” product Superfloc A-1883RS by the manufacturer Kemira is hereby awarded to George S. Coyne Chemical Co., Inc. effective January 1, 2013.

Resolution 2013-57 Authorizing Payment #6 to Liberty Construction & Development, Inc. (Water Treatment Filter)

Councilmember Doran moved resolution 2013-57, Councilmember Woods seconded.

The Borough Engineer gave an update on the status of the project.

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

Resolution adopted 5-0.

Resolution 2013-57

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

**AUTHORIZING PAYMENT NO. 6 TO LIBERTY CONSTRUCTION & DEVELOPMENT, INC.
(WATER TREATMENT PLANT FILTER)**

WHEREAS, resolution 2012-114 adopted on April 16, 2012 awarded the contract for the Water Treatment Filter to Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$497,000.00; and

WHEREAS, the contractor has submitted payment request No. 6 for work performed in the total amount of \$95,142.52; and

WHEREAS, the payment is for work related to carpentry, electrical and piping installation; and

WHEREAS, the Borough Engineer has recommended approval of payment No. 6 to Liberty Construction & Development, Inc in the amount of \$95,142.52

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. 6 from Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$95,142.52 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-58 Awarding a Contract for Sludge Cake Removal, Transportation and Disposal – Waste Management
March 4, 2013

Council President Quattrone moved resolution 2013-58, Councilmember Doran seconded.

There was discussion regarding the reduction from the cost to dispose of liquid sludge. The Borough Engineer requested that the Council also approve a contract for the polymer required; the Borough Attorney advised that Council could add this resolution for approval.

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

Resolution adopted 5-0.

Resolution 2013-58

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

**AWARDING A CONTRACT FOR SLUDGE CAKE REMOVAL, TRANSPORTATION AND
DISPOSAL – WASTE MANAGEMENT**

WHEREAS, three (3) bids were received on February 17, 2013 for Sludge Cake Removal, Transportation and Disposal for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for Sludge Cake Removal, Transportation and Disposal be awarded to Waste Management of Trenton, New Jersey at a per unit price of \$78.79 per ton with a total contract price of \$118,185.00; and

WHEREAS, said contract shall be effective March 4, 2013; and

WHEREAS, the Borough Attorney has reviewed the bid and has determined that the bid submitted by Waste Management is in order with respect to legal compliance; and

WHEREAS, funds will be made available in the 2013 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Sludge Cake Removal, Transportation and Disposal is hereby awarded to Waste Management effective March 4, 2013.

Resolution 2013-67 Awarding a Contract for Zeta Lyte 2685 CH Linear Cationic Emulsion Polymer with Cross Linked Cationic Emulsion Flocculant – Custom Environmental Technology, Inc.

Council President Quattrone moved resolution 2013-57, Councilmember Woods seconded.

The Borough Engineer noted that the equal product bid by the low bidder was found not to be equal and the award is being made to the second lowest bidder.

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

Resolution Adopted 5-0.

Resolution 2013-67

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

**AWARDING A CONTRACT FOR ZETA LYTE 2685 CH LINEAR CATIONIC EMULSION
POLYMER WITH CROSS LINKED CATIONIC EMULSION FLOCCULANT – CUSTOM
ENVIRONMENTAL TECHNOLOGY, INC.**

WHEREAS, two (2) bids were received on February 27, 2013 for Zeta Lyte 2685 CH Linear Cationic Emulsion Polymer with March 4, 2013

Cross Linked Cationic Emulsion Flocculant for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid submitted by George S. Coyne Chemical Co., Inc. of Croydon, Pennsylvania was for the “equal” product that has previously been tested by the Superintendent of the AWWTP and the polymer was not adequate to be considered and equivalent; and

WHEREAS, Custom Environmental Technology, Inc. of Collegeville, Pennsylvania submitted a bid for the exact product specified; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer’s recommendation that a one year contract for Zeta Lyte 2685 CH Linear Cationic Emulsion Polymer with Cross Linked Cationic Emulsion Flocculant be awarded to Custom Environmental Technology, Inc. of Collegeville, Pennsylvania at a per unit price of \$11.77 per gallon with a total contract price of \$67,089.00; and

WHEREAS, said contract shall be effective March 4, 2013; and

WHEREAS, the Borough Attorney has reviewed the bid and determined that the bid submitted by Custom Environmental Technology, Inc. is in order with respect to legal compliance; and

WHEREAS, funds will be made available in the 2013 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Zeta Lyte 2685 CH Linear Cationic Emulsion Polymer with Cross Linked Cationic Emulsion Flocculant be awarded to Custom Environmental Technology, Inc. of Collegeville, Pennsylvania effective March 4, 2013.

Greenway Walking Bridge

Darek Hahn, Chair for the Greenway Walking Bridge Committee stated that the amount needed for this project would be \$206,500 if the committee had no funds in the bank, and there is a \$20,000 match forthcoming once the project moves forward; so \$200,000 would be appropriate. It is the hope that we will only need \$175,000 and that is due to soft costs and it contains \$10,000 for contingencies. There was discussion regarding the plans, bid, and DEP permit requirements.

Mayor Kirson inquired as to whether Council wanted to adopt a bond ordinance for \$200,000; Council responded that they did. Councilmember Thibault inquired as to whether it would be possible to dedicate the bridge at the Harvest Fair in October; the Borough Engineer responded that it is possible, but it is cutting it close. George Lang, CFO, was instructed to have Bond Counsel prepare the bond ordinance for next meeting.

Clothing Bin Ordinance

Councilmember Bluth noted that the number of bins concern has been addressed with a limit of six in the Borough, there are approximately four in the Borough at present. There was discussion and concern regarding placing more than one bin on a property and the 45 day remedy period for a citation, placement determination of Zoning Officer on a first come first serve basis, limiting placement to a registered charitable organization, and allowing fulfillment of current contracts by property owners.

Wind Turbine Ordinance

Councilmember Bluth noted that the Planning Board is re-working the ordinance pursuant to Council’s concerns and will re-submit the ordinance once the review is complete.

Grape Run & Pershing Avenue Project

Mayor Kirson advised that the Borough has been denied additional funding by NJDOT. Carmela Roberts, Borough Engineer, reviewed the project and noted that the \$220,000 received from the grant will only cover paving. Curbs, Sidewalks and drainage is necessary to do it properly; drainage is particularly an issue on Grape Run.

There was discussion regarding the Borough’s obligation to maintain its infrastructure. The Borough Engineer was directed to bid the project with the curbs, sidewalks and drainage as alternates.

March 4, 2013

Roasting Post Right-of-Way

Basem Hussan, the owner of the Roasting Post, came forward and informed Council that he would like to put three or four tables (with chairs) outside his establishment with an appropriate barricade, similar to what the previous owner (Malto Bene) had done. He will also include a bike rack at the location. Borough Clerk Sopronyi advised that she has confirmed the set-back requirements with the Borough Engineer and that the agreement meets the Borough's insurance provider requirements. There was discussion regarding Council's concern with leaving the tables out at night. Council agreed that a Right-of-Way agreement should be placed on the next agenda to permit Mr. Hussan to move forward with the placement of the tables.

Code Violations at the Temporary Police Department

Councilmember Thibault noted that pursuant to an e-mail sent by the Police Director there are facility violations and no certificate of occupancy has been issued nor inspections conducted at the location; there was an article in the media in which Mr. Theokas stated that the location has not been cited for violations, but they have. Councilmember Thibault then inquired of the Police Director regarding the violations.

The Police Director inquired of the Attorney as to whether he is obligated to answer questions from Council because his job has been threatened by the Mayor if he talks about the violations. The Borough Attorney advised that this would be up to him; he does not have an obligation to answer anything. The Police Director then confirmed that according to the Borough Code, the Borough Council is the appropriate authority and that he has an obligation to report to the appropriate authority, to which the Borough Attorney agreed and confirmed that the Borough Council is the appropriate authority.

Police Director LeTellier then requested to go on the record as saying that when he was hired for this position he clearly stated what his goals and objectives were, and while he serves at the pleasure of the Council, it is the residents of the Borough that he serves. He did not sign on to be part of a political battle of where the Police Department should be, and when he responds to Council inquiries the Mayor doesn't like it and has approached him about it on several occasions, to the point that it is a hostile relationship; he has even threatened me with a RICE notice to terminate his job. He does this because he is doing his job as a Police Director, not because he is playing politics.

The Borough Attorney advised Director LeTellier and Council that the discussion should relate to the item which was approved for the agenda which is code violations, and should stick to code violations as that is the topic that was approved.

Councilmember Doran noted that the Police Director reported code violations and as a result of reporting these violations was told by the Borough Clerk that the Mayor and Council President had removed the hiring of additional officers from the agenda; how is this not reported as punitive when the hiring of police officers was removed when he reported the code violations?

Mayor Kirson responded that at some point last week the Director reported to us that it was unsafe to be in the Police Department and that there was potentially hazardous material and we were concerned that we may have to vacate the building. We thought it would be prudent at that time to defer the hiring of potential employees to come into that building.

Councilmember Thibault noted that Council is the appropriate authority over the Police Department and the Mayor is making a decision on the hiring of officers. He inquired that if there was a decision not to hire the additional officers, was any move made to get the police out of that situation.

Council President Quattrone stated that Councilmember Thibault was wrong; Councilmember Thibault responded "How am I wrong?" and Council President Quattrone asked Councilmember Thibault to "stop shouting and to listen to what is going on here". Council President Quattrone then continued with an explanation that he and the Mayor were preparing the agenda and at that time the Administrator was up at the Police Station with officials checking out the report of asbestos; he then stated to the Mayor that "if we may have to evacuate, why would we bring in additional staff into the picture if we may have to send everybody home? If we have to send everyone home, we may have to go to an alternate to police the Borough". So he asked the Mayor to "take this off of the agenda until we figure out what is going on and if everything is OK, we can put them back on the agenda. As you can see it is back on the agenda; it had nothing to do with the Director, the Director was not even around; it was nothing against the Director, it was why would I put anybody else in so-called harms way".

Councilmember Doran stated that if the Police had to be evacuated, you do not send them home. Council President Quattrone inquired as to what you would do with them, where do you put them. Councilmember Doran stated that they could put them in their cars to work. Council President Quattrone inquired as to how you could put them in cars to work. Councilmember Doran noted that if there is a situation at the Police Department such as a water pipe breaking and causing a flood, or a fire, are you telling me that we would tell our Police Department to go home because the offices don't function? Council President Quattrone responded where do you put them, we do not have a temporary facility; we would have to call on somebody else to cover Hightstown.

Councilmember Thibault inquired about the issue that there is no CO on the building to which Council President Quattrone advised that there was a CO. Councilmember Thibault noted that Council was not copied on any response to the Director's e-mail and he would like to get back to the Director being threatened for answering questions from Council, that is outrageous. What type of threat, and by who?

The Borough Attorney then advised that the topic is code violations. Councilmember Thibault stated that this relates to code violations if his job was threatened for reporting the violations if he was prohibited to answer questions about code violations. The Borough Attorney advised that this subject can be discussed at another time by putting it on an agenda at a future meeting, but it is not the subject of discussion at this time. Councilmember Thibault inquired as to whether Council really wants to delay the discussion of a threat against a public employee. The Borough Attorney responded that it should be reviewed appropriately, not in this kind of a forum.

Mayor Kirson responded that "we were concerned for the welfare of the employees and as the week went on we were given better information that ultimately all was safe, and as you can see by this agenda the resolutions were placed on there. There was a level of confidence that was received that there was no threat to any of the employees or public so it was a very easy decision to make."

Councilmember Thibault noted that the report was received at 4:00pm today. Mayor Kirson noted that verbal confirmation had previously been received that the threat to safety and welfare was non-existent, it did not exist; someone was yelling fire in a movie theater and we calmed everything down and did the appropriate things and it was all settled; we do not need to have this discussion at this juncture. Police Director LeTellier responded that he did not yell fire in a movie theater, and the Mayor noted that he did not say it was the Police Director. The Police Director commented that he took offense to the remark; he brought to the attention of Council that the presence of asbestos may be in that building, that no survey was ever conducted and that no CO exists in the Borough's name. "State statute requires that you cannot place public employees in any building built prior to 1984 without performing an asbestos survey and this facility is listed on the EPA hazardous site list; he read the report done by the Borough Engineer and there has been no air quality inspection in that building since 2011; you have occupied that building for 18 months and there is no heating, ventilation in the back portion, there are numerous code violations, and the toilets don't flush. These are all things that I noted to give you a heads up before you make a decision on where you go with the Police Department. I have been in the building for over a year; Council asked me my opinion and these are things I brought to their attention and recommended that you bring in an Engineer or Architect to look at these things. It does not matter to me whether we are in trailers, or at Lucas, we need a place where we can function to serve the people. I am not part of the Hightstown feud, I am here to serve the people. You repeatedly tell me how people comment how well the Police Department has turned and the progress we are making; and yet I have to face termination, or allegations of termination, and I go into the diner and hear it. I have not been served with a RICE notice, but I go into the diner and hear it, how fair is that to me? Show me what I haven't done for this Borough and I will resign right now." Mayor Kirson responded that the information did not begin with him and he has no idea where it came from. He recommended that the meeting continue with items on the agenda.

Councilmember Thibault requested that a special meeting be held this week to discuss the serious issue of these allegations. Police Director LeTellier noted that if he receives a RICE notice, it will be held in public; that will be his choice. The Borough Attorney advised Council that if they want to engage in discussion regarding personnel, then the individual who is the subject of that discussion is served a RICE notice by the Borough Clerk at least 48 hours prior to the meeting and that gives the employee the right to determine if they would like that discussion to be held in a public forum rather than an executive session. There was discussion regarding time requirements for public and RICE notices, emergency meeting requirements. Councilmember Thibault noted that the Police Director being threatened with disciplinary action is an emergency matter. Mayor Kirson noted that the comment is Councilmember Thibault's opinion, he does not agree with the allegations. The Borough Attorney advised that an emergency meeting only applies to the safety, health and welfare of the public, and he does not deem this to rise to that level; this can appropriately be addressed at a special meeting with 48 hours advance notice. The Mayor would not call the special meeting for this subject and stated that four members of Council will have to vote for a special meeting to be held. There was additional discussion regarding 48 hours notice in the media and the time needed to find a location for the meeting. The Mayor inquired if four members of Council want the special meeting; there were only three votes in the affirmative. The Borough Attorney advised Council that they have the power to charge someone, either he or Labor Counsel, to perform an investigation on the matter and report back to Council. Mayor Kirson moved the meeting forward at this time.

Councilmember Thibault noted that the matter of the CO still had not been addressed. Mr. Theokas advised that the Borough occupied the facility in an emergency situation under the CO that is in the property owner's name. This property had been previously approved for various uses and immediately prior to us taking occupancy it had been approved for use as a day care center. George Chin, Construction Official, has identified some items needed, which had been previously identified to make the facility compliant for the Department of Corrections, for the Police Department CO, and if we are going to be at the facility for an extended period of time the Project Manager has a plan. There was discussion regarding CO requirements and what is the landlord's responsibility. Mr. Theokas noted that we have not been cited for violations.

Police Director LeTellier advised that PEOSHA has cited the Borough and he will provide copies of the notice to Council. Mr. Theokas advised Council that the violations refer to documents and training that the Police Department did not have on hand, but the documents have been provided to PEOSHA; and we were not ticketed and fined, were not cited. Director LeTellier stated that the document presented by PEOSHA lists citations; Mr. Theokas clarified that the citations reference documents that the Police Department did not have, but are required to have on file. The Police Director then noted that the missing items contain MSDS sheets which list the hazardous chemicals in the facility, among other information. Mr. Theokas noted that the documents were not on file and we did not know it, but they have been provided.

Director LeTellier noted that they have been there for 18 months, bring it into compliance. A unit for air circulation was installed in the testing room, but it was never finished; it is a requirement for testing drunk drivers. He is frustrated because these things are not done and if he brings it to the attention of a Councilmember he is reprimanded or chastised; he is here to do a job, if you do not want him to do it, let him know and hire someone else. The Mayor noted that this is not helping anything and Mr. Raffetto made an offer to do some fact finding by he or Mr. Bernstein, and inquired as to what Council wants to do. Council members Thibault and Doran stated that they want a special meeting and Councilmember Bluth stated that she wants the fact finding to be done. Mayor Kirson noted that the special meeting is going to require four votes and Councilmember Woods noted that it could be called by Council members via e-mail as has been done in the past.

Mayor Kirson then suggested that Council move on to the Borough Hall discussions.

Borough Hall/Temporary Administrative Offices

Dawson Bloom, Project Manager for the project, noted that there is a need to develop communications from Council to himself and that they must stay focused and keep the project moving. The Borough Attorney advised Council that Councilmember Woods can send them the updates via e-mail; however any discussion on the matter must take place at a public meeting. Mr. Bloom explained that he is reviewing properties and he is going to need direction to streamline the process. The Borough Attorney noted that a point person is appropriate, but policy decisions cannot be made between meetings. There was discussion and it was decided that Councilmember Woods, as liaison to Borough-owned properties should serve as the day-to-day contact with the Project Manager.

The Project Manager then reviewed his progress memo:

Borough Hall Reconstruction

The Council scheduled a work session on February 15, 2013 to discuss the Borough Hall project. The purpose of the discussion was to establish a thorough understanding of the current status of discussions with the insurance carrier, to develop a strategy for a resolution to the insurance claim and to identify clear roles and responsibilities for the project team including Project Manager, Borough Administrator, Police Director and Mayor and Council. I opened the meeting by outlining the three critical priorities for the evening.

1. Council to have a thorough understanding of the discussions with the insurance carrier to date.
2. Establishing the Council's current negotiating position with the insurance carrier and a strategy to resolve all outstanding insurance issues.
3. Clarifying role/responsibilities of the project team.

I explained to Council that the most current discussion with the insurance adjuster, Michael Trump occurred in December 2012, at which time an estimate for the partial demolition and rehabilitation of Borough Hall was provided to the Borough by the adjuster in the amount of \$1.9 million. This amount included upgrades for code compliance as well as consultant fees. Some Council Members questioned how the figure had changed from what was originally an estimate for full reconstruction of approximately \$3.5 million. I reiterated that the \$1.9 million estimate represented the last position of the insurance carrier and that the Borough was under no obligation to agree to this amount, but that it was imperative to establish the Borough's current negotiation position. In order to effectively negotiate the most beneficial settlement of the insurance claim, we need to establish the Borough's position related to a full demolition and reconstruction of Borough Hall versus the insurance carriers current position of partial demolition and renovation.

After lengthy discussion, the Council was split as to whether to remain at the current Borough Hall property or to investigate the feasibility of purchasing the bank owned property at 415 Mercer Street. With the Mayor breaking the tie, it was agreed that Council would introduce a resolution authorizing the Project Manager to investigate the feasibility of the Borough purchasing the property at 415 Mercer Street at the upcoming February 18, 2013 Council Meeting.

At the February 18 Council Meeting, the Resolution authorizing me to investigate the feasibility of the purchase of 415 Mercer Street was defeated by Council. In addition, Council passed the first reading of an Ordinance authorizing the lease of property for the modular Administrative and Police facilities. At Council's discretion, the second reading can be tabled until concurrence of costs is obtained from the insurance carrier.

At the February 18 Council Meeting, I was directed to move ahead with the following:

1. Investigate the feasibility of utilizing one of the following leasable storefront properties for interim Administrative facilities.
 - a. 157A Broad Street
 - b. 100A Mercer Street
 - c. 102 Mercer Street
 - d. 402 Mercer Street
2. Confirm with the bank their willingness to extend the lease for the Police with the understanding that additions or renovations will be required,
3. Initiate discussions with Michael Trump regarding the Borough Hall claim and concurrence on reimbursement of costs for interim Administrative and Police facilities.

Interim Administrative Offices

On Friday, February 22, 2013 Michael Theokas and I scouted the four locations of leasable space. Of the four locations, only 100A and 102 Mercer Street appeared to warrant further consideration.

157A Broad Street While it appeared to have sufficient space and meet ADA accessibility requirements, it is surrounded by an operating auto repair facility and sits across the street from residential homes. In addition, parking appeared to be problematic.

402 Mercer Street is located between Summit Street and the cemetery. While its interior may be sufficient for the Borough's Administrative offices, and file storage requirements, parking for the public appears to be insufficient once employee parking is accounted for.

100A and 102 Mercer Street appeared to warrant further consideration based upon our initial scouting. As such, I spoke with the landlord, Mel Adlerman to discuss his interest in possibly leasing these properties for the Borough's interim offices. Mr. Adlerman was very interested, indicated he was going on vacation until March 8 and put me in contact with his property manager Mr. Michael Prychock. I scheduled a walkthrough of 100A and 102 Mercer Street for Monday, February 25th at 10 a.m. Debra Sopronyi and George Chin accompanied me on the walkthrough. 100A and 102 are adjacent to one another and I have provided a rough floor plan for both properties which is attached.

100 A is approximately 1,000 sf in area. It is irregularly shaped, however there is a wall with a sliding window and counter which bisects the space midway through. There is a small 5'x5' bathroom at the rear of the space.

102 Mercer Street is approximately 2,200 square feet in area (18' wide x 120' deep). The space includes a large open area at the front, 60'x18'. There is one 12'x11' private office, one 6'x6' restroom, one 5'x5' kitchen area, 2 large storage areas and one multi-purpose area. The space has network connections along the left wall through the front of the space. There is a rear door which exits out to the public parking area at the rear of the building.

It is my opinion that 100A and 102 Mercer Street at a combined 3,200 square feet could be adequate to fully support the Borough's interim Administrative operations. 100A with its existing wall and sliding window would serve the Borough's water/sewer and tax collection operations very suitably. 102 would provide more than adequate space for the remaining Borough Administrative services, including storage. There are minor renovations which would be required to address some cosmetic and accessibility issues. I also discussed the feasibility of connecting 100A and 102 in both the public and staff areas with the property manager and he did not think it would be an issue.

With several public parking lots surrounding these properties, and on-street parking, I do not envision public or employee parking being an issue. The one potential issue with these locations is the existing 2nd floor tenant which is a Zumba class. While we were in the space the loud music could be unbearable at times. This is an issue which must be adequately addressed by the landlord.

While I have not had any specific conversations with Mr. Adlerman regarding monthly rent, Mr. Archer indicated each space was \$1,000.00/month. Mr. Adlerman did indicate that the lease term would be for a minimum of 2 years.

Bank (415 Mercer Street).

I spoke with the 1st Constitution Bank representative, Pat Wallace, regarding the bank's interest in extending the lease for the interim Police facilities with the understanding that certain improvements/additions would be required. Mr. Wallace asked what the period of the extension would be and I informed him I expected it would be in excess of 2 years. He said that he didn't think it would be an issue but he needed to get confirmation. He also said that the bank may have a potential buyer but that the lease could be transferable to the new owner.

I explained to Mr. Wallace that any consideration of the Borough purchasing the property was off the table as per the February 18 Council Meeting. I have not had written confirmation from the bank regarding a lease as of this point.

Insurance Carrier

On February 26, 2013, I spoke with the adjuster Michael Trump. We discussed both Borough Hall and the interim facilities. In regard to Borough Hall, I confirmed that the latest estimate was for partial demolition, reconstruction and renovation for approximately \$1.9 million. I discussed the 51% value of needed improvements which would therefore require complete reconstruction. He clarified that the 51% is the value of the damage in relation to reconstruction at today's costs. I told him that after discussion with Council at the upcoming Council Meeting and discussing the Borough's current position, I would contact him to set up a meeting so we can move forward to resolving this claim.

In regard to the Interim Administrative and Police facilities, I reiterated that both the Administrative and Police facilities needed to be significantly addressed for the next 2 to 3 year period, which is when we expect construction to be completed. I informed him that I had not had confirmation from the bank on the extension of the lease and even if they offered there were issues and renovations which needed to be addressed and that at this point there was no indication from Council that they were interested in entertaining an extension of that lease. I told him that we had recently received bids for modular Police facilities and I would be

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sending that information over to him within the next day. I asked him, if possible to provide some initial feedback as to whether those costs would be reimbursable by the insurance carrier.

I also asked him that in addition to modular facilities for the Administrative Offices, we were also investigating the lease of storefront space within the Borough. I told him I need to review those options with Council before sending any information to him, but I would send the cost information for the modular Administrative Offices for his review and feedback.

Action Items/ Next Steps

- A. Based upon my initial investigation, I am recommending to continue discussions regarding leasing of 102 and 100A Mercer Street. To do so we will need to do the following:
 - 1. Contact the landlord, Mel Adlerman after March 8 to begin discussing specifics of lease, cost renovations, etc.
 - 2. Negotiate renovations as part of the landlord cost, thus avoiding the time consuming Municipal bidding process.
 - 3. Provide costs to adjuster for concurrence.
- B. I am forwarding the costs for the interim Administrative and Police modulares to the adjuster, Michael Trump for review and feedback.
- C. Begin discussions with the insurance carrier for resolution of the Borough Hall insurance claim.
 - 1. Council must provide direction for reopening discussion. Is Council's position that Borough Hall should be completely demolished and reconstructed?

There was discussion and Council directed the Project Manager to move forward with talks with the owner of 100A – 102 Mercer Street in the hopes that a move of the administrative offices could occur soon.

There was discussion regarding the insurance and Council instructed Mr. Bloom to contact the bidder of the administrative modular facilities to see if they will hold their bid price until it can be determined where the department will temporarily reside. He then recommended that the bids for the police modular facilities and site work be rejected and the trailers and site work re-bid separately. The Borough Attorney advised that a resolution is needed to reject the bids and authorize a re-bid process.

Resolution 2013-68 Rejecting all Bids for Temporary Police Facilities and Associated Site Work and Authorizing the Engineer to Re-Bid Temporary Police Facilities and Associated Site Work

Council President Quattrone moved resolution 2013-68, Councilmember Doran seconded.

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

Resolution adopted 5-0.

Resolution 2013-68

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

**REJECTING ALL BIDS FOR TEMPORARY POLICE FACILITIES AND ASSOCIATED SITE
WORK AND AUTHORIZING THE ENGINEER TO RE-BID TEMPORARY POLICE
FACILITIES AND ASSOCIATED SITE WORK**

WHEREAS, two (2) bids were received on January 30, 2013 for Temporary Police Facilities and Associated Site Work in Hightstown Borough; and

WHEREAS, all bids received for Temporary Police Facilities and Associated Site Work exceed the engineer's estimate and the appropriation for this project and are found to be unreasonable; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that all bids received for Temporary Police Facilities and Associated Site Work be rejected and the project re-bid in accordance with N.J.S.A. 40A:11-13(2); and

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WHEREAS, the Borough Attorney and Qualified Purchasing Agent concur with the Borough Engineer's recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that all bids received on January 30, 2013 for the Temporary Police Facilities and Associated Site Work in Hightstown Borough are hereby rejected and the Borough Engineer is hereby authorized to re-bid said project. Dawson Bloom then recommended that a special meeting be scheduled once a month, for the next few months, to discuss this project. They will not be needed once the project is underway. The Borough Clerk was directed to set up this meeting for the next few months.

Mr. Bloom then requested a strategy for upcoming discussions with the insurance and Council gave the direction that they would like to knock down the entire facility and re-build.

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

Eugene Sarafin, 628 S. Main Street – commented regarding a libertarian right wing speaker at the last meeting; the PD should be fixed now; Council is petty and paranoid; and the Attorney should be instructed to investigate.

Barney Jones, 18 Grape Run – commented that Council should get in gear and make decisions.

J P Gibbons, 602 N. Main Street – commented that Peddie School should be asked to donate \$100,000 toward the bridge; the amounts noted in ordinance 2013-06 are the amounts expected from the insurance; he supports the hiring of the officers; he is appalled with the issue brought up to Council that should be discussed at a special meeting.

Herbert Smith, 150 S. Main Street – stated that he can't believe what he saw at this meeting; there is no cooperation amongst Council; the Borough does not offer residents anything; he is very disappointed.

Scott Caster, 12 Clover Lane – noted that Council is in the hot seat and thanked them for being there; at the budget meeting he requested a mission to lower the budget; the structure for the future should be in a process for merger.

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

Ordinance 2013-06 First Reading and Introduction – Bond Ordinance Providing 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 Authorizing the Issuance of \$475,000 Bond or Notes of the Borough to Finance a Part Thereof

Councilmember Thibault moved ordinance 2013-06 for introduction, Councilmember Doran seconded.

There was discussion regarding the amounts and need for the ordinance to move forward with the project; estimated amounts; insurance reimbursement to-date; funds to cover temporary trailers and site work and re-building Borough Hall. Mr. Lang, CFO, confirmed that this ordinance does authorize the issuance of bonds in the amount of \$475,000 and Mayor Kirson noted that bond covers expenses pending receipt of funds from the insurance claim. Mr. Theokas explained that estimated costs were used to establish the amounts in the ordinance.

Council expressed concern that the ordinance does not read that it authorizes funds for temporary facilities and that they are being thrown an ordinance without any explanation. Mr. Lang confirmed that the ordinance can be used for everything with the exception of rent for the Mercer Street facility. Mr. Theokas noted that Council requested this process and to state that they were given this ordinance with no explanation is unfair; and had Council sent him their questions in advance he would have been prepared to answer them more efficiently. Councilmember Thibault denied having time to review and ask questions on the ordinance and Mr. Theokas noted that Council had four days since the packet was posted and printed, to present their questions.

Council requested a thorough explanation of the ordinance. Council members Thibault and Doran withdrew their motions for introduction and the ordinance was tabled until the next meeting.

Ordinance 2013-03 Final Reading and Public Hearing – An Ordinance to Establish Police Salaries for the Years 2010, 2011, 2012, 2013 and 2014

Mayor Kirson opened the public hearing on ordinance 2013-03 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – spoke regarding the renting of property

Scott Caster, 12 Clover Lane – supports the ordinance

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

Council President Quattrone moved ordinance 2013-03 for adoption, Councilmember Bluth seconded.

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

Ordinance adopted, 4-0 with one abstention.

Ordinance 2013-03

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

**AN ORDINANCE TO ESTABLISH POLICE SALARIES
FOR THE YEARS 2010, 2011, 2012, 2013 AND 2014**

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

SECTION 1.

A. Base “A” salaries shall be as follows:

Classification	2010	2011	2012	2013	2014
Probationary	49,809.72	50,432.00	51,189.00	52,085.00	53,127.00
Patrolman	54,007.15	54,682.00	55,502.00	56,474.00	57,603.00
2 years	58,204.58	58,932.00	59,816.00	60,863.00	62,080.00
3 years	66,325.42	67,154.00	68,162.00	69,355.00	70,742.00
4 years	74,445.98	75,377.00	76,508.00	77,847.00	79,403.00
5 years	80,102.49	81,104.00	82,321.00	83,762.00	85,436.00
6 years	85,759.00	86,831.00	88,133.00	89,676.00	91,469.00
Sergeant	93,391.55	94,559.00	95,977.00	97,657.00	99,610.00
Lieutenant	96,847.04	98,058.00	99,529.00	101,271.00	103,296.00

B. Base salaries for employees hired from September 4, 2012 through December 31, 2014 shall be as follows:

1. Classification – Probationary - \$45,000.00
2. Patrolman, once they are hired and the probationary period is complete, shall be entitled to the across-the-board contractual wage increase in 2013 (if applicable) and 2014 (if applicable) as required by the 2010-2014 collective bargaining agreement between PBA Local 283 and the Borough of Hightstown.

SECTION 2. Formula for Salary Computation.

A. Police officers’ salaries shall be computed in accordance with the following formula:

Base “A” + longevity = Base “B”

Base "B" divided by 2080 = Hourly rate for holiday pay
 Holiday hourly rate x 104 holiday hours = Holiday adjustment value
 Base "B" + Holiday adjustment value + College + Stipends = Base "C"
 Base "C" divided by 2080 = Current year's hourly pay rate

B. Base "A" is set forth above

Base "B" is **only** used to calculate Holiday Pay

Base "C" is the current year's salary

SECTION 3. Longevity pay.

For the year 2010 only, each employee covered by this agreement shall, in addition to his/her regular wages and benefits, be paid longevity increments based upon years of service with the Department of police in accordance with the following schedule:

After 5 years of service	1% of Base A pay
After 10 years of service	2% of Base A pay
After 15 years of service	3% of Base A pay
After 20 years of service	4% of Base A pay
After 24 years of service	5% of Base A pay

Effective January 1, 2011, each employee covered by this agreement shall, in addition to his regular wages and benefits, be paid longevity increments based upon years of service with the police department in accordance with the following schedule:

After 5 years of service	\$850.00
After 10 years of service	\$1,800.00
After 15 years of service	\$2,600.00
After 20 years of service	\$3,500.00
After 24 years of service	\$4,400.00

SECTION 4. Other pay.

A. The following stipends shall be paid:

1.	Officers assigned to head the traffic bureau	\$750 per year
2.	Detectives on call 24/7	\$750 per year
3.	Highest college of university degree obtained:	
	a. Associates Degree in field of police science, public administration or criminal justice	\$150
	b. Bachelor's Degree in field of police science, public administration or criminal justice	\$250
	c. Master's Degree in field of police science, public administration or criminal justice	\$350
	d. Doctorate in field of police science, public administration or criminal justice	\$450

SECTION 5. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be retroactive to January 1, 2010.

SECTION 6. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Ordinance 2013-05 Final Reading and Public Hearing – An Ordinance Authorizing the Borough of Hightstown to Lease Certain Real Properties Located Along Ban and Mechanic Streets, More Commonly Known and Designated as block 30, Lots 4, 5, 6 and 7 on the Borough’s Tax Map, from Greystone Capital Partners, for the Placement of Modular Facilities to Provide Temporary Office Space for Certain Borough Operations, and Authorizing the Appropriate Borough Official to Execute all Necessary Documents Associated Therewith

Councilmember Doran moved to table ordinance 2013-05 until funds are available, Councilmember Thibault seconded.

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

Ordinance tabled 5-0.

Ordinance 2013-05

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

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO LEASE CERTAIN REAL PROPERTIES LOCATED ALONG BANK AND MECHANIC STREETS, MORE COMMONLY KNOWN AND DESIGNATED AS BLOCK 30, LOTS 4, 5, 6 AND 7 ON THE BOROUGH’S TAX MAP, FROM GREYSTONE CAPITAL PARTNERS, FOR THE PLACEMENT OF MODULAR FACILITIES TO PROVIDE TEMPORARY OFFICE SPACE FOR CERTAIN BOROUGH OPERATIONS, AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, Greystone Capital Partners (also referenced as the “Landlord”) is the owner of certain parcels of real property located along Bank and Mechanic Streets in the Borough of Hightstown (also referenced as the “Borough”), more commonly known and designated as Block 30, Lots 4, 5, 6 and 7 on the Borough’s Tax Map (hereinafter collectively referenced as the “properties”); and

WHEREAS, the properties are physically situated behind the “Ely House,” and comprise a cumulative total land area of approximately 0.44 of an acre (measuring approximately 168’ x 114’); and

WHEREAS, the properties are currently vacant and the only improvements that are constructed thereon at the current time are parking lots which are of an asphalt/macadam substance; and

WHEREAS, the Borough wishes to acquire an interest in the properties by way of a lease agreement so that the Borough may utilize the properties for the erection and placement of modular facilities to provide temporary office space(s) for the Borough’s municipal operations, including but not limited to the Borough’s administrative offices and the Borough’s Police Department (also referenced as the “project”); and

WHEREAS, the project is necessary as a result of the damages sustained to the former Borough Hall facilities as a result of Hurricane Irene, which occurred in August of 2011 and which caused the former Borough Hall facilities to become uninhabitable; and

WHEREAS, following negotiation, the Borough and the Landlord have reached an agreement regarding the terms and conditions associated with this understanding; and

WHEREAS, said terms and conditions are contained in a proposed Lease Agreement, a copy of which is attached hereto and made a part hereof (copies of the proposed Lease Agreement are available at no cost from the Borough Clerk’s office during regular business hours); and

WHEREAS, the Mayor and Borough Council believe that the proposed Lease Agreement is in the best interests of the residents of the Borough; and

WHEREAS, the Mayor and Borough Council have previously referred the project to the Planning Board, pursuant to the New March 4, 2013

Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, and specifically N.J.S.A. 40:55D-31, for review and recommendation in conjunction with the Borough's Master Plan; and

WHEREAS, the New Jersey Local Lands and Buildings law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-5(a)(1), authorizes a municipality, by ordinance, to provide for the acquisition of any real property by purchase or lease; and

WHEREAS, the Mayor and Borough Council wish to authorize the appropriate Borough Officials to execute the attached Lease Agreement on behalf of the Borough for the public purposes set forth above; and

WHEREAS, the properties are currently involved in foreclosure proceedings instituted by the Landlord's mortgagee (TD Bank) (also referenced as the "Bank"); and

WHEREAS, the Bank's counsel has previously approved the attached Lease Agreement on behalf of the Bank; and

WHEREAS, the Mayor and Borough Council also wish to authorize the appropriate Borough Officials to execute a Non-disturbance and Subordination Agreement with TD Bank, and/or any other Agreement(s) that may, in the opinion of the Borough Attorney, be necessary in order to properly protect the Borough's interests with regard to the lease of the properties in the event of a Sheriff's sale.

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

1. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Lease Agreement between the Borough of Hightstown and Greystone Capital Partners, so that the Borough may lease the properties for the public purposes referenced above in accordance with the terms and conditions set forth in the said Lease Agreement.
2. That the Mayor is hereby also authorized to execute, and the Borough Clerk to attest, a Non-disturbance and Subordination Agreement with TD Bank, and/or any other Agreement(s) that may, in the opinion of the Borough Attorney, be necessary in order to properly protect the Borough's interests with regard to the lease of the properties in the event of a Sheriff's sale. All such documents shall be in a form acceptable to the Borough Attorney.
3. That all Borough officials and professionals are hereby authorized and directed to take all actions that are necessary in order to effectuate the intentions of this Ordinance.
4. That the provisions of this Ordinance shall be severable. 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 shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Resolution 2013-59 Payment of Bills

Councilmember Thibault requested that item #J0026 be pulled and voted separately.

Councilmember Bluth moved Resolution 2013-59 without item #J0026, Council President Quattrone seconded.

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

Council President Quattrone moved item #J0026, Councilmember Bluth seconded.

Councilmember Thibault confirmed that this item is a payment to the retired Police Chief toward his health benefits.

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

Resolution adopted, 4-0 with one abstention.

Resolution 2013-59

*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 \$ from the following accounts:

Current		\$1,416,655.40
W/S Operating		17,826.12
General Capital		62,994.35
Water/Sewer Capital		211,684.08
Grant		650.00
Trust		190.00
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>4,077.44</u>
Total		<u>\$1,714,077.39</u>

Resolution 2013-60 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2013 Budget

Councilmember Bluth moved Resolution 2013-60, Council President Quattrone seconded.

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

Resolutions tabled 5-0.

Resolution 2013-60

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2013 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2013 temporary budget; and

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

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

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2013 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	25,000.00	135,942.00	160,942.00
Capital Outlay – Current	25,000.00	0.00	25,000.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	250,000.00	250,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	50,000.00	385,942.00	435,942.00

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2013 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

Resolution 2013-61 Accepting Medical Service Providers for the Police Department

Councilmember Thibault moved Resolution 2013-61, Councilmember Doran seconded.

The Borough Clerk explained the need for this resolution.

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

Resolutions adopted 4-0, with one abstention.

Resolution 2013-61

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

Resolution 2013-62 Authorizing an Application for a Recycling Tonnage Grant

Councilmember Doran moved Resolution 2013-62, Councilmember Woods seconded.

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

Resolutions adopted 5-0.

Resolution 2013-62

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

AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2012 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown as follows:

1. The Borough of Hightstown hereby endorses the submission of a 2012 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Ken Lewis, Recycling Coordinator, 156 Bank Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2013-63 Authorizing the Borough of Hightstown to Hire One Full-Time Regular Police Officer – Jesse Toma

Council President Quattrone moved Resolution 2013-63, Councilmember Doran seconded.

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

Resolutions adopted 5-0.

Resolution 2013-63

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

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO HIRE ONE NEW FULL-TIME REGULAR
POLICE OFFICER**

WHEREAS, due to the retirement of an officer of the Hightstown Borough Police Department, the Hightstown Borough Council has determined that it is necessary to hire a rank and file police officer for the Borough in order to maintain the health, safety and welfare of the public at large; and

WHEREAS, Section 2-19.7 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” governs the procedure relating to application for, and appointment to, the position of police officer of any rank within the Borough; and

WHEREAS, pursuant to Subsection 2-19.7(b), the Police Director has recommended that the Borough Council appoint Jesse Toma of Middletown, New Jersey as a Hightstown Borough Police Officer; and

WHEREAS, appointee Jesse Toma is already a full-time police officer who will require no further training; and

WHEREAS, the employment of the appointee shall be conditioned upon the passing of all applicable Borough requirements; and

WHEREAS, the salaries associated with this hire shall be set at the sum of \$45,000 per annum, in accordance with the “Grievance Settlement Agreement” recently executed by the Borough and the Hightstown PBA Local 283 (the “PBA”), which was authorized by Resolution 2012-222, adopted by the Hightstown Borough Council on September 4, 2012; and

WHEREAS, all other terms and conditions of employment relating to this hire shall be as set forth in the existing Collective Negotiations Agreement executed by the Borough and the PBA, covering the time period from January 1, 2010 through December 31, 2014 (the “PBA Agreement”), as modified by the afore-mentioned “Grievance Settlement Agreement”; and

WHEREAS, the Hightstown Borough Council believes that the hiring of this police officer as referenced above is in the best interests of the health, safety and welfare of the Borough’s residents.

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

1. That Jesse Toma is hereby appointed to serve as a full-time regular police officer for the Borough of Hightstown, contingent upon the conditions set forth in this Resolution.
2. That the employment of Jesse Toma shall be conditioned upon his passing all applicable Borough requirements.
3. That the salary associated with the new hire shall be set at the sum of \$45,000 per annum, in accordance with the “Grievance Settlement Agreement” recently executed by the Borough and the “PBA”, which was authorized by Resolution 2012-222, adopted by the Hightstown Borough Council on September 4, 2012.
4. That all other terms and conditions of employment relating to the new hire shall be as set forth in the existing PBA Agreement, as modified by the afore-mentioned “Grievance Settlement Agreement.”
5. That all appropriate Borough officials are hereby authorized and directed to take all appropriate actions in furtherance of the intentions set forth in this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Appointee Jesse Toma;
 - b. James K. LeTellier, Borough Police Director;
 - c. Lieutenant Frank Gendron;
 - d. Police Commissioner Lawrence Quattrone;
 - e. Michael Theokas, Borough Administrator;
 - f. Eric M. Bernstein, Esq., Borough Labor Counsel; and
 - g. Frederick C. Raffetto, Esq., Borough Attorney

Resolution 2013-64 Appointing a Class II Special Officer – Tyler DiStefano

Council President Quattrone moved Resolution 2013-64, Councilmember Doran seconded.

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

Resolutions adopted 5-0.

Resolution 2013-64

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

APPOINTING A CLASS II SPECIAL OFFICER – TYLER DI STEFANO

WHEREAS, the Mayor and Borough Council recognize that there is a need to hire a Class II Special Officer to assist the Police Department with various duties in accordance with the provisions of N.J.S.A. 40A:14-146.8 et. seq.; and,

WHEREAS, James LeTellier, Police Director, has recommended that Tyler DiStefano be appointed as a Class II Special Officer for the Borough of Hightstown Police Department; and,

WHEREAS, Tyler DiStefano is qualified to serve as a Class II Special Officer and to carry out all of the duties of a Class II Special Officer; as well, if qualified, carry a Borough issued firearm only during his hours of work for the Borough Police Department; and,

WHEREAS, Tyler DiStefano shall, pursuant to the provisions of N.J.S.A. 40A:14-146.16(c), be the only Class II Special Officer permitted to work in excess of twenty (20) hours per week, as set forth below; and,

WHEREAS, Tyler DiStefano shall not be eligible to receive pay and/or time off for any leave (vacation, holiday, sick leave, personal days, etc), shall not be eligible for overtime and shall not be eligible for health benefits from the Borough of Hightstown.

WHEREAS, the Borough Council finds it in the best interest of the health, safety and welfare of the residents to appoint Tyler DiStefano as a Class II Special Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown that Tyler DiStefano is hereby appointed as a Class II Special Officer to assist the Hightstown Police Department, effective March 4, 2013, for the remainder of calendar year 2013.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Tyler DiStefano shall not work more than thirty (30) hours per week for the Hightstown Police Department as a Class II Special Officer.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Tyler DiStefano shall not be eligible for the following: (1) pay and/or time off for any leave (vacation, holiday, sick leave, personal days, etc); (2) overtime (whether in pay and/or compensatory time off); and, (3) health/insurance benefits of any kind from the Borough of Hightstown.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Police Director, Police Lieutenant, Tyler DiStefano, Personnel File and Payroll.

Resolution 2013-66 Prohibiting the Discussion of and/or negotiation or the Purchase, Lease or Rental of Real Property with a Resolution Approved by the Borough Council

Councilmember Thibault moved Resolution 2013-66, Councilmember Woods seconded.

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

Resolutions adopted 3-2.

Resolution 2013-66

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

PROHIBITING THE DISCUSSION OF AND/OR NEGOTIATION FOR THE PURCHASE, LEASE OR RENTAL OF REAL PROPERTY WITHOUT A RESOLUTION APPROVED BY BOROUGH COUNCIL

WHEREAS, the Council of the Borough of Hightstown is empowered by ordinance to control and regulate the finances of the municipality; and

WHEREAS, any contract or agreement for the purchase, lease or rental of real property for use by the Borough must be approved by the Council of the Borough of Hightstown; and

WHEREAS, discussions and/or negotiations with property owners or their agents and/or representatives on the part of any elected or appointed Borough representative have the potential as being viewed as officially sanctioned, endorsed or approved by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that no discussions and/or negotiations concerning the purchase, lease and/or rental of, or the extension of any existing lease or rental agreement for any real property may be undertaken with property owners or their agents and/or representatives by any elected or appointed Borough representative without first being approved by resolution of the Council of the Borough of Hightstown.

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

Scott Caster, 12 Clover Lane – commented that the exterior lights should be turned on; noted concerns regarding the process of looking at alternative temporary spaces and wondered why the First Aid was not considered; commented that Council should stop micro-managing and allow the staff to do their jobs.

Steve Misiura, 352 S. Main Street – reminded Council that the Grape Run and Pershing Avenue project should come to the Planning Board for review; commented that a Project Manager is the Borough's representative and should oversee all professionals, he finds this to be an inherent conflict of interest.

Eugene Sarafin, 628 S. Main Street – commented that he is embarrassed because Council does not listen to their professionals.

J P Gibbons, 602 N. Main Street – commented that Council did a good job tonight.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bluth – noted that she will be attending a seminar at the League tomorrow on bringing business into town.

Council President Quattrone – requested that the Borough Attorney check into whether the Borough is in conflict with the Project Manager/Engineer situation; requested that Mr. Theokas check with Mr. Bloom to see why the First Aid was not evaluated as an alternate location.

Councilmember Woods – responded to Council President Quattrone's inquiry into the First Aid noting that there were other factors.

Council President Quattrone moved to adjourn at 11:38pm, Councilmember Woods, seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC

March 4, 2013

Borough Clerk

March 4, 2013

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