

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
May 19, 2014
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:33pm 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 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; James LeTellier, Police Director; and Frederick Raffetto, Borough Attorney.

Resolution 2014-109 Authorizing a Meeting Which Excludes the Public

Mayor Kirson requested that contract negotiations be changed to Professional Services and that Shared Services be eliminated from this resolution.

Council President Bluth moved resolution 2014-109 as amended; Council member Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2014-109

*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 May 19, 2014 at approximately 6:30pm 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:

Personnel – Police Dispatcher
Litigation - LeTellier
Contract Negotiations – Professional Services

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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: August 19, 2014 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 7:33 pm and he read the Open Public Meetings Act statement.

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

Mayor Kirson requested that the Animal Welfare Committee discussion be moved up on the agenda to follow the presentation.

Councilmember Quattrone 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 Quattrone moved the April 21, 2014 executive session minutes for approval, Councilmember Hansen seconded.

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

Agenda approved as amended 5-0, with one abstention.

Councilmember Thibault moved the April 21, 2014 open session minutes for approval, Councilmember Quattrone seconded.

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

Agenda approved as amended 5-0, with one abstention.

Councilmember Quattrone moved the April 28, 2014 special session minutes for approval, Council President Bluth seconded.

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

Agenda approved as amended 5-0, with one abstention.

Proclamation

Mayor Kirson advised that proclamations are not done regularly because they are special; doing them regularly would cheapen them. This is a very special well-deserved proclamation. Mayor Kirson then called Logan forward and noted that Logan has done something very important to this community. Mayor Kirson then read the proclamation aloud.

BOROUGH OF HIGHTSTOWN
Proclamation
Honoring Logan Hiers-Evans

Whereas, Logan Hiers-Evans has proven himself to be an extraordinary citizen possessing great vision and an ability to implement his vision; and

Whereas, the Borough of Hightstown has received great benefit from Logan's enthusiastic commitment to community service including tireless service launching the Paddle Boats, supporting the Triathlon, participating in Watershed clean-ups, assisting in the conduct of the walkability study and years of service as a Parks and Recreation Commissioner; and

Whereas, Rocky Brook Park now serves as a functional recreation area thanks in large part to Logan's effort; in the summer residents gather side by side to tend plots in the community garden and in the winter residents can take respite from the dreariness May 19, 2014

to skate on the seasonal ice rink; and

Whereas, the improvements in Rocky Brook Park are available to the residents due to the efforts of Logan Hiers-Evans who worked side by side with his parents Shawn Hiers and Craig Evans. Together, they gathered the resources, developed the infrastructure, and saw through the creation of the community garden. The enhanced park is a product of the combined efforts of the Hiers-Evans family.

Now Therefore Be It Proclaimed by the Mayor and Borough Council of Hightstown that the Community Garden in Rocky Brook Park shall henceforth be known as Logan's Community Garden in honor of Logan Hiers-Evan's commitment and dedication to the community of Hightstown Borough.

Logan thanked the Council for the proclamation and noted that his hard work put into the project has paid off every year, as the community garden continues to grow. He commented that this is an incredible honor.

Presentation

Pat Duncan, Chair of the Parks & Recreation Commission noted that Logan serves as the Student Representative on the Parks & Recreation Commission and is very active and a great asset to the Commission.

Mr. Duncan then gave a history on the appointment of a sub-committee for the skate park and the donations received. Council severed their connection with the skate park project and the funds were placed with a firm in Princeton, who were to find a use for the funds. When the funds were placed, a \$100 a year administrative fee was charged to warehouse the funds; the fee has climbed to \$500 a year. The firm stated that the funds can come back to Hightstown, and the Commission would like to put it into a dedicated trust under the Parks & Recreation Commission for a future project. We are asking for Council's permission to bring the funds back so they are not depleted by the fees.

There was discussion regarding Rick Pratt being a Trustee on the account. Council suggested that Rick contact Mr. Underhill and that the Borough Attorney review the contract to make arrangements to get the funds back as requested.

Animal Welfare Committee Discussion

Mr. Underhill reviewed the Animal Welfare Committee (AWC) requests for insurance coverage for the Paws Walk and ID cards for the members. He noted that there is no insurance based on the 2004 resolution supporting a Trap-Neuter-Release (TNR) Program. The Animal Welfare Committee needs to be established as an official committee of the Borough for them to be covered under the Borough's insurance, which requires an ordinance.

There was discussion regarding formal versus informal committees; the process for developing a formal committee; sample ordinances Mr. Underhill has acquired; and insurance coverage.

Council directed Mr. Underhill to provide copies of the sample ordinances to Council, the Borough Attorney, and the Animal Welfare Committee for review. Mr. Underhill should come back to Council once an ordinance establishing the AWC as an official committee has been drafted.

Councilmember Thibault noted that the AWC raises all their own funds and performs a great service to the community.

Councilmember Quattrone noted that the AWC were originally established as the TNR Program, but it is time for them to become an official Borough committee.

A member of the Animal Welfare Committee noted that they have not received any kitten calls this season, due to the TNR Program.

Resolution 2014-110 Authorizing Receipt of Bids for Road Repair Project – Ward Street & Morrison Avenue

Councilmember Thibault moved resolution 2014-110, Councilmember Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2014-111 Authorizing Payment #4 – Pioneer General Contracting Co., Inc. (Improvements to Grape Run Road and Pershing Avenue)

Councilmember Quattrone moved resolution 2014-111, Council President Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2014-112 Denying Partial Release of Performance Guarantee – Seymour Investments, LLC (Block 13, Lot 24.01 – Old Hights Overlook)

Councilmember Quattrone moved resolution 2014-112, Councilmember Misiura seconded.

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

Resolution adopted 6-0.

NJDOT 2014 Grant

Mayor Kirson announced that every year the Borough is fortunate enough to get grant funds for road projects; and this year Hightstown got \$283,000, the biggest award in Mercer County, due to our great grant writer, Carmela Roberts, the Borough Engineer. Without these funds, the Borough could not maintain its infrastructure.

The Borough Council members thanked the Borough Engineer.

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

Walter Sikorski, 326 N. Main Street – recommended a three-year project committee appointment to research the problems and pitfalls with consolidation, outsourcing, and shared services with a report back to Council every six months; referenced an article in the Trenton Times about the Walking Bridge and inquired what happens if the grant is not awarded; commented on bond ratings.

Phyllis Deal, 305 Stockton Street – Inquired if the sewer in Westerlea dumps into the Brook; noted that the AWC was put in place, given ID cards and an account in which to deposit their funds, and permission to spend those funds is not required. It angers her that the Borough is bringing this up now.

Mayor Kirson advised that the Borough has the intention of making the AWC an official committee of the Borough.

Sandra Johnson, 301 Lincoln Avenue – inquired as to what road work will be done on Morrison Avenue.

Carmela Roberts, Borough Engineer, advised mill and overlay, increased drainage, water mains, a little sewer work and curbs.

Doug Mair, 536 S. Main Street – commented that Ward Street is being temporarily repaired at a cost of \$45,000; it seems like a waste of funds, it should be put off until a grant is received next year.

Scott Caster, 12 Clover Lane – noted that he has driven Morrison Avenue and has not found pot holes or the need for repair; and inquired what constitutes the need for repair; suggested that public comment take place prior to Council taking any action at the meetings.

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The Borough Engineer advised that there are areas of erosion and cracks where water is penetrating the surface. Repairs are necessary before an entire re-paving project is needed. It is the same thing on Ward Street. Grants can take a couple years, and there are certain roads that won't last until grants are awarded.

Pat Duncan, 158 Grant Street – commented that the Trenton Times article about the bridge is misleading; the cost of the bridge is still \$75,000, the rest of the cost is the required ADA, dam and site work for the project.

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

Ordinance 2014-09 Final Reading and Public Hearing - an Ordinance to Establish Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

Mayor Kirson opened the public hearing on Ordinance 2014-09. There being no comments, the public hearing was closed.

Councilmember Quattrone moved ordinance 2014-09 for adoption, Councilmember Hansen seconded.

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

Ordinance adopted 5-0, with one abstention.

Ordinance 2014-09

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

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES
OF THE BOROUGH OF HIGHTSTOWN**

Summary: Establishing salary ranges for employees of the Borough of Hightstown.

NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Hightstown, at a meeting held on May 19, 2014 in the First Aid Building located at 168 Bank Street did adopt finally the aforementioned Ordinance.

Ordinance 2014-10 Final Reading and Public Hearing – An Ordinance Supplementing, Amending and Revising Chapter 2, “Administration” of the “Revised General Ordinances of the Borough of Hightstown” to establish a Cultural Arts Commission

Mayor Kirson opened the public hearing on ordinance 2014-10 and the following individuals spoke:

Doug Mair, 536 S. Main Street – commented that he supports the ordinance but has concern regarding placing art on private property without anything that says it must be with the permission of the property owner.

There was Council discussion regarding the placement of art on private property and the Borough Attorney suggested adding a clause in 4-A-b-iii that states (as approved by property owner). Council confirmed that they would still be able to adopt the ordinance at this meeting if this change was made. The Borough Attorney confirmed that this would not qualify as a substantive change.

Scott Caster, 12 Clover Lane – inquired as to what is art? Who is being appointed?

Kathleen Leoau, 2 Ellington Place, Princeton Jct. – commented that while she is not a resident of the Borough, she is an artist and noted that there are shows held at the Art Station, and they are a great success; many of those who work with, or at, the Art Station also work with other groups. She supports this ordinance.

Anne Marie Miller, 210 Morrison Avenue – commented that art brings life to towns and she supports the ordinance.

David Miller, 210 Morrison Avenue – commented that art brings pride to towns and she supports the ordinance.

Lee Stultz, 117 Taylor Avenue – applauded Council for bringing this ordinance forward; commented that arts and culture are very supportive for towns and this is a huge step forward for Hightstown.

Rick Pratt, 214 Stockton Street – commented that this is a great ordinance and gave a list of parties who have already shown interest in being on the commission.

Frank Rivera, 110 Broad Street – commented that he has confidence in the Council's judgment and that they will adopt this ordinance.

Fred Montferrat, 414 Stockton Street (Planning Board Chair) – read a letter from the Planning Board into the record:

Dear Mayor Kirson and Members of Council,

“The Hightstown Planning Board fully supports the creation of a Cultural Arts Commission in Hightstown. We have incorporated the need for a Cultural Arts Commission as well as a Cultural Arts Master Plan into the Re-examination report that is currently in process. There is considerable research and evidence that inclusion of art and art events in a town brings in tourists, business and potential residents. The Planning Board believes that a strong link with the Cultural Arts can provide a critical ingredient for innovative new businesses and jump start community revitalization.

As quoted by the Mayor of Millville, NJ, "The arts-based economic revitalization has brought about a virtual renaissance in our historic downtown. Since the establishment of the Glasstown Arts District 8 years ago, 143 new businesses have opened and the property values have almost tripled."

We strongly believe that Hightstown should harness the power of the arts.”

Jeff Peters, 113 Park Way – commented that this is one of the best ideas in the Borough in the last ten years and he strongly supports the ordinance; it will prove to be a catalyst to revive downtown.

There being no further comments, the public hearing was closed.

Councilmember Kurs moved ordinance 2014-10 for adoption, Council President Bluth seconded.

Councilmember Kurs noted that he did research in response to Councilmember Thibault's concern on the matter of government being involved with art, and he believes the benefits will outweigh any controversy.

Councilmember Thibault commented that just because he does not think government should be involved, it does not mean he does not support a commission. His concern is that Council cannot veto art on public property because they may not like it or it may be offensive to some; and he does not think Council is qualified to decide what art is acceptable. Also, in Millville, the taxpayers subsidize the program.

Councilmember Misiura noted that Council should look at this as an economic issue, art is a big industry and will bring positives to Hightstown; this does not violate any personal rights.

Councilmember Quattrone stated that he believes this commission will be a good thing for Hightstown and he is in favor of this ordinance.

Councilmember Hansen noted that she also has done some research and believes this will enhance the Borough and support the property owners.

Council President Bluth commented that she agrees with Mr. Peters and thanked Rick Pratt for bringing the ordinance forward to Council.

The Borough Attorney confirmed that Council would like to amend the ordinance to include “as approved by property owner”. Council confirmed that they would and the Attorney advised that Council must motion and vote on the amendment.

Council President Bluth motioned that the ordinance be amended to include “as approved by property owner”, Councilmember Thibault seconded.

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

Ordinance amended 6-0.

Councilmember Misiura moved ordinance 2014-10 for adoption as amended, Councilmember Kurs seconded.

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

Ordinance adopted 5-1.

There was discussion regarding promoting the commission on the website once the ordinance is advertised and effective.

Ordinance 2014-10

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

AN ORDINANCE AMENDING, SUPPLEMENTING AND REVISING CHAPTER 2, “ADMINISTRATION,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” IN ORDER TO ESTABLISH A “CULTURAL ARTS COMMISSION.”

Summary: Establishing a Cultural Arts Commission for the development of artistic and cultural appreciation and expression.

NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Hightstown, at a meeting held on May 19, 2014 in the First Aid Building located at 168 Bank Street did adopt finally the aforementioned Ordinance.

Ordinance 2014-11 First Reading and Introduction Bond Ordinance Amending Section 3(a) of Bond Ordinance Numbered 2009-15 of the Borough of Hightstown, in the County of Mercer, New Jersey, Finally Adopted September 8, 2009 in Order to Amend the Description of the Project to include Certain Water Main Improvements and Sewer Improvements

George Lang, CFO, explained that this ordinance re-directs previously approved funds to a present project.

Councilmember Quattrone moved ordinance 2014-11 for introduction, Councilmember Thibault seconded.

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

Ordinance introduced 6-0; public hearing to be held June 2, 2014.

Ordinance 2014-11

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

**BOND ORDINANCE AMENDING SECTION 3(a) OF BOND ORDINANCE
NUMBERED 2009-15 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF
MERCER, NEW JERSEY FINALLY ADOPTED SEPTEMBER 8, 2009 IN ORDER TO
AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE CERTAIN WATER
MAIN IMPROVEMENTS AND SEWER IMPROVEMENTS**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 3(a) of Bond Ordinance numbered 2009-15 of the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"), finally adopted September 8, 2009, is hereby amended to read as follows:

“(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is to for: 1) water main extension improvements, including the replacement of the existing six water main extending from Etra Road, along South Main Street and Leshin Lane with a new water main and the connection of this main to an existing standpipe on Leshin Lane, the replacement of existing four water main along Mercer Street with a new water main and the connection of this main to existing mains that connect to a standpipe and directly connect to the treatment plant, replacement of all water service connections in the project area, pavement, curb and sidewalk repairs, and new fire hydrants, and 2) water main improvements and sewer improvements, including the replacement of sanitary sewer mains, manholes and laterals, including all work, materials and appurtenances necessary therefore and incidental thereto.

Section Two. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Three. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Carmela Roberts, Borough Engineer, departed the meeting at this time.

Resolution 2014-100 Establishing Summer Hours for Borough Hall Employees

Council President Bluth moved resolution 2014-100, Councilmember Quattrone seconded.

The Borough Attorney advised that pursuant to Council's request, he has reviewed the union contracts and finds that this would not have any adverse affects on overtime.

Councilmember Thibault commented that closing for one day in the summer is of no benefit to the residents.

Mayor Kirson commented that he has spent a lot of time in the building over the last three years and finds that residents find Borough Hall being open earlier and closing later of great benefit.

Councilmember Misiura commented that there is a benefit to the extended hours for those who work; and he has never heard complaints from residents when Borough Hall was not open on Fridays.

Councilmember Kurs commented that if there is a benefit recognized, it should be done all year, or else it should not be done at all.

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

Resolution adopted 4-2.

May 19, 2014

Resolution 2014-100

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

ESTABLISHING SUMMER HOURS FOR BOROUGH HALL EMPLOYEES

WHEREAS, resolution 2014-21 adopted on January 2, 2014 established the schedule of Holiday and Borough business hours for the year 2014; and

WHEREAS, it is the desire of the employees of Borough Hall to revert to a summer schedule as has been done in past years; and

WHEREAS, the Mayor and Borough Council wishes to accommodate the residents of the Borough with longer hours during the summer months.

BE IT RESOLVED by the Mayor and Council of Hightstown Borough that the official summer business hours for Borough offices will be as set forth below:

1. During the period running from June 13, 2014 thru September 4, 2014, offices at Borough Hall will be open according to the following schedule:

Monday, Tuesday and Wednesday8:00 a.m. to 5:30 p.m.
Thursday8:00 a.m. to 4:30 p.m.
FridayClosed

2. The affected Borough office Employees shall be entitled to a half-hour lunch hour during the period that this summer schedule is in effect.
3. This arrangement shall not impact essential personnel including police officers, dispatchers, public works employees, water plant employees and sewer plant employees.

Resolution 2014-113 Authorizing the Payment of Bills

Councilmember Hansen moved resolution 2014-113, Council President Bluth seconded.

There was discussion and clarification of particular payments.

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

Resolution adopted 6-0.

Resolution 2014-113

*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

May 19, 2014

\$1,721,233.79 from the following accounts:

Current		\$1,496,856.32
W/S Operating		63,953.29
General Capital		157,393.74
Water/Sewer Capital		0.00
Grant		1,064.82
Trust		496.42
Housing Trust		0.00
Animal Control		31.20
Law Enforcement Trust		550.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>888.00</u>
Total		<u>\$1,721,233.79</u>

Resolution 2014-114 Authorizing Additional Funds for Special Labor Counsel – Thomas M. Barron

Councilmember Hansen moved resolution 2014-114, Council President Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2014-114

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

AUTHORIZING ADDITIONAL FUNDS FOR SPECIAL LABOR COUNSEL – THOMAS M. BARRON

WHEREAS, Resolution 2013-162 authorized a contract for the services of Thomas M. Barron, Esq. to serve as Special Labor Counsel to the Borough for certain police personnel matters; and

WHEREAS the rate for said services is \$120.00 per hour, with a cap on the expenditure of funds associated with the contract in the amount of \$6,000.00; and

WHEREAS, invoices to-date for services rendered under this contract exceed the \$6,000.00; and

WHEREAS, it is necessary for an additional \$1,000.00 to be added to this contract to facilitate the payment of invoices for services rendered as directed by Council; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Hightstown Borough Council that the contract with Thomas M. Barron, Esq. for Special Labor Counsel services for certain police personnel matters is hereby revised to be in an amount not to exceed \$7,000.00.

Councilmember Kurs requested that resolution 2014-117 be pulled from the consent agenda for discussion.

Resolution 2014-117 Supporting the Click It or Ticket Mobilization of May 19 – June 1, 2014

Councilmember Quattrone moved resolution 2014-117, Council President Bluth seconded.

There was discussion as to whether the Borough has gone over in expenditures what the fund awarded for the Click It or Ticket It program; if there is a 91% compliance with the law, why are funds being spent on the program; and that there are more important things for the police to do than check specifically for safety belt violations.

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

Resolution defeated 4-2.

There was discussion as to whether the Borough will accept the grant award of \$4,000 for the Click It or Ticket It Campaign. It was decided that if Council does not support the program, they cannot accept the funds.

Resolution 2014-117

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

SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 19 – JUNE 1, 2014

Whereas, there were 545 motor vehicle fatalities in New Jersey in 2013; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash;
and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 19 – June 1, 2014 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 92%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE BE IT REOSOLVED that the Mayor and Council of Hightstown Borough declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 19 – June 1, 2014 and pledges to increase May 19, 2014

awareness of the mobilization and the benefits of seat belt use.

Consent Agenda - Resolutions 2014-115, 2014-116 and 2014-118

Councilmember Quattrone moved resolutions 2014-115, 2014-116 and 2014-118 for approval, Councilmember Kurs seconded. Mayor Kirson read the title of each resolution in the consent agenda.

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

Resolutions adopted, 5-0, with one abstention.

Resolution 2014-115

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2014 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2014 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 2014 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	251,300.00	1,187,527.00	1,438,827.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	110,000.00	655,413.00	765,413.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	361,300.00	1,842,940.00	2,204,240.00

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 2014 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 2014-116

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

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF THE
HONORABLE IRA E. KREIZMAN, J.S.C. (RET.),
TO SERVE AS AN INDEPENDENT HEARING OFFICER
WITH RESPECT TO DISCIPLINARY PROCEEDINGS INVOLVING
PUBLIC EMPLOYEES IN THE BOROUGH OF HIGHTSTOWN,
AND AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT RELATING THERETO.**

WHEREAS, the Borough of Hightstown (the "Borough") wishes to retain the services of an independent hearing officer to preside over certain disciplinary proceedings involving public employees in the Borough; and

WHEREAS, the independent hearing officer shall be required to make findings of fact and conclusions of law based upon the testimony and evidence elicited at hearing(s) to be scheduled concerning such matter(s), and to make recommendations following the conclusion of said proceeding(s) for a final determination based upon the record of the hearing(s); and

WHEREAS, the Borough wishes to appoint a licensed member of the New Jersey Bar and former member of the New Jersey Judiciary to serve as the independent hearing officer; and

WHEREAS, the contemplated services are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically, at N.J.S.A. 40A:11-2), because the services shall be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

WHEREAS, the contemplated services are therefore exempt from the requirement of competitive bidding per N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Borough, through the Borough Attorney, has solicited and received a proposal from the Honorable Ira E. Kreizman, J.S.C. (Ret.) (also referenced as the "contractor"), to serve as the independent hearing officer in such matter(s); and

WHEREAS, Retired Judge Kreizman has offered to perform the requested services at the rate of Two Hundred Twenty Five Dollars (\$225.00) per hour; and

WHEREAS, the Borough wishes to appoint Retired Judge Kreizman to serve as the hearing officer in such matter(s), and to award a professional services contract to Judge Kreizman to perform the necessary services; and

WHEREAS, the anticipated term of the contract is for a period not to exceed one (1) year, and the contract may only be renewed thereafter upon further action of the Borough Council; and

WHEREAS, though the Borough does not anticipate at this time that the value of this contract shall exceed \$17,500.00, the Borough nevertheless wishes to require that the contractor shall abide by the provisions of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*, in case the total amount of payments made hereunder should exceed that amount; and

WHEREAS, this contract is awarded as a restricted or "non-fair and open contract" pursuant to and in accordance with the State Pay-to-Play Law, and therefore the contractor has executed all necessary State Pay-to-Play certifications; and

WHEREAS, the contractor has also executed a certification which acknowledges that the contractor has complied with the Borough's local Pay-to-Play Ordinance, and that the contractor shall continue to comply with said Ordinance during the term of the contract; and

WHEREAS, this Resolution and the contract shall be available for public inspection in the office of the Borough Clerk, and notice of the awarding of the contract shall be published in a newspaper of general circulation in the Borough following the adoption of this Resolution; and

WHEREAS, the Borough's Chief Financial Officer has certified that adequate funding exists for this contract.

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

1. That the Borough hereby authorizes the appointment of the Honorable Ira E. Kreizman, J.S.C. (Ret.), to serve as an independent hearing officer to preside over disciplinary proceedings involving public employees in the Borough of

May 19, 2014

Hightstown. The hearing officer shall make findings of fact and conclusions of law based upon the testimony and evidence elicited at hearing(s) to be scheduled, and shall make recommendations for final action.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest an agreement, which shall be in a form acceptable to the Borough Attorney, between the Borough of Hightstown and the Honorable Ira E. Kreizman, J.S.C. (Ret.), regarding the afore-mentioned independent hearing officer services.

3. That this agreement is awarded as a "professional services" contract in accordance with N.J.S.A. 40A:11-2 and N.J.S.A. 40A:11-5(1)(a)(i), because the services to be provided shall be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study.

4. That the duration of this agreement shall be for a term not to exceed one (1) year and the agreement may only be renewed thereafter upon further action of the Borough Council.

5. That the fees to be charged by the contractor for the requested services shall be at the rate of \$225.00 per hour.

6. That the Borough's Chief Financial Officer is hereby authorized and directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

7. That the contractor's State and local pay-to-play certifications shall be placed on file with this Resolution.

8. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.

9. That a certified copy of this Resolution shall be provided to each of the following:

- a. Honorable Ira E. Kreizman, J.S.C. (Ret.)
- b. Debra L. Sopronyi, Borough Clerk/Purchasing Agent
- c. Henry Underhill, Borough Administrator
- d. George Lang, Chief Financial Officer
- e. Frederick C. Raffetto, Esq., Borough Attorney

Resolution 2014-118

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

AMENDING THE PERSONNEL POLICY MANUAL OF THE BOROUGH OF HIGHTSTOWN

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following section of the *Personnel Policy Manual of the Borough of Hightstown* is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):

6-5. Dismissal and suspension.

A. The following procedures shall govern in cases where dismissal or suspension is recommended or implemented pursuant to Section 6-5(A).

1. When any disciplinary action is taken, the employee will be served with a written notice from the Borough Administrator citing the charges against him/her and signed by the person making such charges and by the Borough Administrator with notice that he may, within five (5) days of receipt of said notice, request in writing that a hearing be held upon such charges. The request shall be made to the Borough Administrator. The Borough Administrator may, in his discretion, impose discipline

immediately, pending the hearing, or delay imposition of discipline until completion of the hearing. There shall be no hearing on disciplinary action taken pursuant to Section 6-6.

2. If the affected employee desires such a hearing, the proceedings shall be held within ~~fifteen (15)~~ thirty (30) days of receipt of request by the Borough Administrator. The hearing shall be conducted by a Hearing Officer or a personnel committee. The personnel committee shall be comprised of the Mayor and two (2) Council members, one of whom shall, if practicable, be the Council liaison to the affected employee's department, at the discretion of the Borough Council.
3. At any hearing held pursuant to this Section, the affected employee will have the right to counsel and have an opportunity to be heard and examine witnesses and provide documentary evidence. The Borough Attorney may be present, if requested by the Borough Council ~~personnel committee~~, to represent the Borough's interests.
4. ~~If heard by the personnel committee, they shall deliberate in private upon the conclusion of the hearing, and its determination shall be based upon a majority vote. The Mayor, in consultation with the other members of the personnel committee, shall write or cause to be written a final decision setting forth the determination of the personnel committee. A copy of this decision shall be delivered or mailed to the affected employee and the Borough Administrator. The Borough Administrator shall take action appropriate with the decision. There shall be no appeal to the Borough Council.~~
If heard by a Hearing Officer, a written recommendation shall be delivered or mailed to the Borough Administrator within 14 days of completion of the hearing. The Borough Administrator shall take action appropriate with the recommendation. There shall be no appeal to the Borough Council.
5. The Borough Administrator may discipline, suspend or discharge department heads after consultation with the Mayor and Council. In all other respects, the provisions of this Section shall apply to department heads, except insofar as the employment status of a department head may be regulated by State law.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be distributed to all employees of the Borough.

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

Scott Caster, 12 Clover Lane – complimented Council on the way they have conducted business at this meeting; noted he has supported funds for grant writing the last couple years, to no avail; encouraged Council to investigate consolidation with East Windsor.

Connor Montferrat, 414 Stockton Street – commented that he was disappointed in the vote on resolution 2014-117 and he would like clarification as to why Council would refuse grant funds that covers the police enforcing the law.

Lynne Woods, 315 Park Avenue – commented that she is disappointed in the summer hours, Council being partial as to who can participate in a meeting, and the grant decision.

Doug Mair, 536 S. Main Street – commented that Council should reconsider the grant funds at another meeting, why forfeit grant money?

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Hansen – noted that summer hours are a benefit to residents and employees, and morale is very important to services; commented that she thinks there has been a great improvement in the way Council meetings are conducted.

Councilmember Thibault – commented that he hopes the headlines read “Council stands by Principals” when the information about the grant is printed; noted that there is a County program for residents who have difficulty maintaining their property.

Councilmember Quattrone – commented that he is disappointed in the way the Click It or Ticket resolution went, the program is a way to tell people it is the law and wearing seatbelts is a safety issue; the Memorial Day Parade is Monday at 9am and there will be over 40 representatives participating.

Councilmember Misiura – commented that the Click It or Ticket should have been discussed prior to it being on the agenda, there are more important things for the police department to do.

Council President Bluth– noted that Council cannot reconsider the Click It or Ticket resolution at another meeting because the program starts today; she is very excited about the Cultural Arts Commission; wished everyone a safe holiday.

Borough Attorney – advised that Council can reconsider the resolution that was voted down, but it must be moved by a Councilmember who won the vote, by someone who voted no on this resolution.

Councilmember Thibault moved to adjourn at 9:30 pm, Council President Bluth seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk