

**Meeting Minutes  
Hightstown Borough Council  
Business Meeting  
November 21, 2016  
6:00 p.m.**

The meeting was called to order by Mayor Quattrone at 6:06 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Kurs</i>		ARRIVED LATE
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Montferrat</i>		✓
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Henry Underhill, Borough Administrator Fred Raffetto, Borough Attorney; Ed McManimon, Special Redevelopment Counsel and Chris Otteau, Real Estate Appraiser.

**EXECUTIVE SESSION**

**Resolution 2016-204 Authorizing a Meeting that Excludes the Public**

Mayor Quattrone asked that discussion regarding the Administrator be added to the Resolution.

Councilmember Bluth moved Resolution 2016-204 as amended; Council President Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Misiura and Stults voted yes.

Resolution adopted as amended 4-0.

Resolution 2016-204

*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 November 21, 2016 at 6:00 p.m. at the Hightstown Engine Co. #1 Fire House Hall located at 140 North Main 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 – Investigative Report  
Personnel – Borough Administrator  
Attorney-Client Privilege  
Contract Negotiations – Municipal Court

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 21, 2017, 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.

Mayor Quattrone called the public meeting to order at 7:32 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call.

Councilmember Kurs arrived during Executive Session and is now present. George Lang, CFO and Carmela Roberts, Borough Engineer, arrived at this time and are now present.

#### **APPROVAL OF AGENDA**

Councilmember Stults moved the agenda; Council President Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura and Stults voted yes.

Agenda approved 5-0.

#### **PUBLIC COMMENT I**

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

**Scott Caster, 12 Clover Lane** – Stated that he does not think that Public Comment I should be limited to items only on the agenda. He asked that Council consider changing this.

**Eugene Sarafin, 628 South Main Street** – Asked for clarification of Resolution 2016-206.

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

#### **RESOLUTIONS**

##### **Resolution 2016-205 Authorizing Payment of Bills**

Councilmember Bluth asked that Item Joyce005 be pulled from the bill list and voted on separately.

Councilmember Stults asked that item G0171 be pulled from the bill list and voted on separately.

Councilmember Kurs moved Resolution 2016-205 as amended; Councilmember Misiura seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura and Stults voted yes.

Resolution adopted 5-0.

Councilmember Misiura moved item G0171 be moved for payment; Council President Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs and Misiura voted yes; Councilmember Stults abstained.

Payment approved 4-0 with 1 abstention.

Council President Hansen moved item Joyce005 for payment; Councilmember Kurs seconded.

Roll Call Vote: Councilmembers Hansen, Kurs, Misiura and Stults voted yes. Councilmember Bluth abstained.

Payment approved 4-0 with 1 abstention.

Resolution 2016-205

*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 \$121,651.73 from the following accounts:

Current		\$63,638.85
W/S Operating		54,121.02
General Capital		0.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		490.00
Housing Trust		0.00
Animal Control		1.20
Law Enforcement Trust		3,400.66
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$121,651.73</u>

**Resolution 2016-206 A Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 Which Affirms the Language and Legislative Intent of the Fair Housing Act**

Mr. Raffetto explained that this is a form resolution proposed by the New Jersey League of Municipalities and relates to the Affordable Housing obligations for municipalities in New Jersey

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura and Stults voted yes.

Resolution adopted 5-0.

Resolution 2016-206

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

**A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT**

**WHEREAS**, the Borough of Hightstown supports the provision of affordable housing in a reasonable, national and achievable way, consistent with economic realities and sound planning; and

**WHEREAS**, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

**WHEREAS**, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

**WHEREAS**, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten present and prospective need, not any “gap period” number; and

**WHEREAS**, the New Jersey Supreme Court has, for the stated purposes of, “*judicial economy and efficiency based on the large number of actions involved, The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*” agreed to hear an appeal of the Appellate Division ruling in late November; and

**WHEREAS** the Fair Housing Act (FHA) and existing case law, required that “present and prospective fair share of the housing need in a given region... shall be computed for a 10-year period,” [N.J.S.A., 52:27D-307(c)]; and

**WHEREAS**, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make final determination as to state and regional housing need, as well as constant litigation by certain groups; and

**WHEREAS**, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

**WHEREAS**, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

**NOW, THEREFORE, BE IT RESOLVED**, on this 21<sup>st</sup> day of November, 2016 by the Borough of Hightstown, Mercer County, that:

1. The Borough of Hightstown strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. The Borough of Hightstown supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

## **PUBLIC COMMENT PERIOD II**

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

**Dave Schnaeger, 108 Main Street** – Speaking on behalf of Unidad. Stated that the members of Unidad are concerned about the immigrant community in Hightstown. Hightstown has always been welcoming to immigrants and the members of Unidad are concerned for their safety following the election of Donald Trump as President. He proceeded to give Mayor Quattrone a letter stating their concerns.

**Maddy Campoverde, 145 Franklin Street** – Thanked Council for letting her speak. Expressed concerns over Hightstown not wanting to be a sanctuary city. The Latino Community is concerned for their safety with the new President and wants to feel protected.

**Jorge Torres, 108 Main Street** – Stated that by Hightstown not wanting to be a sanctuary city, undocumented immigrants are not safe. He would like to create a committee to work with Council and the Police. He does not want undocumented immigrants afraid to call the police.

**Eugene Sarafin, 628 South Main Street** – Stated that he fears Donald Trump also. Anyone with a brain should be frightened. We should not have to live with hate or fear.

**Tori Watkins, 68 Meadow Drive** – Stated that he is delighted to see the Latino Community trying to find a better life. Hightstown has done a good job welcoming the immigrants. He loves this community and his fellow residents.

**Anna Pazmino, 108 Main Street** – Asked that Council consider having Hightstown become a sanctuary city. Please consider how children will be affected if families are forced to leave their homes.

**Sylvia Lopez, 45 Princeton Avenue** – Stated that she has lived in this Country for 16 years and has seen many changes. As humans, everyone has a right to a better life. Asked that Hightstown become a sanctuary city to help protect the immigrant community.

**Jack Macken, 12 Lower Ferry Road** – Does not live in Hightstown but has friends and loved ones that live in town. He asked that Council consider their safety by becoming a sanctuary city.

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

## **DISCUSSION**

### **Professional Services RFP Review**

Requests for Proposals are being solicited for Borough Planner and Borough Auditor. There was discussion as to which Councilmembers would review the proposals and report back to Council. It was decided that Councilmembers Stults and Misiura would review the proposal for Planner along with Fred Montferrat, Planning Board Chair. It was also decided that Councilmembers Bluth and Hansen would review the proposals for Auditor along with George Lang, CFO.

## **SUBCOMMITTEE**

### **Rugmill**

The developer and Borough Engineer met with the DEP. Ms. Roberts had informed Mr. Underhill that she felt it was a positive meeting. At this time DEP's concerns are with the flood zone and the underground parking.

## **MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

### **Councilmember Bluth**

**Parks & Rec** – Will be having Santa in the Park again in Association Park. Details to follow.

**Cultural Arts Commission** – Planning a “think” session for their 2017 events.

### **Councilmember Stults**

**Construction & Zoning Office** – The office received a complaint regarding a sign on a resident's lawn on Lincoln Avenue. Because the sign had been posted on Facebook there has been increased traffic. George Chin, Construction Official, wrote a letter to the resident with the sign regulations. The owner responded and would like to keep the sign up until the end of 2016.

**Downtown Hightstown** – New Chairperson, Steve Kirson, walked through town to introduce himself to business owners. The committee will be putting up lights for the Santa Parade route.

Thanked Unidad for attending tonight's meeting and voicing their concerns.

### **Councilmember Misiura**

Appreciated Unidad expressing their concerns. He stated that Council does understand their needs.

**Fire Department** – The Fire Department expressed concern as to when they will be receiving their LOSAP payment. Mr. Underhill has spoken with them and it has been paid. Mr. Underhill also informed them that in the future they will need to have better records in order to receive proper credit.

**Santa Parade** – Will be the night after Thanksgiving. Hightstown High School's State Champion Marching Band will again be marching in the parade.

**Planning Board** – Has noticed that there are many tractors at the Minute Maid Plant which is a violation of the settlement. Ask Mr. Raffetto to comment on this. Regarding the COAH housing element, they are in the process of adopting the Fair Share Housing element. The Art Master Plan will also be incorporated into the Borough's Master Plan.

### **Councilmember Kurs**

Thanked Unidad for coming and expressing their concerns.

**Snow Shoveling for the Disabled and Elderly** – Student in Hightstown High School's O'Ambassadors Club will provide snow shoveling for senior and/or disabled folks who live within walking distance of their own

neighborhood. Anyone seeking assistance should contact Felicia Mode Alexander at the Melvin H. Kreps Middle School.

**Police Department** – On November 14<sup>th</sup> two Hightstown Police Officers were able to successfully administer Narcon for an opiate overdoses. The officers do not want accolades as this is their job to serve the community. Mr. Kurs went on to state how this is an epidemic in our society today.

**Parks & Rec** – Regarding Santa in the Park, Mr. Kurs stated that this is his annual objection to using public funds for religious celebrations.

#### **Council President Hansen**

**Housing Authority** – The last meeting had been cancelled due to a lack of quorum.

She thanked Unidad for their comments. She stated that she understood their feelings but believes that we will not see a change of behavior in Hightstown. She encouraged them to speak again soon.

#### **George Lang, CFO**

Informed Council that tax collection is strong and we are ahead of where we were at this time last year. Let Council know that budget worksheets are due from Department Heads at the end of November.

#### **Fred Raffetto, Borough Attorney**

Stated that the Planning Board has a meeting regarding the trailers at Minute Maid, they are moving forward with discussion.

#### **Mayor Quattrone**

**Downtown Business Meeting** – Attendance at the monthly meetings are increasing. He has invite Steve Kirson to the next meeting. The purpose of the meetings are to help make downtown better.

**Unidad** – Thanked Unidad for coming to the meeting and expressing their concerns. Regarding undocumented immigrants, he stated for the record that Hightstown follows the Attorney General's Guidelines on the matter, 100%. Whatever the Attorney General directs is what Hightstown Borough has always done, and will continue to follow. There will be no change in the system here in Hightstown.

#### **ADJOURNMENT**

Council President Hansen moved to adjourn to Executive Session at 8:42 pm; Councilmember Bluth seconded. All ayes.

Council returned to open session at 9:00 pm.

Council President Hansen moved to adjourn the meeting at 9:00 pm; Councilmember Kurs seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk