

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
November 17, 2014
First Aid Building**

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATION THAT MAY INTERFERE WITH THE MEETING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION .

Meeting called to order by Mayor Steven Kirson 6:04 PM.

STATEMENT: 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 provided 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 Bluth</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Kurs</i>	✓	
<i>Councilmember Misiura</i>		✓
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator; and Frederick Raffetto, Esq. Borough Attorney. Council-Elects Lee Stults and Connor Montferrat were also present.

Resolution 2014-226 Authorizing a Meeting Which Excludes the Public

Councilmember Misiura arrived at this time.

Councilmember Thibault inquired as the resolution reading Shared Services (Various) and how it applies to OPMA. The Borough Attorney responded that since various shared services were being discussed, it complies with the Open Public Meetings Act.

Council President Bluth moved resolution 2014-226, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Quattrone and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-226
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

November 17, 2014

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on November 17, 2014 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 – Professional Services
Police
Contract Negotiations – Shared Services (Various)
Litigation – Marchione

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: February 17, 2015 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 Flag Salute followed Roll Call.

George Lang, CFO; and Carmela Roberts, Borough Engineer joined the meeting at this time and were now present.

Mayor Kirson asked that resolution 2014-232 be added to the agenda following the consent agenda; he then read the title of resolution 2014-232. He also requested that resolution 2014-231 be pulled out of the consent agenda; and advised that the executive session minutes of November 3rd will be tabled. Councilmember Quattrone requested that the 2015 meeting schedule be added to discussion.

Council President Bluth moved the agenda as amended for approval, Councilmember Thibault seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Quattrone and Thibault voted yes.

Agenda approved as amended 6-0.

Councilmember Thibault moved the October 20, 2014 executive session minutes for approval, Councilmember Quattrone seconded.

Roll Call Vote: Council members, Bluth, Hansen, Kurs, Misiura, Quattrone and Thibault voted yes.

Minutes approved 6-0.

Councilmember Kurs moved the November 3, 2014 open session minutes, Councilmember Hansen seconded.

Roll Call Vote: Council members, Bluth, Hansen, Kurs, Misiura, Quattrone and Thibault voted yes.

Minutes approved 6-0.

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Council President Bluth moved that the November 3, 2014 executive session minutes be tabled, Councilmember Quattrone seconded.

Roll Call Vote: Council members, Bluth, Hansen, Kurs, Misiura, Quattrone and Thibault voted yes.

Minutes tabled 6-0.

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

Lynne Woods, 315 Park Avenue – commented that Lt. Gendron should be an Acting Director; noted that she read in the paper about negotiations with East Windsor regarding the police; Council had a conspiracy plan to consolidate with East Windsor when the Lucas property was being considered.

Eugene Sarafin, 628 S. Main Street – noted that he believes all government is a conspiracy; commented that negotiations for a police merger have been going on for a long time; there was a missed opportunity with the Lucas property; government historically does not have foresight.

Herbert Smith, 150 S. Main Street – commented that he supports keeping the police and does not think the Borough should cut back on protection; Officer Marchione has not been charged with anything and should be back at work.

Scott Caster, 12 Clover Lane – commented that outsourcing of the police is a big consideration and Council is acting desperate; Council should review the budget and stop the bleeding by East Windsor.

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

FEMA Maps

The Borough Engineer advised that the official appeal period is open for the proposed flood maps for those with changes to the flood lines on their property. She noted that scientific data to support the appeal is required to contest the maps. There was discussion regarding notifying residents of the December 4th deadline for the appeal. Ms. Roberts noted that the information for the appeal must be filed with the Borough and then the Borough files the appeal. It was noted that the information regarding the appeal deadline should be put on the front page of the website. There was discussion regarding whether the Borough should file an appeal for its properties, to which the Engineer noted that the new maps benefit the Borough so filing an appeal is not necessary.

2014-19 Final Reading & Public Hearing – An Ordinance Amending Chapter 19, “Water and Sewer”, Section 19-2, “Charges and Rents”, Subsection 19-2-2, “Water Charges” of the Revised General Ordinances of the Borough of Hightstown.

Mayor Kirson opened the public hearing on ordinance 2014-19 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that there should have been a rate increase five years ago; the plant has been studied for years; fees should be charged by a fixed rate not by usage, to cover the cost of running the utilities; explained the rate charged by East Windsor and noted that in 1978 the Borough had no foresight to join the MUA; he supports this ordinance.

Scott Caster, 12 Clover Lane – noted that he does not mind the increase, but the Borough needs a vision and to know the ramifications to residents. We need to study the utilities.

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Eugene Sarafin, 628 S. Main Street – while he did not say to postpone the increase, it would be nice to have a report on usage. He assumes that good judgment was used with these rates.

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

Councilmember Hansen moved ordinance 2014-19 for adoption, Council President Bluth seconded.

Councilmember Thibault noted that he would not have a problem with the increase if exact figures were given; there have been reallocations made to the budgets in recent years; figures should contain salaries, benefits, etc.; have we tried to cut expenses?

George Lang, CFO, explained the various cost cuts taken in the recent past and how surplus was used for years to keep the rates down; noted that where we can reduce costs we do. He also explained the salary allocation to the utilities.

There was discussion regarding equipment purchases.

Mayor Kirson noted that there was a decision in 2011 to make reasonable allocations to the utilities and there is an increase in debt service for infrastructure improvements.

Mr. Underhill noted that this increase has been discussed for several months at the public meetings; he wrote a letter to East Windsor about joining the MUA, but it was refused. He noted that there is an RFP going out for an Engineer to evaluate the plant and we are not sustainable without the rate increase; it is detrimental to the plant and continued service. He advised that sludge removal has been evaluated and we are meeting the original estimates, but we are taking in more than in the past.

The Borough Engineer advised that in 2011 an estimate of savings with the sludge press was given; it has been in operation for two years and in 2011 we were taking in 1.7M gallons of sludge which was pressed to 1500 tons of cake. During the last few years we have been paying \$79 per ton for disposal. The plant has been taking in more sludge since the moment of install, averaging 1970 tons of cake per year; disposal is costing more because we are processing more sludge. The press is doing as it was expected and is posing a savings over disposal of liquid sludge.

Councilmember Thibault commented that he can't process the numbers given to him because he does not have the proper information; he cannot analyze the data received.

Mayor Kirson advised that the budgets from 2011-2014 are on the website and the changes of allocations can be found in them.

Councilmember Hansen commented that the Borough has professionals who do a good job and to infer that there are inaccuracies in the numbers is unfortunate; the changes to the allocations could be made in 2011 because the funds were available due to surplus, which is no longer available. A rate increase is needed and there has been a lot of evaluating done; this is not meant to be a surprise, there has been no increase in eight years.

Councilmember Thibault commented that the increase is probably needed, but he cannot tell by the information on line as to how the allocations changed. He also noted that the increases will be retroactive since they are due January 1st and will show in the first billing of 2015.

Roll Call Vote: Council members Bluth, Hansen Kurs, Misiura and Quattrone voted yes; Councilmember Thibault voted no.

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Ordinance 2014-19

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

**AMENDING CHAPTER 19, "WATER AND SEWER," SECTION 19-2 "CHARGES AND RENTS",
SUBSECTION 19-2-2 "WATER CHARGES" AND SUBSECTION 19-2-3 "SEWER CHARGES"
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

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

Section 1. Chapter 19, "Water and Sewer", Section 19-2 "Charges and Rents", Subsection 19-2-2 "Water Charges" and Subsection 19-2-3 "Sewer Charges" are hereby amended as follows (additions underlined; deletions in ~~strikeout text~~):

Subsection 19-2-2 Water Charges.

- a. Quarterly base charge for water connections
(per connection unit) \$~~37.50~~ 44.00 per unit
- b. Quarterly base charge for auxiliary residential
water-only connection (per connection unit), installed
as per subsection 19-2.5c \$25.00 per unit
- c. Water usage charge per each 100 cubic feet
of metered water usage (all account types except
auxiliary residential water-only connections) \$~~1.85~~ 1.96
- d. Water usage charge per each 100 cubic feet of metered water usage for
auxiliary residential water-only connections \$2.85 per unit
- e. Tanked water \$10.00 per
1,000 gallons
- f. Quarterly base charge for private fire service lines:

Size of fire service line	
2"	\$10.00
4"	\$50.00
6"	\$155.00
8"	\$335.00
10"	\$600.00

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g. The Borough shall assess a charge of fifteen (\$15.00) dollars for all water meter readings not required for the calculation of quarterly water bills.

h. Water charges shall increase by an additional 1% on January 1, 2017.

(1991 Code § 227-8; Ord. No. 836 § 2; Ord. No. 1995-11 § 1; Ord. No. 1996-20 § 2; Ord. No. 2002-11; Ord. No. 2002-24; Ord. No. 2004-04; Ord. No. 2004-10; Ord. No. 2006-29)

Subsection 19-2-3 Sewer Charges.

The following charges and rents shall be charged for use of the sewer system. For premises connected with the water mains of the public water and sewer system owned by the Borough, a sum shall be charged in accordance with the following rates and be computed from the amount and use of water taken from the water mains during the most recently billed quarter of the calendar year as evidenced by the reading of the water meter for the premises. Sewer charges shall be based upon the following:

a. Quarterly base charge for sewage connections (per connection unit)
whether or not any water is used during the quarter ~~\$60.00~~ 74.00 per unit

b. Sewage usage charge per each 100 cubic feet of metered water usage
(all account types) ~~\$3.85~~ 4.06

c. Rates for a. and b. above shall increase by 1% effective January 1, 2017.

RECEIPT OF SEPTAGE/GREY WATER

~~e.~~ a. For processing of grey water delivered via tank truck by commercial entities:

(1) For the first 1,500,000 gallons delivered by a ~~\$33~~ 37.00 per
commercial entity within a calendar year 1,000 gallons

(2) For volume in excess of 1,500,000 gallons delivered by a \$26.00 per
commercial entity within a calendar year 1,000 gallons

(3) The contents of each tanker will be tested so as to determine
the pH level of the material.

For material with a measured pH
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
assessed 1,000 gallons

For material with a measured pH
found to be below 5.0, an additional surcharge \$10.00 per
will be assessed 1,000 gallons

~~d.~~ b. For processing of septic tank waste delivered via tank truck by commercial entities:

(1) Septic containing less than 3% total solids:

(1.1) For the first 1,500,000 gallons delivered by a ~~\$53~~ 58.00 per
commercial entity within a calendar year 1,000 gallons

(1.2) For volume in excess of 1,500,000 gallons delivered by a \$45.00 per

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- commercial entity within a calendar year 1,000 gallons
- (1.3) The contents of each tanker will be tested so as to determine
 the pH level of the material.
- For material with a measured pH
 found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
 assessed 1,000 gallons
- For material with a measured pH
 found to be below 5.0, an additional surcharge \$10.00 per
 will be assessed 1,000 gallons
- (2) Septic containing greater than 3% total solids but less than 4% total solids:
- (2.1) Per 1,000 gallons ~~\$63~~ 68.00
- (2.2) The contents of each tanker will be tested so as to determine
 the pH level of the material.
- For material with a measured pH
 found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
 assessed 1,000 gallons
- For material with a measured pH
 found to be below 5.0, an additional surcharge \$10.00 per
 will be assessed 1,000 gallons
- (3) Septic containing greater than 4% total solids but less than 5% total solids:
- (3.1) Per 1,000 gallons ~~\$73~~ 78.00
- (3.2) The contents of each tanker will be tested so as to determine
 the pH level of the material.
- For material with a measured pH
 found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
 assessed 1,000 gallons
- For material with a measured pH
 found to be below 5.0, an additional surcharge \$10.00 per
 will be assessed 1,000 gallons
- (4) Septic containing greater than 5% total solids:
- (4.1) Per 1,000 gallons ~~\$83~~ 88.00
- (4.2) The contents of each tanker will be tested so as to determine
 the pH level of the material.
- For material with a measured pH
 found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
 assessed 1,000 gallons
- For material with a measured pH
 found to be below 5.0, an additional surcharge \$10.00 per
 will be assessed 1,000 gallons

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(5) Septic (Jugglers):

(5.1) Per 1,000 gallons or any portion thereof ~~\$83~~ 88.00

(5.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
assessed 1,000 gallons

For material with a measured pH
found to be below 5.0, an additional surcharge \$10.00 per
will be assessed 1,000 gallons

(6) Car Wash:

(6.1) Per 1,000 gallons or any portion thereof ~~\$63~~ 68.00

(6.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per
assessed 1,000 gallons

For material with a measured pH
found to be below 5.0, an additional surcharge \$10.00 per
will be assessed 1,000 gallons

~~e c.~~ Septic from Recreational Vehicles (RV): Per 1,000 gallons or any portion thereof \$10.00

~~f d.~~ For processing of fats and grease derived solely from animal,
and/or vegetable sources delivered via tank truck by \$~~105~~ 115 per
commercial entities, BY APPOINTMENT ONLY: 1,000 gallons

~~g e.~~ No petroleum oil or grease from mineral sources will be accepted at the Advanced Wastewater Treatment Plant.

~~h f.~~ The term "calendar year" as used in this Section shall be the period between January 1 and December 31.

(1991 Code § 227-9; Ord. No. 836 § 3; Ord. No. 1995-11 § 2; Ord. No. 1996-7 §§ 1, 2; Ord. No. 1996-20 §3; Ord. No. 2002-11; Ord. No. 2003-30; Ord. No. 2005-10; Ord. No. 2006-29; Ord. No. 2008-15; Ord. No. 2011-12; Ord. No. 2013-11)

Section 2. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. This Ordinance shall become effective January 1, 2015 upon final passage and publication in accordance with the law.

Section 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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Resolution 2014-227 Authorizing the Payment of Bills.

Councilmember Kurs moved resolution 2014-227, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bluth, Hansen Kurs, Misiura, Quattrone and Thibault voted yes.

Resolution adopted: 6-0

Resolution 2014-227

*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 \$104,898.65 from the following accounts:

Current		\$44,611.23
W/S Operating		47,052.78
General Capital		5,320.00
Water/Sewer Capital		0.00
Grant		1,961.55
Trust		4,607.99
Housing Trust		0.00
Animal Control		13.20
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		230.40
Escrow		<u>1,101.50</u>
Total		<u>\$104,898.65</u>

Consent Agenda Resolutions 2014-228, 2014-229 and 2014-230

Councilmember Misiura moved resolutions 2014-228, 2014-229 and 2014-230 as the consent agenda,
November 17, 2014

Councilmember Kurs seconded.

Mayor Kirson read the titles of the resolutions aloud and gave a brief explanation of each.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Quattrone and Thibault voted yes.

Resolutions adopted 6-0.

Resolution 2014-228

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

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

WHEREAS, an application for a license to hold an auction on Saturday, December 6, 2014 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Department; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, December 6, 2014 at 278 Monmouth Street.

Resolution 2014-229

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2014 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2014 as follows:

Source	Amount	Revenue Title	Appropriation Title
NJ Division of Criminal Justice	\$1,569.57	Body Armor Replacement	Body Armor Replacement

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		Fund Program	Fund Program
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Resolution 2014-230

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

**AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN
ONLINE AUCTION WEBSITE**

WHEREAS, the Borough of Hightstown has determined it advantageous to procure electricity for the Borough of Hightstown with the EMEX Reverse Auction; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Borough of Hightstown will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com and EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act on November 25, 2014.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Borough shall utilize the online auction services of EMEX, LLC, as referenced above, and that EMEX, LLC shall be compensated for all services rendered through the participating supplier to which a contract is awarded, rather than by the Borough’s taxpayers.

BE IT FURTHER RESOLVED, the Borough may award a contract to the winning supplier for the selected term, which determination shall be made by further action of the Governing Body.

BE IT FURTHER RESOLVED, that all relevant Borough officials and employees are hereby authorized and directed to take all appropriate actions in furtherance of the intentions of the within Resolution.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be forwarded by the Borough Clerk to the following:

1. EMEX, LLC
2. New Jersey Department of Community Affairs
3. Frederick Raffetto, Borough Attorney
4. Henry Underhill, Borough Administrator

**Resolution 2014-232 Designating Lt. Frank Gendron to Serve as the Supervisory Officer in Charge of
the Hightstown Borough Police Department until Further Action of the Borough Council**

Councilmember Quattrone moved resolution 2014-232, Councilmember Hansen seconded.

Councilmember Thibault commented that he will be voting no on this resolution because there is no such title as Supervisory Officer in Charge; and he has been told that Lt. Gendron cannot be appointed as Acting Director.

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Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Quattrone voted yes; Councilmember Thibault voted no.

Resolution adopted 5-1.

Resolution 2014-232

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

**DESIGNATING LT. FRANK GENDRON TO SERVE AS THE
SUPERVISORY OFFICER IN CHARGE OF THE
HIGHTSTOWN BOROUGH POLICE DEPARTMENT
UNTIL FURTHER ACTION OF THE BOROUGH COUNCIL**

WHEREAS, the Hightstown Borough Council has previously established a Police Department pursuant to N.J.S.A. 40A:14-118, as an executive and enforcement function of municipal government; and

WHEREAS, the applicable Ordinances relating to the Police Department may be found in Section 2-19 of the Hightstown Borough Code; and

WHEREAS, Section 2-19.4 of the Borough Code prescribes that the management and day-to-day operations of the Police Department shall be overseen by a Police Director, who shall serve as Executive Head of the Police Department; and

WHEREAS, the former Police Director, James LeTellier, has resigned from his position as the Police Director for the Borough, effective as of November 3, 2014; and

WHEREAS, the Hightstown Borough Police Department must have an official designated to supervise the operation of the Police Department in the absence of a duly appointed Police Director; and

WHEREAS, the Hightstown Borough Council wishes to appoint and designate Lt. Frank Gendron to serve as the Supervisory Officer in Charge of the Borough's Police Department until further action of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED, by the Hightstown Borough Council, that Lt. Frank Gendron is hereby appointed and designated to serve as the Supervisory Officer in Charge of the Hightstown Borough Police Department, with said appointment/designation to be retroactive to November 3, 2014, until further action of the Borough Council.

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

- a. Lt. Frank Gendron;
- b. Henry Underhill, Hightstown Borough Administrator;
- c. George Lang, Hightstown Borough Chief Financial Officer;
- d. Frederick C. Raffetto, Esq., Hightstown Borough Attorney; and
- e. Elizabeth M. Garcia, Esq., Labor Counsel.

Resolution 2014-231 Authorizing the Execution of a Settlement Agreement with Enchantment at Hightstown, LLC and Westchester Fire Insurance Company

Mayor Kirson recused himself from this resolution and turned the meeting over to Council President Bluth.

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Councilmember Misiura move resolution 2014-231, Councilmember Hansen seconded.

The Borough Attorney reviewed the history of the project, default of the developer, and negotiations with the surety to complete the development. If Council approves this resolution, we will go to bid to complete the project.

Councilmember Thibault noted that he is against the Borough taking on this project as it could cost the taxpayers if the bids come in higher than the agreement.

Councilmember Misiura commented that the taxpayers are not at risk, if the bids come in high we can reduce the scope. He supports this agreement; it is a newer development and the project should not encounter things like we do in older areas of the Borough.

Councilmember Thibault stated that the Engineer will not assume the risk and the Borough shouldn't either.

Councilmember Hansen noted that the bonding company refused to get a new developer; they wanted to use the same developer who defaulted. That is why the Borough is taking on this project.

Councilmember Quattrone commented that he does not see this as a risk.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura and Quattrone voted yes; Councilmember Thibault voted no.

Resolution adopted 5-1.

Resolution 2014-231

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

AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH ENCHANTMENT AT HIGHTSTOWN, LLC AND WESTCHESTER FIRE INSURANCE COMPANY

WHEREAS, on or about November 1, 2004, Enchantment at Hightstown ("Enchantment") and the Borough of Hightstown (the "Borough") entered into a Developer's Construction Agreement whereby Enchantment agreed to, among other things, complete certain improvements in connection with the construction of a development (the "Development") located in the Borough of Hightstown, Mercer County, New Jersey, and commonly referred to as "Enchantment at Hightstown" (the "Development Agreement"); and

WHEREAS, on or about November 22, 2004, Westchester Fire Insurance Company ("WFIC"), as surety, on behalf of Enchantment, as principal, issued a performance bond bearing bond number K06685882, in the penal sum of \$3,307,134.00, in favor of the Borough, as obligee, in connection with the Development (the "Bond"); and

WHEREAS, in connection with the Development Agreement, Enchantment posted a cash bond in favor of the Borough in the amount of \$367,459.32 (the "Cash Bond"); and

WHEREAS, by Resolution 2007-23, the penal sum of the Bond was reduced to \$955,696.86, and a portion of the Cash Bond was returned to Enchantment thereby reducing the Cash Bond to the sum of \$106,188.54; and

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WHEREAS, by Resolution 2012-190, the Borough, among other things, declared Enchantment to be in default of its obligations arising under the Development Agreement, and directed the Borough Attorney to take all appropriate actions to enable the Borough to complete the outstanding improvements at the Development; and

WHEREAS, by letter dated September 12, 2012, together with subsequent correspondence from the Borough, the Borough asserted a claim against the Bond alleging, among other things, that Enchantment failed to complete all of the required improvements at the Development (the "Claim"); and

WHEREAS, Westchester undertook an investigation of the Claim, which included, among other things, various meetings and site visits among representatives of Westchester, the Borough, Enchantment and Robertson Douglas Group, Inc., among others, regarding the scope of, and the cost-to-complete, the alleged outstanding improvements at the Development; and

WHEREAS, the current balance of the Cash Bond being held by the Borough is \$89,111.00; and

WHEREAS, the parties have reached an amicable resolution of this matter which is set forth in more detail in the attached Settlement Agreement; and

WHEREAS, the Borough believes that it is in the best interests of the Borough to resolve this matter in accordance with the terms and conditions set forth in the attached Settlement Agreement.

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

1. That the settlement of this matter in accordance with the terms and conditions set forth in the attached Settlement Agreement is hereby approved.
2. That the Borough Administrator is hereby authorized to execute, and the Municipal Clerk to attest, the attached Settlement Agreement on behalf of the Borough.
3. That all relevant officials are hereby authorized and directed to undertake any actions necessary to effectuate and implement the said Agreement.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Enchantment at Hightstown, LLC;
 - b. Westchester Fire Insurance Company;
 - c. Henry Underhill, Hightstown Borough Administrator;
 - d. George Lang, Hightstown Borough Chief Financial Officer;
 - e. Carmela Roberts, P.E., Hightstown Borough Engineer; and
Frederick C. Raffetto, Esq., Hightstown Borough Attorney

Fire Truck

Scott Jenkins, Fire Chief, addressed Council noting that they are in need of a ladder truck. The present truck is a 1987 and they recently put \$13,000 into it and it needs to be refurbished at an estimated cost of \$500,000. The refurbishment will last approximately ten years, but there is a demo available for \$881,670 with options. In order to go to Florida and look at the demo, they need a letter of intent from the Borough. This demo is a good deal; our truck is presently out of service.

There was discussion regarding the size of the truck and bay at the firehouse; the need for a bigger truck (for distance not height); the recent fire in town; bonding capabilities; the cost of the present truck in 1989

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(\$403,000); the demo mileage (6,300) and delivery (1 ½ to 2 months); bidding requirements; and present truck inventory and condition.

Council inquired regarding the availability of Fire Department and grant funds. Chief Jenkins noted that the Fire Department does not have the money, and assured Council that they will apply for any grants available.

Mayor Kirson inquired of Council as to whether the Borough should issue a letter of interest for the demo.

Councilmember Kurs responded yes, but wants the public to know that this will have an impact on the taxpayers.

Councilmember Hansen commented that if there is a need, she votes yes.

Councilmember Thibault noted that there will be bond ordinance for the purchase, so the public will have input.

Councilmember Quattrone noted that he supports sending the letter of interest.

Councilmember Misiura requested financial data.

Council directed Mr. Underhill to issue a letter of interest for the demo ladder truck.

2015 Meeting Schedule

Councilmember Quattrone distributed the 2015 meeting schedule as it would be presently, and a 2015 schedule that he would like to implement. He requested that the Council-Elects participate in the discussion.

Councilmember Quattrone reviewed the present schedule and then noted that he would like to revise the schedule to include a summer schedule of one meeting per month in June, July and August (as it was done for years), eliminate the first November meeting due to elections taking place the following day; and include the Borough Hall summer hours in the resolution for hours at the re-organization meeting. He also proposed that the first meeting of each month be a workshop meeting and the second meeting a business meeting.

There was discussion regarding moving the re-organization meeting to January 1st at 12 Noon. Council agreed.

There was further discussion regarding Councilmember Quattrone's proposals for the 2015 meetings. It was decided that the summer schedule of one meeting per month would only take place in July and August; and that the Borough Hall summer hours would be put forward as a separate resolution in the spring.

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

Tory Watkins, 68 Meadow Drive – commented that he served on Council when the original fire truck was purchased, and it was needed; referred to Frank Rivera's red herring comments regarding outsourcing the police and noted that consolidation cannot be a conspiracy because it is voted on by the Voters; commented on an article in the Trenton Times and noted that the police do more than patrol the school; informed Council that they will hear a lot about the red herring, but he hopes they negotiate police outsourcing.

Eugene Sarafin, 628 S. Main St. – commented that he thinks it is great that the re-organization meeting has been moved back to January 1st; compared Hightstown and East Windsor water/sewer rates; commented that

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Council got a lot done tonight and he really wants police outsourcing.

David Bock, East Windsor – commented that the sanctuary city of Hightstown has nothing to offer East Windsor and that if there is an emergency, East Windsor will have priority for the police services.

Scott Caster, 12 Clover Lane – commented that there is home rule in New Jersey; the Mayor of East Windsor has no allegiance to Hightstown, we should be one municipality; Council should listen to the public regarding the water/sewer issues.

Bill Paglione, 552 N. Main St. – noted he is President of the Fire Department and thanked Council for their support and allowing the presentation tonight.

Don Frost, 37 Norton Ave. – thanked Council for the Enchantment agreement.

Eric Milgrim, 5 Norton Ave. – thanked Council and stated that he looks forward finally having the development completed; he commended Carmela Roberts for her work in the development and noted that she really cares about the residents of the Borough.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Misiura – noted that the Cultural Arts Commission will meet at Peddie this Wednesday.

Councilmember Quattrone – thanked all who voted; noted that Public Works is ready for winter; commended the Fire Department for doing their research before coming to Council.

Councilmember Hansen – commented on the terms used by the public to describe Council, from XXXhole to prominent citizens, Council is doing exercises that are worthy for the Borough; noted the comments being made are about personalities, not the work being done; she is proud of what Council is doing.

Mayor Kirson – noted that the utilities meet every month and have had discussions regarding taking in sludge and hiring an Environmental Engineer; Councilmember Hansen is doing a great job as liaison; the spreadsheets show the numbers; there is less revenue due to less usage and if we were a larger community the rate increase would be less.

Council President Bluth motioned to adjourn at 9:56 pm, Councilmember Hansen seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

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