

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
January 6, 2014  
7:00 pm**

The meeting was called to order by Mayor Kirson at 7:02pm 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 Doran</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; James LeTellier, Police Director; and Larry Shapiro, Borough Attorney.

**Resolution 2014-22 Authorizing a Meeting Which Excludes the Public**

Council President Bluth moved resolution 2014-22, Councilmember Quattrone seconded.

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

Resolution adopted, 6-0.

**Resolution 2014-22**

*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 January 6, 2014 at approximately 7:00pm 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:

Contract Negotiations – Lease for 415 Mercer Street

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: March 2, 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, were now present.

Council President Bluth moved the agenda for approval, Councilmember Quattrone seconded.

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

Agenda approved.

Council President Bluth moved the September 29, 2013 special executive session minutes for approval, Councilmember Quattrone seconded.

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

Minutes approved 5-0, with one abstention.

Councilmember Thibault moved that the October 7, 2013 executive session minutes be tabled as he would like to have them modified slightly, Councilmember Quattrone seconded.

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

Minutes tabled 6-0.

Councilmember Quattrone moved that the October 7, 2013 open session minutes for approval, Council President Bluth seconded.

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

Minutes approved 4-0, with two abstentions.

Mayor Kirson noted that Eli Goldstein is running late, so the presentation will be postponed until his arrival.

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

Phyllis Deal, 305 Stockton Street – congratulated the new Council members and Council President.

Eugene Sarafin, 628 S. Main Street – commented that there is nothing gained by voting no on something you can't stop, like the vote for Council President at the reorganization meeting.

Walter Sikorski, 326 N. Main Street – thanked Council for a great transition at the re-org meeting; shared his ideas for the Administrator; thanked Selena Bibens and Lynne Woods for their efforts on Council; commented that a \$75,000 salary is not enough for a good full time Administrator and wished Council good luck with their special meeting tomorrow evening.

Frank Rivera, 110 Broad Street – noted that he wrote a letter to the Editor of the Windsor Heights Herald cancelling his subscription due to the lack of coverage at meetings, he then read the response letter from the Herald in which it is noted that they have a lack of staff to cover all of the meetings for all of the towns.

Tory Watkins, 68 Meadow Drive – thanked Mr. Rivera for reaching out to the Herald, he has done so several times with the same results; noted that it cannot be expected that a paper pay for a reporter to attend a meeting in a town where less than half of the residents subscribe; residents must support the paper if they want support from them.

Scott Caster, 12 Clover Lane – agreed with Mr. Sikorski that \$75,000 is not a proper salary for a good Administrator; commented that a full time Administrator is not needed but a full time presence is, the position should be coupled with another position at the Borough; wished Council good luck with the interviews.

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

### **Borough Hall Update**

Mayor Kirson noted that the Architect, Mr. Eli Goldstein had arrived during public comment. He opened the presentation by advising that there was a meeting with FEMA and it was constructive. Mr. Goldstein has been asked to present the results of the meeting to the public.

Mr. Goldstein wished everyone a Happy New Year. He then advised that the first question during the meeting was what maps were being used to evaluate the Borough Hall situation at the time of Hurricane Irene, and FEMA confirmed that the 1970's maps were being used because the later maps were not adopted and therefore not valid. Mr. Goldstein continued that FEMA only pays toward upgrades to meet code if they were damaged by the storm; clarified that a repair/reconstruct cost comparison is needed using identical construction as to what was damaged (at an estimated cost of \$18,600 for architectural services and \$1,200 in reimbursable expenses); confirmed that in-kind building is of low quality and does not meet the needs of the Borough, but it may assist in reaching the required 51% damage benchmark, but will cost less and the Borough will collect less.

He then referred to the funding diagram that was distributed to Council and the public, which compared insurance and FEMA reimbursements for repair and mitigation, and showed that the cost reduction target for this phase to be approximately \$2M. The proposal presented for this phase of the project is to perform a study to figure out where the Borough stands. A building must be designed that will meet FEMA's replacement requirements, same size with the same materials.

Mayor Kirson then opened discussion with Council. Mr. Goldstein confirmed that if the Borough does not meet the 51% destroyed requirement, FEMA will pay minimally toward the project; the design of the new building must match the existing space apples to apples for repair and replacement, including materials.

The Borough Attorney confirmed that the insurance company's position is that coverage is topped at \$2.5M, which can be contested in court, but their position is firm.

Discussion with Council ensued and contained confirmation that FEMA's calculations are based on apples to apples, with the present building materials not being suitable; an easier comparison can be developed by using the same location; and the mitigation at the property is associated with the repair.

Carmela Roberts, Borough Engineer, commented that the repairs must conform to FEMA requirements and the mitigation measures must agree with the Borough code. Repairs can be performed inside, but mitigation must be done outside the building such as a flood gate and wall. She continued that this endeavor will be pricey; but then the issues are how you get into Borough Hall and the police get in and out, once the mitigation is in place; and that ADA compliance issues will increase the cost even further.

Mr. Goldstein noted that it will be less expensive to lift a new building to a higher grade than to mitigate the present facility. Mitigation must be included in the cost evaluation developed. He confirmed that the mitigation number is what could bring the Borough into the 51% loss requirement; and flood mitigation is based on the 1977 maps in which the Borough Hall is in a 100 year flood plain.

There was further discussion regarding the deadline for the evaluation, expediting the process, and the proposal brought forward by the Architect to see if the Borough meets the 51% loss requirement to qualify for additional funds from FEMA.

Mayor Kirson then opened the floor to questions from the public in which it was confirmed that a maximum of \$2.5M can be received from the insurance company; it will cost approximately \$40,000 to see if the Borough meets the 51% loss requirement to get more from FEMA; that the evaluation must done on an apples to apples basis; FEMA understands that the formula will be based on the current building and if the Borough decides to build something more appropriate for its needs, FEMA will not pay toward the additional work.

January 6, 2014

Discussion with Council continued regarding collecting funds if the Borough re-locates due to the flood zone and purchasing a different building at another location. The Architect confirmed that the new proposal must include mitigation and requires that these funds be used to mitigate a new or present building. There was additional discussion regarding the value of spending more money and possibly not qualifying for additional funds; the possibility of the insurance giving the Borough the \$2.5M and allowing them to do what they want with the funds; and the question of whether 75% of the professional fees required for these evaluations are reimbursed by FEMA and what their limitations are.

Mayor Kirson noted that the Borough needs to know how it is going to move forward prior to speaking further with the insurance and FEMA, or paying additional funds toward research. This is an important matter. After discussion, it was decided that discussion on the January 21<sup>st</sup> agenda would be limited to Borough Hall.

Council President Bluth left the meeting at this time.

### **Greenway Walking Bridge**

Mayor Kirson noted a letter received from the Borough Engineer, in which she is requesting permission to perform additional work on the bridge, as required by DEP. The Borough Engineer noted that she has three employees working on the bridge project, and DEP is requiring a list of additional requirements for bridge inspections. The bid was advertised today and the opening of the bids is scheduled for January 23<sup>rd</sup>.

There was discussion regarding the availability of funds, to which George Lang responded that he believes the funds are available in the bridge budget as bonded. Discussion continued regarding DEP dam requirements, ADA compliance requirements and Council frustration with the additional costs associated with all of the requirements.

Council unanimously approved the additional work by the Borough Engineer.

### **Stormwater Master Plan Update**

The Borough Engineer reviewed the annual requirements for the Stormwater Master Plan and noted that it must be updated in conjunction with the Master Plan Update currently being performed by the Planning Board. She noted that the cost will be approximately \$3,500. Council unanimously approved the Engineer to move forward with the required update.

### **Ordinance 2014-01 First Reading and Introduction – An Ordinance Establishing a Salary Range for and the Title of Code Enforcement Officer**

Councilmember Thibault noted his concern that there is not mention of a Code Enforcement Officer in the Borough code.

There was discussion regarding this title being for property maintenance issues only and the possibility of the title being different and incorporated into the Borough code. The Borough Attorney was directed to re-word the code appropriately and bring the ordinance back to Council.

Councilmember Quattrone moved that ordinance 2014-01 be tabled so the Borough Attorney can review the matter, Councilmember Thibault seconded.

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

Ordinance tabled 5-0.

### **Ordinance 2014-02 First Reading and Introduction – An Ordinance Authorizing the Borough of Hightstown to Enter into a Lease Agreement with Hights Realty, LLC, in Order to Lease a Certain Portion of Real Property Located at 415 Mercer Street, More Commonly Known and Designated as Block 61.01, Lot 43 on the Borough's Tax Map**

Councilmember Quattrone moved ordinance 2014-02 for introduction, Councilmember Thibault seconded.

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

Ordinance introduced 5-0, public hearing to be held January 21, 2014.

**Resolution 2014-23 Authorizing the Payment of Bills**

Councilmember Thibault moved Resolution 2014-23, Councilmember Quattrone seconded.

Mayor Kirson reviewed the various large bills on the bills list.

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

Resolution adopted, 5-0.

**Resolution 2014-23**

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

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,273,730.66 from the following accounts:

Current		\$1,235,964.20
W/S Operating		23,681.03
Escrow		<u>14,085.43</u>
Total		<u>\$1,273,730.66</u>

**Resolution 2014-24 Authorizing a Shared Services Agreement with Hamilton Township for Certain Health Services (STD Clinic)**

Councilmember Thibault moved Resolutions 2014-24, Councilmember Quattrone seconded.

Councilmember Thibault reviewed the need for this resolution.

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

Resolution adopted, 5-0.

**Resolution 2014-24**

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH HAMILTON TOWNSHIP FOR  
CERTAIN HEALTH SERVICES (STD CLINIC)**

**WHEREAS**, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

**WHEREAS**, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2014 through December 31, 2014 for a fee of \$25 per patient; and

**WHEREAS**, it is the desire of the Borough Council to enter into a shared services agreement with the Township of Hamilton for provision of these services; and

**WHEREAS**, such agreements are authorized pursuant to *N.J.S.A. 40A:65-1 et seq*; and

**WHEREAS**, funds for this purpose shall be provided for in the 2014 budget.

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

1. A shared services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2014 through December 31, 2014 is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

**Professional Service Proposals**

Municipal Clerk/Purchasing Agent noted that six Labor Counsel and five Bond Counsel proposals were received pursuant to the request for proposals advertised in accordance with Council direction; the sub-committees for review must be established so the proposals can be evaluated and recommendation to Council made.

After discussion it was decided that George Lang, CFO and Councilmember Quattrone will review the Bond Counsel proposals; and Council President Bluth and Councilmember Thibault will review the Labor Counsel proposals. They will then bring their recommendations back to the remainder of Council.

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

Eugene Sarafin, 628 S. Main Street – commented that this has been an interesting meeting; for the last two weeks, with holidays and a winter storm, recycling has been put out even though the information is on the website. This information needs to get out to the residents.

Scott Caster, 12 Clover Lane – noted that he has been asking for public discussion regarding what Council is looking for in an Administrator, and tonight is the last opportunity for this discussion; more attention should be paid to Downtown Hightstown when it comes to grant writing; goal setting is a great way to achieve things for the Borough; there has been two fires in the last couple years related to electrical issues, inspections should be made regularly and he has not been inspected in the last couple years, nor billed for an inspection.

Jeff Bond, 210 South Main Street – inquired as to the purpose of the Code Enforcement Officer; inspections are way behind; there needs to be an answer as to whether the Borough can take the funds from the insurance and do what they want, or not.

January 6, 2014

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

**Mayor/Council/Administrative Comments and Committee Reports**

**Councilmember Misiura** – noted that the Planning Board meeting is next week.

**Councilmember Doran** – noted that the Environmental Commission and Housing Authority re-organization meetings are scheduled for next week.

**Councilmember Thibault**– suggested several goals for the Borough; we need to improve code enforcement; a committee should be formed to improve communication with the residents; we need to resolve the Borough Hall matter.

**Councilmember Quattrone** – noted that he would like to work with Councilmember Misiura (Liaison) regarding the code enforcement issue; thanked everyone for attending the meeting.

**Mayor Kirson** – noted that the ordinance being considered is for property maintenance issues and Council will have to keep the need for additional staffing in the code enforcement office in mind when developing the budget.

Councilmember Thibault moved to adjourn at 9:41 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk