

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
November 3, 2014  
First Aid Building  
6:30 PM – Executive Session  
7:30 PM – Public Session**

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 6:05 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; Frederick Raffetto, Esq. Borough Attorney; and Eric Harrison, Esq., JIF Attorney.

**Resolution 2014-219 Authorizing a Meeting Which Excludes the Public**

Mayor Kirson asked that two items be added to resolution 2014-219; Various Disciplinary Hearings under litigation, and Enchantment under Contract Negotiations.

Councilmember Misiura moved resolution 2014-219 as amended, Councilmember Quattrone seconded.

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

Resolution adopted 5-0.

Resolution 2014-219  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

November 3, 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 3, 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:

Litigation – LeTellier  
Marchione  
Various Disciplinary Hearings  
Personnel – Dispatch  
Attorney-Client Privilege – Harassment Investigation  
Contract Negotiations - Enchantment

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 3, 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.

Councilmember Thibault and Elizabeth Garcia, Labor Counsel, had arrived during executive session and were now present; George Lang, CFO joined the meeting at this time and was now present. Eric Harrison had departed during executive session and was no longer present.

Mayor Kirson asked that resolution 2014-225 be added to the agenda directly following resolution 221. He then read the title of resolution 2014-225.

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

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

Agenda approved as amended 6-0.

Councilmember Bluth moved the October 20, 2014 open session minutes for approval, Councilmember Misiura seconded.

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

Minutes approved 6-0.

Councilmember Thibault motioned that the October 20, 2014 executive session minutes be tabled, Councilmember Misiura seconded.

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

November 3, 2014

Minutes tabled 6-0.

Mayor Kirson then addressed the public, regarding matters that have been in the press. He advised that the County Prosecutor's office is the Chief Law Enforcement Officer and is overseeing the matters in the Borough; Council is not at liberty to take any action. Council has no knowledge of the matters at the Police Department, and while many believe we should take action, we have no authority to do so; Labor Counsel has been in contact with the County Prosecutor's office, and is following their mandate. Mayor Kirson continued that the harassment complaint is being taken very seriously and as soon as the Borough was made aware of the complaint, Labor Counsel immediately moved forward to investigate the complaint on September 24<sup>th</sup>. We are taking these matters seriously and taking steps, where authorized, to resolve these matters.

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

Lynne Woods, 315 Park Avenue – commented that Council was made aware of mismanagement of the police department in December of 2013 and that is Council's authority; the harassment has not been addressed.

Renee Cline, Stone Mill Drive – noted that she thinks the Police Commissioner is running for Mayor but cannot handle the police; what is happening here is wrong.

Scott Caster, 12 Clover Lane – noted that everything the Mayor stated is true, but it is their job to set the tone; the public cannot believe the Mayor's statement; what about before it went to the Prosecutor?

Renee Forsier, 6 Deerfield Park – supported Officers Krupa and Marchione.

Doug Mair, 536 S. Main Street – commented that he wants to know what is going on at the Police Department and who is in charge, this is strictly the Mayor's responsibility; inquired if the Borough received the insurance money for Borough Hall.

Meredith Murphy, 20 Dennis Court – commented that Officer Krupa was bullied by the Boys Club and did the right thing by reporting it, and Marchione is being punished without charges being brought. This is wrong.

Shannon White, 38 Carnation Road, Monroe - noted the details that caused Officer Marchione's suspension.

Kim Reeger, 29 N. Main Street, Allentown – spoke in support of Officer Krupa and commented that the Marchione incident is an embarrassment to Hightstown. Something needs to be done about the Fire Chief, Scott Jenkins.

Rosa Cane, 59 Irvington Lane – noted she is a neighbor to Marchione and he did nothing wrong, all he did was ask for help and what has happened to him is inhumane; there are laws to protect Officer Krupa and she deserves respect.

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

**2014-19 First Reading & Introduction** – 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.

Councilmember Quattrone moved ordinance 2014-19 for introduction, Councilmember Hansen seconded.

November 3, 2014

Henry Underhill reviewed the figures for the new rates and reiterated the previous conversation with Council. He noted that the present revenue decline will affect the fund balance and this is the first increase in 8 years; costing the average homeowner approximately \$128.00 per year.

There was discussion regarding, surplus, revenues versus costs, overhead increases, cost controls, sludge disposal costs, septic revenue, fund balance usage in previous years; revenue shortfalls from anticipated.

George Lang explained surplus.

Councilmember Thibault inquired as to why projections are so far off from when the sludge press was purchased and installed. There was discussion regarding pressed versus liquid sludge disposal. Mr. Underhill noted that pressed is still cost effective over liquid disposal.

George Lang explained how close budgeting affects the fund balance.

Mr. Underhill noted that they are evaluating whether the Borough should limit the amount of septic being taken in; there are larger projects forthcoming for the sewer plant in 2015 and 2016.

Councilmember Thibault suggested that this ordinance be tabled until Council can speak to the Borough Engineer and AWWTP Superintendent to get answers. He also inquired as to how government works versus private industry, who must report to the BPU. The Borough Attorney gave an explanation.

Councilmember Hansen noted that she is confident with the evaluations that the staff have performed and that controls on these type of projections is difficult and not easily understandable. She noted that if the rate increase does not go into effect January 1<sup>st</sup>, the plant will be in trouble. She continued that there has not been an increase in 8 years and she would hate to see this tabled for questions that can be answered prior to adoption.

Councilmember Thibault noted that he cannot just accept the numbers; he needs to be able to explain it to his neighbors. He noted that there has been no discussion on cutting costs and inquired as to the benefit of the sludge press.

Mayor Kirson noted that the sewer plant is very old, and efficiencies will not increase; Hightstown is the biggest small city offering its residents services that they should not be doing, but the Borough has nobody else to do them.

Councilmember Misiura suggested that Council contact the Administrator with their questions before the next meeting.

Councilmember Thibault requested that the Borough Engineer be present at the next meeting to answer questions.

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

Ordinance introduced: 6-0, Public Hearing to be held November 17, 2014.

#### Ordinance 2014-19

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

November 3, 2014

**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) \$~~4.85~~ 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

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)

November 3, 2014

### 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

~~e.~~ 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  
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

November 3, 2014

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

(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

November 3, 2014

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.

**Ordinance 2014-18 Final Reading & Public Hearing** – An Ordinance Amending Chapter 28, “Zoning” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding Permanently Installed Standby Generators.

Mayor Kirson opened the public hearing on ordinance 2014-18. There being no comments, the public hearing was closed.

November 3, 2014



Councilmember Misiura moved ordinance 2014-18 for adoption, Council President Bluth seconded.

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

Ordinance adopted: 6-0.

Ordinance 2014-18

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

**AMENDING CHAPTER 28, “ZONING,” OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHTSTOWN REGARDING PERMANENTLY INSTALLED STANDBY  
GENERATORS**

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

Section 1. Chapter 28, “Zoning,” is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~):

A. This ordinance shall apply to permanently installed standby generators

B. Subsection 28-10-19 “Permanently Installed Standby Generators” is added as follows:

1. Standby generators shall be permitted as accessory uses in the following Residential Districts: R-1, R-2, R-3 and R-4 and shall be located in the rear yard only and not project beyond the side building lines of the principal structure. All generators shall be installed on a concrete pad or other pre-formed pad designed to meet the generator’s specifications. The generator shall be screened so it is not visible from adjacent properties or from any street or public way. For corner lots, generators may be located in the side yard with approval from the Zoning Officer. Screening shall consist either of plantings or an opaque fence of sufficient size and height to completely screen the generator from adjacent properties or from any street or public way. Screening shall be maintained by the owner or occupant of the property.

2. Standby generators may only be used when electric power to the property has been interrupted for reasons beyond the control of the property owner or resident, or for routine testing. Routine testing is permitted for a thirty minute period once a month during weekdays between 9:00 a.m. and 4:00 p.m. subject to air quality restrictions. Routine testing shall not take place on days in which the air quality is classified as unhealthy for sensitive groups, unhealthy, very unhealthy, or hazardous in accordance with N.J.A.C. 7:27-19.2(d) as it may be amended from time to time.

3. Notwithstanding anything to the contrary, generators shall not generate noise levels in excess of 68 dB at twenty-three feet when operating at one hundred percent. Generators shall be operated at all times with a muffler, and any factory-installed enclosure for the generator may not be removed for any reason except for maintenance or repair.

4. Supplemental diesel and gasoline fuel storage tanks powering generators shall not be permitted in any residential zone. If the generator is powered by propane gas, the propane gas tank shall be completely screened so as not to be visible from adjacent properties or from any street or public way and shall obtain all applicable regulatory approvals.

Section 2. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or  
November 3, 2014

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 immediately 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.

**Resolution 2014-220 Authorizing the Payment of Bills.**

Council President Bluth moved resolution 2014-220, Councilmember Hansen seconded.

Councilmember Thibault inquired about a \$912.50 payment being made to the Borough Attorney regarding site deficiencies. There was discussion and it was determined that this was for an item that has been discussed in executive session. Councilmember Thibault inquired why this is not being taken out of escrow, to which the Attorney responded that they do not pay for the Borough's litigation, this is not escrow related. Councilmember Thibault requested that this portion of the Attorney invoice be deducted from the bills list.

Council President Bluth moved resolution 2014-220 as amended, Councilmember Hansen seconded.

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

Resolution adopted as amended: 6-0

**Resolution 2014-220**

*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 \$58,798.80 from the following accounts:

November 3, 2014

Current		\$44,007.96
W/S Operating		11,690.12
General Capital		1,554.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		460.72
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>1,086.00</u>
Total		<u>\$58,798.80</u>

**Resolution 2014-221 Authorizing Request for Proposal for a Waste Water Treatment Plant Engineer**

Council President Bluth moved resolution 2014-221, Councilmember Quattrone seconded.

Mr. Underhill explained that there is a Waste Water Plant Engineer already in place, but there is a need to have someone perform an evaluation of the plant, prepare a plan, and give reports. There was discussion.

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

Resolution adopted: 6-0

**Resolution 2014-221**

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

**AUTHORIZING REQUEST FOR PROPOSALS FOR A WASTE WATER TREATMENT PLANT ENGINEER**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to prepare and advertise a Request for Proposals for a Waste Water Treatment Plant Engineer for the Waste Water Treatment Plants, and that the Borough is authorized to receive same after proper advertisement.

November 3, 2014

**Resolution 2014-225 Authorizing Settlement of Litigation Known as “James LeTellier vs. Borough of Hightstown and John Does 1-5 and 6-10”**

Councilmember Quattrone moved resolution 2014-225, Councilmember Bluth seconded.

Mayor Kirson explained that this resolution authorizes the settlement agreement for the lawsuit brought by Police Director LeTellier, against the Borough.

Borough Attorney Raffetto explained the process taken by Mr. Harrsion, Esq., the JIF Attorney; and read the pertinent general terms of the agreement.

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

Resolution adopted: 6-0

Resolution 2014-225

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

**AUTHORIZING SETTLEMENT OF LITIGATION KNOWN AS “JAMES LETELLIER vs. BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN AND JOHN DOES 1-5 AND 6-10.”**

**WHEREAS**, James LeTellier (also referenced as the “Plaintiff”) is currently employed by the Borough of Hightstown (also referenced as the “Borough”) in the position of Police Director, pursuant to Section 2-19.4 of the Hightstown Borough Code; and

**WHEREAS**, the Borough appointed the Plaintiff to serve in this capacity on February 6, 2012, for a three (3) year term which shall expire on February 6, 2015; and

**WHEREAS**, in April of 2014, the Plaintiff filed a Complaint and Jury Demand in the Superior Court of New Jersey, Mercer County, Law Division, entitled “James Letellier vs. Borough Council of the Borough of Hightstown and John Does 1-5 and 6-10,” which bears Docket Number MER-L-975-14 (also referenced as the “Lawsuit”); and

**WHEREAS**, the parties wish to settle the Lawsuit amicably without the need for lengthy and costly litigation, and in a manner through which no party admits any liability whatsoever; and

**WHEREAS**, to that end, the parties have negotiated a Settlement Agreement which sets forth the terms and conditions associated with the resolution of the said Lawsuit; and

**WHEREAS**, a copy of the Settlement Agreement is attached hereto and made a part hereof.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, as follows:

1. That the attached Settlement Agreement relating to the above-captioned Lawsuit is hereby approved by and for the Borough of Hightstown.
2. That the Borough Administrator is hereby authorized to execute, and the Borough Clerk to attest,

November 3, 2014

the attached Settlement Agreement on behalf of the Borough.

3. That all relevant Borough officials (including the Borough's appointed counsel) are hereby authorized and directed to undertake all actions, and to execute all documents, that are necessary in order to effectuate the terms and conditions set forth in the attached Settlement Agreement.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Eric L. Harrison, Esquire, counsel to the Borough of Hightstown;
  - b. Frederick C. Raffetto, Esquire, Borough Attorney;
  - c. Kevin M. Costello, Esquire, Attorney for Plaintiff;
  - d. James LeTellier, Police Director; and,
  - e. Henry Underhill, Borough Administrator.

#### **Consent Agenda Resolutions 2014-222, 2014-223 and 2014-224**

Councilmember Thibault moved resolutions 2014-222, 2014-223 and 2014-224 as the consent agenda, 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 2014-222**

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

#### **AUTHORIZING RECEIPT OF BIDS FOR CHEMICALS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for Chemicals for the Water and Waste Water Treatment Plants, and that the Borough is authorized to receive same after proper advertisement.

#### **Resolution 2014-223**

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

#### **APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION OF EAST WARD STREET PROJECT**

**NOW THEREFORE BE IT RESOLVED** that the Council of Hightstown formally approves the grant application for the above stated projects.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant  
November 3, 2014

application identified as MA-2015-Hightstown Borough-00398 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2014-224

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

### **AMENDING RESOLUTION 2014-21**

**WHEREAS** resolution 2014-21 adopted by the Hightstown Borough Council on January 2, 2014 established the 2014 schedule of holidays; and

**WHEREAS**, the holiday in observance of Veterans Day is listed on the resolution for Monday, November 10, 2014; and

**WHEREAS**, the holiday in observance of Veterans Day should have been be listed on the resolution for Tuesday, November 11, 2014.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Hightstown that resolution 2014-21 is hereby amended to correct the holiday observance of Veterans Day to read Tuesday, November 11, 2014.

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

Doug Mair, 536 S. Main Street – commented that he wishes more of the public was here to see the mismanagement of the utility plants; even though Councilmember Thibault takes too many notes, things are passed without understanding; inquired as to who is in charge at the Police Department now that the Director is gone.

Lynne Woods, 315 Park Avenue – commented that now that the Director is gone, Lt. Gendron will be in charge and his attitude and behavior should be scrutinized.

Scott Caster, 12 Clover Lane – commented that the entire water/sewer discussion was confusing; the Administrator's suggestion to hire an Engineer was brilliant, but the conversation should be expanded to include the entire Borough.

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

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

**Councilmember Kurs** – thanked those who participated in Halloween and made it exciting; the Borough may need to detour traffic on Stockton Street in the future.

November 3, 2014

**Councilmember Thibault** – noted that traffic control on South Main Street was great; the last complaint was that he does not take enough notes; this time the complaint is that he takes too many. Council is being criticized, but we did not pass an ordinance, this was simply an introduction to move it forward for public input and get answers to questions; this ordinance was previously discussed and Council performed their due diligence, but we are not done yet. He then reminded everyone to vote tomorrow.

**Councilmember Misiura** – noted that the Planning Board meeting for November has been cancelled; the Arts Commission met at the old Roasting Post in October; new owners of the facility will be opening a restaurant; future meetings of the Arts Commission will be held at Peddie School; Halloween was great. He then thanked the Historic Society for the House Tour and the families for opening their homes to be toured, it was very nice.

**Councilmember Quattrone** – noted that Halloween was great; the public needs to learn the ordinance process; thanked the Clerk for all her hard work on elections and reminded everyone to vote.

Council President Bluth motioned to adjourn at 9:26 pm, Councilmember Thibault seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk

November 3, 2014