

**Meeting Minutes  
Hightstown Borough Council  
May 15, 2017  
6:00 p.m.**

The meeting was called to order by Mayor Quattrone at 6:01 p.m. 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 Montferrat</i>		ARRIVED AT 6:22
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Debra Sopronyi Borough Clerk/Administrator; Fred Raffetto, Borough Attorney; George Lang, CFO; Frank Gendron, Chief of Police; Amy Guerin, Labor Counsel and Stacy Moore, Labor Counsel.

**EXECUTIVE SESSION**

**Resolution 2017-102 Authorizing Meeting that Excludes the Public**

Council President Stults moved Resolution 2017-102; Councilmember Hansen seconded.

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

Resolution adopted 5-0.

Resolution 2017-102

*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 15, 2017 at 6:00pm 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:

Litigations – Krupa  
Marchione

Contract Negotiations – Fire Services  
Affordable Housing (Randolph)

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 15, 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 called the public meeting to order at 7:38 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call.

Councilmember Montferrat arrived during Executive Session and is now present. Police Chief Frank Gendron, Amy Guerin and Stacy Moore, Labor Counsel, departed during Executive Session and are no longer present.

**APPROVAL OF AGENDA**

Mayor Quattrone asked that the agenda be amended as follows: Remove Statement from the Administrator, Remove Resolution 2017-106 – Self Examination of Budget; Remove Resolution 2017-108 Adopting the 2017 Budget; Add Resolution 2017-113 Authorizing the Borough's Labor Counsel to file a notice of appeal and associated documents with the superior court of new jersey, appellate division, in the matter of Frank Marchione VS. the Borough of Hightstown.

Councilmember Kurs moved the agenda as amended; Council President Stults seconded.

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

Agenda approved as amended: 6-0.

**APPROVAL OF MINUTES**

Councilmember Montferrat moved the May 1, 2017 Executive Session Minutes for approval. Council President Stults seconded.

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

Minutes approved 6-0.

Council Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Councilmember Kurs moved the May 1, 2017 Open Session Minutes for approval. Councilmember Montferrat seconded.

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

Minutes approved 6-0.

## **PRESENTATIONS**

### **Resolution 2017-103 – Recognizing Emergency Medical Services Week May 21 – May 27, 2017**

Councilmember Kurs moved Resolution 2017-103; Council President Stults seconded.

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

Resolution adopted 6-0.

Resolution 2017-103  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**RECOGNIZING EMERGENCY MEDICAL SERVICES WEEK  
MAY 21 – MAY 27, 2017**

**WHEREAS**, Emergency medical services is a vital public service; and

**WHEREAS**, the members of the Hightstown First Aid emergency medical services team are ready to provide lifesaving care to those in need; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the volunteer members of the Hightstown emergency medical services team engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical service providers by recognizing Emergency Medical Services Week.

**NOW THEREFORE BE IT RESOLVED** *by the Mayor and Council of the Borough of Hightstown that we hereby recognize the week of May 21-27, 2017, as Emergency Medical Services Week and further extend appreciation to the Hightstown First Aid for the community service it provides.*

**BE IT FURTHER RESOLVED** that the community is encouraged to observe this week by appropriately recognizing the vital services performed by emergency medical services and their exemplary dedication to the Hightstown community.

### **Proclamation in Recognition of Jack & Peggy Guyette**

Mayor Quattrone and Councilmember Kurs presented a proclamation honoring Jack & Peggy Guyette for their years

of service to the Hightstown First Aid Squad. Scott Caster accepted the award on behalf of the Guyettes.

BOROUGH OF HIGHTSTOWN  
Proclamation

Honoring Jack & Peggy Guyette

**Whereas** Jack and Peggy Guyette have been active EMS volunteers since 1980 with a lifetime total of over 12,000 calls each; and

**Whereas**, Jack has served as First Lieutenant and Captain for many years while overseeing the in-house training of volunteers; and

**Whereas**, Peggy has served as Second Lieutenant, First Lieutenant and President for many years; and

**Whereas**, The Hightstown First Aid Squad responds to calls from Hightstown 24 hours a day, 7 days a week along with providing mutual aid to surrounding communities; and

**Whereas**, Jack and Peggy worked to build membership roles in the squad and are actively involved in other community efforts; and

**Whereas**, Hightstown EMS has provided a starting education for many of its members who have gone on to become paramedics, nurses, doctors and other medical roles;

**Now, Therefore, Be It Proclaimed** by the Mayor of the Borough of Hightstown that Jack and Peggy Guyette are hereby recognized and commended for their contributions, dedication and committed service to the Borough of Hightstown and its residents.

**Proclamation in Recognition of Steve and Nancy Boguszewski**

Mayor Quattrone and Councilmember Kurs presented a proclamation honoring Steve and Nancy Boguzewski for their years of service to the Hightstown First Aid Squad. Steve Boguzewski accepted the award on behalf himself and his wife.

BOROUGH OF HIGHTSTOWN  
Proclamation

Honoring Steve & Nancy Boguzewski

**Whereas** Steve and Nancy Boguzewski have been members of the Hightstown First Aid Squad for 37 and 42 years, respectively; and

**Whereas** Steve has held the positions of Captain, First Lieutenant, Second Lieutenant and is currently Secretary, which is a position he has held for over 20 years and was named Member of the Year in 2002; and

**Whereas**, Nancy has held the positions of Captain, First Lieutenant and Second Lieutenant and has held the executive offices of President and Vice President; and

**Whereas**, Steve and Nancy have a combined total of 7 CPR saves and delivered 2 babies; and

**Whereas**, Steve is a life member of the 9<sup>th</sup> District of the New Jersey State First Aid Council and has been certified

in Defensive Driving (CEVO), Light Extrication, Haz Mat and Incident Command. Steve is also a Military Veteran having served in the United States Coast Guard for 6 years; and

**Whereas**, Nancy is a life member of both the 9<sup>th</sup> District and 23<sup>rd</sup> District of the New Jersey State First Aid Council, Served on the Education Committee of the State First Aid Council, is a former CPR and 5 Point First Aid Instructor and has been certified in Defensive Driving (CEVO), Emergency Services for Children, Pediatric EMS, Light Extrication, Haz Mat, Incident Command and Paramedic Assistant. Nancy was a responder after 9/11 to Jersey City setting up triage for 2 days.

**Now, Therefore, Be It Proclaimed** by the Mayor of the Borough of Hightstown that Steve and Nancy Boguszewski are hereby recognized and commended for their contributions, dedication and committed service to the Borough of Hightstown and its residents.

Mayor Quattrone and Councilmember Kurs presented a proclamation honoring Steve and Nancy Boguszewski for their years of service to the Hightstown First Aid Squad. Steve Boguszewski accepted the award on behalf of himself and his wife.

#### **Resolution 2017-104 Observing the Month of May as Police Appreciation Month**

Councilmember Bluth moved Resolution 2017-104; Councilmember Kurs seconded.

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

Resolution adopted 6-0.

Resolution 2017-104

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

#### **PROCLAIMING THE MONTH OF MAY AS POLICE APPRECIATION MONTH**

**WHEREAS**, In 1962, President John F. Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week is dedicated to honoring law enforcement officers; and

**WHEREAS**, The members of the Hightstown Borough Police Department play an essential role in safeguarding the rights and freedoms of the Borough of Hightstown; and

**WHEREAS**, It is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS**, the Hightstown Borough Mayor and Council wish to proclaim the month of May 2017 as Police Appreciation Month to recognize the Hightstown Borough Police Officers and their service to the residents.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that we hereby proclaim the month of May 2017, as Police Appreciation Month in the Borough of Hightstown and call upon its citizens to honor police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Mayor Quattrone and Councilmember Kurs presented Detective Mecca with the resolution, thanking him and all of the Hightstown Police Department for their service to our community.

**Resolution 2017-105 Observing May 21 – 27, 2017 as Public Works Week**

Councilmember Montferrat moved Resolution 2017-105; Council President Stults seconded.

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

Resolution adopted 6-0.

Resolution 2017-105  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**OBSERVING MAY 21 – MAY 27, 2017 AS PUBLIC WORKS WEEK**

**WHEREAS**, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and program such as water, sewers, streets and highways, public building, and solid waste collection; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that we hereby recognize the week of May 21 – May 27, 2017 as Public Works Week in the Borough of Hightstown and call upon its citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

**PUBLIC COMMENT I**

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

**Doug Mair, 536 South Main Street** – Applauded Council for their recognitions and proclamations this evening. Stated that Officer Mark Niro did not receive a proclamation for his years of service upon his retirement; could this be due to the fact that Mr. Niro supported Frank Marchione?

**Lynne Woods, 315 Park Avenue** – Stated that Judge Mary Jacobson ordered that Frank Marchione be reinstated has a Hightstown Police Officer. Judge Jacobson is a top judge in Mercer County and this Council is being disrespectful by not following the order.

**Jermey Katz, 400 Stockton Street** – Stated that it is disrespectful to honor police officers but do wrong by other officers. Spoke highly of Judge Jacobson.

**Brian Boccanfuso, 403 Lakeside Blvd, Hamilton** – Spoke in support of Frank Marchione

**Jeff Catrambone, 1130 Clifton Avenue, Clifton, NJ** - Since Resolution 2017-123 was not included in the public packet asked that the Resolution be read aloud for the public.

**Pat Colligan, 153 Main Street, Woodbridge, NJ** – Thanked the PBA members for coming this evening. Spoke in support of Frank Marchione. Stated that the judge's decision was immediate reinstatement, it has been 10 days since the decision and nothing has been done to reinstate Mr. Marchione.

**Herb Smith, 652 Old York Road, East Windsor, NJ** – Spoke in support of Frank Marchione.

**Neil Glakin, 291 Monmouth Street** – Stated that he is upset that Council is appealing the judge's decision. It is a waste of tax payer money.

**Scott Caster, 12 Clover Lane** – The Frank Marchione issue could have been handled differently. Council is continuing to waste tax payer money.

**Chris White, 38 Carnation Road, Monroe, NJ** – Spoke in support of Frank Marchione. Spoke about the night of the incident at Mr. Marchione's home.

**Chris Gray, 100 Horizon Center Blvd.** – Frank Marchione's Attorney. Stated that the judge's decision required immediate reinstatement of Mr. Marchione yet 10 days have passed and there is still no response from Hightstown Borough regarding reinstatement.

**Bree Marchione, 19 Talmadge Drive, Monroe, NJ** – yielded her 3 minutes to Mr. Gray. Mr. Chris Gray continued to speak on behalf of Mr. Marchione.

**Rob Thibault, 504 South Main Street** - Stated that there are two litigation matters for discussion in tonight's executive session. Both involve police officers. Something is wrong at the Police Department and that is what needs to be looked at.

**Jessica Albert, 42 Carnation Road, Monroe, NJ** – Asked how we expect residents to follow the rules if government won't.

**James Mennuti, 157 South Main Street** – Stated that he did not think appealing is a good decision. Council needs to be done with these expenses.

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

## **ORDINANCES**

### **2017-06 Introduction and First Reading – An Ordinance Banning the Sale of Dogs and Cats from Pet Shops**

Borough Clerk/Administrator explained that the Mercer County Freeholders and Assemblyman Daniel Benson has sent letters asking municipalities to adopt this ordinance. At this point, over 100 municipalities in the State have adopted this ordinance. The ordinance restricts the sale of puppies and kittens to only those that are sourced from shelters or rescue organizations not obtain from puppy or kitten mills.

Councilmember Bluth moved Ordinance 2017-06 for introduction; Councilmember Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen and Stults voted yes; Councilmembers Misiura and Montferrat voted no; Councilmember Kurs abstained.

Ordinance introduced 3-2 with 1 abstention.

Public Hearing scheduled for June 5, 2017.

Ordinance 2017-06  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

### **AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS**

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

**WHEREAS**, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due



in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually, including nearly 1,500 in the County of Camden. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Hightstown Borough Council believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Municipality and its residents, protect the citizens of the Municipality who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Municipality.

## **Section 1. Definitions**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

## **Section 2. Restrictions on the Sale of Animals**

(1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (a) An animal care facility; or
- (b) An animal rescue organization.

(2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

Section 3. Severability. 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 4. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 5. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

### **BUDGET 2017**

#### **Resolution 2017-107 Authorizing the Budget to be Read by Title Only**

Councilmember Misiura moved Resolution 2017-107; Councilmember Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2017-107

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

#### **AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY**

**WHEREAS**, pursuant to 40A:4-10, as amended by Chapter 95, P.L.2015, provides that the budget may be by title when procedures required by N.J.S.40A:4-8 and N.J.S.40A:4-9 or section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have been followed; and

**WHEREAS**, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body; and

**WHEREAS**, the Borough Council finds that the budget for 2017 shall be read by title only.

**NOW, THEREFORE BE IT RESOLVED** that the budget shall be read by title only.

ROLL CALL RECORDED VOTE:

	1st	2nd	Yes	No	Abstain
<b>Ms. Bluth</b>			✓		
<b>Ms. Hansen</b>			✓		
<b>Mr. Kurs</b>			✓		
<b>Mr. Misiura</b>		✓	✓		
<b>Mr. Montferrat</b>			✓		
<b>Mr. Stults</b>	✓		✓		

### **Public Hearing for the 2017 Budget**

At this time Mayor Quattrone opened the Public Hearing for the 2017 Budget and the following individuals spoke:

**Scott Caster, 12 Clover Lane** – Asked if there is money in the budget for signs relating to no bicycling on the sidewalk. If there is no money now, he asked that the budget to be amended to include this.

**Doug Mair, 536 South Main Street** – Stated that the budget has a .02 increase this year. Is there money for the legal fee expenditure for the Marchione case? CFO, George Lang, stated that the budget does include a line for legal expenses.

**Rob Thibault, 504 South Main Street** – Asked if there was a provision in the budget for Mr. Marchione's back salary since the budget was prepared prior to the decision. CFO, George Lang, stated that the budget needs to be reexamined before adoption due to the court decision.

There being no further comments, Mayor Quattrone adjourned the public hearing until June 5, 2017.

### **RESOLUTIONS**

#### **Resolution 2017-109 Authorizing Payment of Bills**

Council President Stults moved Resolution 2017-109; Councilmember Misiura seconded.

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

Resolution adopted 6-0.

Resolution 2017-109

*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 \$196,639.65 from the following accounts:

Current		\$109,815.92
W/S Operating		65,031.30
General Capital		1,084.50
Water/Sewer Capital		3,994.50
Grant		650.00
Trust		61.45
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		10,835.73
Escrow		<u>5,166.25</u>
Total		<u>\$196,639.65</u>

**Resolution 2017-113 Authorizing the Borough's Labor Counsel to File a Notice of Appeal and Associated Documents with the Superior Court of New Jersey, Appellate Division, in the Matter of Frank Marchione VS. the Borough of Hightstown.**

Borough Attorney, Fred Raffetto, read Resolution 2017-113 aloud for the public.

Councilmember Misiura moved Resolution 2017-113; Councilmember Hansen seconded.

Roll Call Vote: Councilmembers Hansen, Kurs, Misiura and Montferrat voted yes; Councilmembers Bluth and Stults voted no.

Resolution adopted 4-2.

Resolution 2017-113  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING THE BOROUGH'S LABOR COUNSEL TO FILE A NOTICE OF  
APPEAL AND ASSOCIATED DOCUMENTS WITH THE SUPERIOR COURT OF  
NEW JERSEY, APPELLATE DIVISION, IN THE MATTER OF FRANK  
MARCHIONE VS. THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, the Borough of Hightstown was named as a defendant in a litigation matter filed before the Superior Court of New Jersey, Law Division, Mercer County, in the matter known as Frank Marchione vs. Borough of Hightstown, hearing docket no. MER-L-2253-15; and

**WHEREAS**, the matter relates to the Borough's prior termination of the plaintiff from his position as a police

officer with the Borough; and

**WHEREAS**, on May 9, 2017, The Honorable Mary C. Jacobson, A.J.S.C., entered an order reversing the termination of the plaintiff as a police officer for the Borough, reinstating the plaintiff to his position with the Borough with back pay, and requiring that the plaintiff be provided with counseling for at least six (6) months following his restoration; and

**WHEREAS**, following review of this matter with the Borough's Labor Counsel, the Governing Body has determined that it wishes to pursue an appeal of Judge Jacobson's decision with the Superior Court of New Jersey, Appellate Division.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough's Labor Counsel is hereby authorized and directed to file a Notice of Appeal, and associated documents, with the Superior Court of New Jersey, Appellate Division, in the matter of Frank Marchione vs. Borough of Hightstown, and to take all actions that are necessary in furtherance of said appeal.

### **CONSENT AGENDA**

#### **Resolutions 2017-110; 2017-111; 2017-112**

Councilmember Misiura moved Resolutions 2017-110; 2017-111; 2017-112 as a Consent Agenda; Councilmember Stults seconded.

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

Resolution 2017-110

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

### **PLEDGING SUPPORT FOR NEW JERSEY'S WILDLIFE ACTION PLAN**

**WHEREAS**, The New Jersey Wildlife Action Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies; and

**WHEREAS**, Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community the Borough of Hightstown pledges its support for the New Jersey Wildlife Action Plan as outlined:

**WHEREAS**, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

**WHEREAS**, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

**WHEREAS**, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

**WHEREAS**, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

**WHEREAS**, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens; and

**WHEREAS**, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

**WHEREAS**, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

**WHEREAS**, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Hightstown resolves to take the following steps with regard to our municipal land-use decisions with the intent of making Hightstown an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

- We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

Resolution 2017-111

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

**RECOGNIZING MUNICIPAL CLERKS' WEEK**  
**MAY 7 – MAY 13, 2017**

**WHEREAS**, The Office of the Municipal Clerk, a time honored and vital part of local government that exists throughout the world; and

**WHEREAS**, The Office of the Municipal Clerk is the oldest among public servants, and

**WHEREAS**, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, The Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, county and international professional organizations; and

**WHEREAS**, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of Hightstown Borough that we recognize the week of May 7 – May 13, 2017, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Debra L. Sopronyi, and our Deputy Municipal Clerk, Margaret Riggio, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Resolution 2017-112

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

**AUTHORIZING RELEASE OF ESCROW FUNDS – NEW CINGULAR WIRELESS  
PCS LLC (BLOCK 61.01, LOT 43)**

**WHEREAS**, New Cingular Wireless deposited escrow funds in the amount of \$2,600.00 for a project at Block 61.01, Lot 43; and

**WHEREAS**, New Cingular Wireless has requested that the escrow funds on deposit with the Borough for Block 61.01, Lot 43 be released; and

**WHEREAS**, The Borough has inspected all improvements related to the above site and found all improvements to be completed satisfactorily and;

**WHEREAS**, The Borough has determined that there are no outstanding invoices for this project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the

CFO is authorized and directed to release the escrow funds on deposit with the Borough for the project at Block 61.01, Lot 43 to New Cingular Wireless PCS LLC.

**BE IT FURTHER RESOLVED** that said escrow release check shall be mailed to AT&T Mobility & Subsidiaries, Attn: Ms. Donna Greenhalgh, One AT&T Way, Room 3C221G, Bedminster, New Jersey 07921.

A certified copy of this Resolution shall be provided to the following:

- a. New Cingular Wireless PCS LLC
- b. George Lang, Hightstown Borough CFO
- c. George Chin, Hightstown Borough Construction Official
- d. Carmela Roberts, Borough Engineer

## **PUBLIC COMMENT PERIOD II**

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

**Doug Mair, 536 South Main Street** – Asked Councilmember Montferrat to reconsider his vote on Resolution 2017-113. Went on to tell Council that they are disregarding what residents want and lost in court. He will be submitting an OPRA request to the Clerk’s Office regarding the Marchione case.

**Patrick Colligan, 158 Main Street, Woodbridge, NJ** – Informed Council that they are receiving bad legal advice regarding the Marchione case.

**Keith LePrevost, 613 Greeley Street** – The Housing Authority is working on several issues and needs feedback from Council. He has reached out to the Mayor and several Councilmembers and has not received a response.

**Scott Caster, 12 Clover Lane** – Thanked Council for the Poster campaigns publicizing issues in town.

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

## **DISCUSSION**

### **East Ward Street Rehabilitation**

Borough Clerk/Administrator Sopronyi reviewed Roberts Engineering’s letter dated May 2, 2017 and Van Cleef Engineering Associates’ letter dated May 10, 2017 regarding the rehabilitation of East Ward Street. The Borough Engineer has concerns and issues with the plans that were submitted. These plans have already been approved by DOT. There is a disagreement between the two engineers. After review of both letters, discussion ensued. It was decided that Ms. Sopronyi will have a meeting with both engineers and Public Works to work on a solution. There was also discussion regarding rethinking the “pool of engineers” for the Borough. The original idea was well intended but it is not working.

## **SUB-COMMITTEE REPORTS**

### **Borough Administrator Search**



Mayor Quattrone and Councilmember Kurs interviewed 4 candidates for the Borough Administrator position. The options are to hire a full-time Administrator, part-time Administrator, or a Borough Clerk/Administrator. Mayor Quattrone stated that he was not overwhelmed with the applicants for the full-time position. Mayor Quattrone and Councilmember Kurs will have a recommendation for Council at the June 5<sup>th</sup> Meeting. Deputy Clerk Riggio will RICE notice all four applicants in preparation for the discussion.

### **Route 33 Corridor**

The Borough Planner will be reaching out to Councilmember Montferrat regarding suggestions for the report.

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

### **Councilmember Kurs**

The Fire Company will be hosting a cigar and whiskey fundraiser on June 4<sup>th</sup>.

### **Councilmember Bluth**

Parks and Recreation approved the placement of the park bench at Peddie Lake and they are working with the gentlemen funding the project. Public Works is assisting with the procurement of the bench. Dawes Park will be resurfaced and Parks and Recreation is working with Larry Gunnell for coordinating the project. Fun Fridays will be held in Memorial Park on June 23<sup>rd</sup>, July 21<sup>st</sup>, August 25<sup>th</sup> and September 8<sup>th</sup> from 5 p.m. – 8 p.m.

### **Councilmember Hansen**

Water/Sewer had a meeting last week. They are reviewing their capital budget requests. Borough Engineer, Carmela Roberts, will be at the June 5<sup>th</sup> meeting to discuss the Waste Water Treatment Plant Evaluation.

### **Councilmember Montferrat**

Stated that he wished the public had stayed for Council's comments. We take legal advice from our professionals to protect the Borough's interests. He hopes that something positive can come from all of this.

### **Deputy Clerk Riggio**

The Memorial Day Parade will be held Monday, May 29<sup>th</sup> at 9:00 a.m. If anyone has any questions they can call the Clerk's Office.

### **Borough Clerk/Administrator Sopronyi**

Information regarding the poster campaign was delivered to the schools today. There will be upcoming discussions regarding the Capital Budget.

### **Council President Stults**

Fliers for Fun Friday's have been delivered to downtown businesses.

### **Mayor Quattrone**

Congratulated Councilmember Montferrat on his graduation, with 2 Masters Degrees. Addressed Mr. LePrevost regarding not returning emails, stated that if there is no reply he should call the Mayor directly. If anyone has issues they should contact the Clerk or Administrator's office, they are there to help.

### **ADJOURNMENT**

Council moved into Executive Session at 9:25 p.m.

Council re-convened into Public Session at 10:06 p.m.

Councilmember Montferrat moved to adjourn at 10:08 p.m.; Council President Stults seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk