

## OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:03 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

At Mayor Patten's request, those in attendance observed a moment of silence in remembrance of Pope John Paul II.

The flag salute was followed by the roll call.

### ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember Holtzclaw</i>	✓	
<i>Councilmember Laudenberger</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>		✓
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; and Frederick Raffetto, Esq., Borough Attorney.

### APPROVAL OF AGENDA

Upon motion by Councilman Sikorski, seconded by Councilwoman Laudenberger, the agenda was approved as submitted by all in attendance.

### APPROVAL OF MINUTES

Upon motion by Councilman Sikorski, seconded by Councilwoman Laudenberger, the minutes of the January 18, 2005 open session and March 21, 2005 open session meetings were approved as submitted by all in attendance.

## PROCLAMATIONS

Mayor Patten presented three proclamations signed by the Mayor and Council to 2004 E.M.T. of the Year (Erini Papafilipakis), 2004 Policeman of the Year (Detective Benjamin Miller) and 2004 Firefighters of the Year (the firefighters of Hightstown Engine Co. No. 1).

## **2004 E.M.T. of the Year – Erini Papafilipakis**

**Whereas,** *Erini Papafilipakis is performing a valuable service to the residents of Hightstown as a volunteer Emergency Medical Technician with the Hightstown First Aid Squad; and*

**Whereas,** *Ms. Papafilipakis joined the Squad in 2003, and has since held several executive offices including Vice President, Corresponding Secretary and Trustee; has served on various committees, including House, Membership, Fundraising, Social, Publicity and Uniform; and has been an active participant in many Squad activities, including the Memorial Day Parade, Pancake Breakfast, and Installation Dinners; and*

**Whereas,** *in responding to calls, Ms. Papafilipakis has provided excellent pre-hospital care for emergencies of all types, including amputations, pediatric emergencies and heavy rescue assignments, and was selected by the National Association of EMT's to provide disaster relief and response to Russia; and*

**Whereas,** *Ms. Papafilipakis has recently completed all requirements for recertification, and was honored by the National Registry of EMT's; and*

**Whereas,** *Ms. Papafilipakis has been chosen by her peers as 2004 E.M.T. of the Year, the second consecutive year in which she has received this honor;*

**Now, Therefore, Be It Proclaimed** *by the Mayor and Council of the Borough of Hightstown that Erini Papafilipakis be recognized as 2004 E.M.T. of the Year, and that she is hereby commended for her commitment, dedication and devoted service to the Borough of Hightstown and its residents as a volunteer EMT with the Hightstown First Aid Squad.*

## **2004 Policeman of the Year - Detective Benjamin Miller**

**Whereas,** *Detective Benjamin Miller was sworn in as an officer with the Hightstown Police Department on March 20, 2000 and worked as a patrolman until he was assigned to the Detective Bureau on April 1, 2003; and*

**Whereas,** *during his tenure in the Detective Bureau, Detective Miller has attended more than a dozen training courses and seminars which have helped him grow and mature into a first-class Detective; and*

**Whereas,** *the Chief of Police has received many commendations from other law enforcement agencies regarding Detective Miller's dedication, professionalism and tenaciousness as a Detective; and*

**Whereas,** *Detective Miller was chosen by his fellow officers as Hightstown's 2004 Policeman of the Year; and*

**Whereas,** *quotes from his peers include: "had a heavy caseload and did a fine job managing the tasks"; "has done an outstanding job for the year 2004"; "went above and beyond to solve cases"; "worked long hours on most cases with little or no help"; "outstanding as an officer in the PBA and with the community"; "works tirelessly in the Detective Bureau and follows up on cases on his own initiative"; and "is a model officer for others to follow and most deserving of this recognition";*

**Now, Therefore, Be It Proclaimed** *by the Mayor and Council of the Borough of Hightstown that Detective Benjamin Miller is hereby congratulated for having been honored as 2004 Policeman of the Year and is commended for his professionalism, dedication to law enforcement and service to the Borough of Hightstown and its residents.*

## 2004 Firefighters of the Year The Firefighters of Hightstown Engine Co. No. 1

*Whereas, there are 40 dedicated volunteer firefighters who currently serve the Borough of Hightstown as members of Hightstown Engine Co. No. 1; and*

*Whereas, the Firefighters of Hightstown Engine Co. No. 1 are performing a valuable service to the Borough of Hightstown and the surrounding community by volunteering their time and risking life and limb to protect and defend the lives and property of our residents; and*

*Whereas, "Firefighter of the Year" is an honorary title given each year to a firefighter who has "gone the extra mile" consistently throughout the previous year; and*

*Whereas, during 2004, many individuals performed above and beyond the call of duty, responding to rescue calls and auto fires on the New Jersey Turnpike, apartment fires in East Windsor Township, and fires within the Borough of Hightstown, carrying out their duties with bravery and professionalism; and*

*Whereas, because of the outstanding service of all of the firefighters of Hightstown Engine Co. No. 1, they all have been selected as "Firefighters of the Year 2004";*

**Now, Therefore, Be It Proclaimed** *by the Mayor and Council of the Borough of Hightstown that the Firefighters of Hightstown Engine Co. No. 1 be recognized as 2004 Firefighters of the Year, and that each is hereby commended for his bravery, commitment and devoted service to the Borough of Hightstown and the surrounding community.*

### PUBLIC COMMENT I

Mayor Patten opened the floor to public comment.

**Peter Klapsogorge**, 418 North Main Street, expressed concern about the condition of the "old Wyckoff house" at Wyckoff's Mill Road and North Main Street. As a lifetime resident, he said that he has "seen that house slowly fall apart." He questioned whether the house is structurally sound and noted that a letter had been sent to the owner by the Construction Official in October 2004 stating that certain items had to be taken care of within 30 days. "Nothing has been done," he said, and he asked for an update regarding those violations.

Mayor Patten noted that he met during the prior week with Mr. Klapsogorge, Mr. Wetterskog and Chief Eufemia to discuss this. Mr. Wetterskog is available to continue that discussion if needed, he said. Mr. Klapsogorge stated that he simply wanted this on the public record. "The paperwork hasn't worked," he said. "It's an eyesore and devalues our property."

Mr. Klapsogorge also expressed concern regarding the "old Taylor house," next door to that property. He feels that the property is being used as an illegal boarding house. He said that he has seen seven cars parked in front of that residence at 8 a.m. on Sunday morning, and others parked in the rear. "This will devalue our property," he said, "and we pay high taxes." He said that the residents of that home are adults, and this needs to be addressed. Mayor Patten stated that the Borough has been and will continue to take appropriate action with respect to this property.

**Howard Levine**, 414 North Main Street, said that he has lived at that address for two years and has not seen any improvement in the Wyckoff house, and he has been told that it has been in a state of decline for the past 30 years. He called it a "fire trap" and noted a large pine tree in the front of the house that could easily spread a fire to surrounding homes. He noted that his own home has already suffered damage as a result of cable lines that were sagging due to

overgrown trees on that property. A truck came through and tore them down, and when the came down, they ripped the siding on his home, doing an estimated \$4,000 worth of damage.

Mr. Levine also expressed concern about the house adjacent to the old Wyckoff house. Other neighbors are concerned also that this is a boarding house, he said. He has seen only adult males residing there. Mayor Patten stated that there is a process that the Borough is following and noted that Harry Wetterskog is always available to discuss the particulars of what he has been doing. He thanked Mr. Levine for his comments.

**Fernando Salles**, 500 North Main Street, said that he moved here two years ago and would like to see North Main Street similar to South Main Street in terms of the value of the homes and their environment. He referenced goals stated in the Borough's 1998 Master Plan regarding neighborhoods along the thoroughfares into the Borough and the historic nature of our homes. The old Wyckoff Homestead is referred to in the Master Plan, he said. He asked if the Borough might consider purchasing the property, allowing the current residents to live there as long as they like, and turning it into a museum after they move on. It would allow a historic residence to be rebuilt, he said. Mr. Salles also proposed that parking be prohibited on North Main Street late at night, or that permit parking only be allowed, in order to regulate the cars and those living in the houses.

Mayor Patten noted that there is a group of people that are planning to begin working next week on making improvements to the Wyckoff house. This has been planned since last fall, he said, but was delayed until the warmer weather. "There are attempts to do exactly what you're asking for," he said. "Pete knows this." He reiterated that he, Mr. Wetterskog and Chief Eufemia are available to discuss this with any concerned resident.

**Julie Barton**, 410 North Main Street, also expressed concern about the condition of the Wyckoff house and the possibility that the house next to it is being used as an illegal boarding house. The Wyckoff House is featured in a book about the history of Hightstown and East Windsor, she said, and "it's deplorable what has happened to it." However, she said, her biggest concern is 409 North Main Street, which she feels is being used as a boarding house. "I see adult males and females," she said, "and I don't believe that they are all relatives." She is concerned about her children, and added that she is Spanish herself and "has nothing against the people." Ms. Barton said that she had contacted Mr. Wetterskog on several occasions about the house next door parking dump trucks on the property, and that problem was resolved "for about a week."

Mayor Patten stated that "we are enforcing our laws and are assuring that civil rights are not being violated. Harry did send a letter to the owners of 409 North Main Street, and police were there to explain our ordinances regarding parking in driveways and not elsewhere, and have had a dialogue with the owners."

**Mr. Klapsog** spoke again to say that he asked an officer to check the plates on a car that was parked there one night, and it was not registered to that address but rather to an address in East Windsor. He asked how long one has to change an address on a vehicle registration after moving. Mayor Patten said that he did not have that answer.

The Mayor suggested to those neighbors who were at this meeting that they try knocking on the door and welcoming the new residents to the neighborhood, and asking how they can help.

**Eugene Sarafin**, 600-628 South Main Street, referred to Resolution 2005-112 and asked what property is the subject of the tax appeal litigation. Ms. Gallagher stated that it is the Deerfield/Westerlea Apartments. Mr. Sarafin went on to say that there are complex issues regarding boarding houses that need to be addressed "and you're avoiding it." "Hispanics need a place to live," he said, particularly single males, and he suggested that the Equity Group address this. He added that there used to be rooming houses in Hightstown. He said that he was offered \$1 million for his home if four families could live there. Mr. Sarafin went on to say that "we fail to address taxation" and that East Windsor's water/sewer rates are one-half those of Hightstown. Neither Hightstown nor East Windsor are doing what is best for the community, he said. He predicted that the school budget would be defeated, which, he said, would be a "disaster." He closed by saying

that Councilmembers have a responsibility to “look forward and come up with ideas and dialogue about housing, zoning, planning and the future.”

No one else came forward and Mayor Patten closed the floor.

## ENGINEER’S ITEMS

### PARKING ON STOCKTON STREET

Regarding the trial period of allowing limited parking on one side of Stockton Street between the vacated Railroad Avenue and Forman Street<sup>1</sup>, Ms. Roberts stated that the No Parking signs there have been removed and new signs were ordered and recently received that would restrict parking overnight. They have not yet been installed. She suggested that the period be extended for one month beyond when the new signs are installed. Chief Eufemia recommended that the trial begin after paving by the County is complete. That paving is scheduled to begin around April 18 and should take about three weeks to complete. Council was in agreement that the trial period should begin after the paving is complete. Councilman Sikorski asked if residents will be notified of the paving project. Ms. Gallagher stated that she is planning to do so.

### WYCKOFF’S MILL WATER STORAGE TOWER

Ms. Roberts reported that construction of the water tower should be complete by the end of the month. Painting will take a month also, and the entire project should be complete by mid-July. She noted that the color of the tank must be selected this month. Councilman Sackowitz stated that he is bringing the paint samples to a meeting of the Wyckoff’s Mill Association for them to select their preference, and Council expressed support for that concept.

## RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolutions 2005-104, 105, 106, 107 and 108** were moved by Councilwoman Laudenberger, seconded by Councilman Sikorski.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

### Resolutions adopted, 5-0-1.

#### RESOLUTION 2005-104 AUTHORIZING APPLICATIONS AND AGREEMENTS FOR TRANSPORTATION TRUST FUNDING

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that submission of applications for Transportation Trust funding for the following projects, which applications are attached hereto and made a part of this Resolution, are hereby approved, and the Mayor and Borough Clerk are authorized to execute same:

#### **Roadway projects (Municipal Aid):**

Chamberlin, Wilson and Westerlea – Milling and Paving Program  
Clinton Street & Cole Avenue – Road Reconstruction

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<sup>1</sup> See minutes of [January 18, 2005](#).

**Pedestrian projects (Safe Streets to Schools):**

Summit Street

**RESOLUTION 2005-105      AUTHORIZING PAYMENT TO PETER GIANCOLA & SONS, INC.  
(SOUTH MAIN STREET IMPROVEMENTS)**

**WHEREAS** on September 20, 2004, the Borough of Hightstown entered into an agreement with Peter Giancola & Sons, Inc. for curb and sidewalk improvements on South Main Street to be funded by the County of Mercer; and

**WHEREAS** the work has been completed and approved by the Borough Engineer, and she has recommended full payment to the contractor in the amount of Eleven Thousand (\$11,000.00) Dollars; and

**WHEREAS** the Chief Financial Officer has certified that funds for this expenditure are available;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that payment in the amount of \$11,000.00 to Peter Giancola & Sons, Inc. for curb and sidewalk improvements on South Main Street is hereby approved, and the Treasurer is authorized and directed to issue same.

**RESOLUTION 2005-106      REQUESTING EXTENSION OF TIME IN WHICH TO AWARD CONTRACT FOR GREENWAYS,  
PHASE I**

**WHEREAS**, the Borough of Hightstown has been awarded funding through the New Jersey Department of Transportation for Phase I of the Greenways Project; and

**WHEREAS**, the deadline (as previously extended) to award a contract for the project is June 20, 2005; and

**WHEREAS**, permit applications have been submitted to NJDEP, and plans and specifications for the project are complete, however it will not be possible to advertise and award a contract for the project prior to approval of the permits by NJDEP and execution of all required easements and/or rights of entry agreements; and

**WHEREAS**, in light of the above, it is unlikely that the Borough will be able to award a contract by the June 20, 2005 deadline and wishes to request a six-month extension of time, to December 20, 2005, to award this contract;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough hereby requests from the New Jersey Department of Transportation a six-month extension of time to December 20, 2005, in which to award a contract for Phase I of the Greenways project.

**RESOLUTION 2005-107      AUTHORIZING PAYMENT NO. 5 – CB&I SERVICES, INC.  
(WYCKOFF'S MILL WATER STORAGE TOWER, R&R FILE NO. H1212)**

**WHEREAS** on June 7, 2004 the Borough of Hightstown awarded a contract for the construction of an elevated water storage tank to Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware, in the amount of Nine Hundred and Seven Thousand Four Hundred and Fifty-Two (\$907,452.00) Dollars; and

**WHEREAS** on March 7, 2005, Change Order No. 1 to that contract was approved in the amount of \$402.00, bringing the total contract price to Nine Hundred and Seven Thousand Eight Hundred and Fifty-Four (\$907,854.00) Dollars; and

**WHEREAS** the contractor has submitted Payment Request No. 5 for work done in the total amount of \$308,789.28; and

**WHEREAS** the Borough Engineer has recommended approval of this payment request, and the required certified payrolls have been received;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 5 from Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware in the amount of \$308,789.28 is hereby approved, and the Treasurer is authorized to issue same.

**RESOLUTION 2005-108      AUTHORIZING PURCHASE OF ASPHALT**

**WHEREAS** in conjunction with their paving of Stockton Street beginning April 11, 2005, the County of Mercer has agreed to perform the paving of Rogers Avenue, provided that the Borough purchase the necessary materials; and

**WHEREAS** an estimated 500 tons of asphalt will be needed for the project; and

**WHEREAS** the County has requested that the Borough purchase the asphalt directly from their supplier, Trap Rock Industries, P.O. Box 419, Kingston, New Jersey, 08528; and

**WHEREAS** the cost of the asphalt needed is not expected to exceed \$20,000.00; and

**WHEREAS** the Chief Financial Officer has certified that funds for this purchase are available in previously adopted bond ordinance(s);

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that purchase of asphalt up to a maximum of \$20,000.00 from Trap Rock Industries, P.O. Box 419, Kingston, New Jersey, 08528 for the paving of Rogers Avenue is hereby approved.

## **ORDINANCES**

### **PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-12,**

#### **AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A LEASE AGREEMENT WITH SAINT FRANCIS MEDICAL CENTER REGARDING THE USE OF A BOROUGH-OWNED AMBULANCE**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2005-12.

**Eugene Sarafin**, 600-628 South Main Street, asked Council not to adopt the Ordinance until the agreement with St. Francis which is referenced in the Ordinance is available. It had been noted during review of the Ordinance that this agreement is currently in the hands of the hospital's attorney, and would be brought back before Council for approval as soon as the details are finalized. Mr. Raffetto stated that we had hoped to have the agreement for this meeting, and said that it is within Council's discretion to continue the public hearing to a later date, or to close the public hearing and postpone action until a later date so that the agreement can be reviewed at the same time.

**Phyllis Deal**, 305 Stockton Street, asked who would be legally responsible in the event of a mishap by St. Francis while using our ambulance. Mr. Raffetto stated that St. Francis and the Borough are mutually indemnifying each other.

**Barbara Bickel**, 332 Stockton Street, spoke as president of the First Aid Squad to ask if its members would be able to ride on this ambulance. Ms. Gallagher responded that the Borough has asked St. Francis about including this in the agreement and is awaiting their response.

No one else came forward, and it was agreed that the public hearing would be continued at the April 18 meeting.

It was moved by Councilman Sikorski, seconded by Councilman Quattrone, that action on Ordinance 2005-12 be postponed to April 18.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

**Motion carried (final action postponed), 5-0-1.**

INTRODUCTION AND FIRST READING: ORDINANCE 2005-13,  
AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Gallagher and Chief Eufemia, Ordinance 2005-13 (which would prohibit stopping and standing of vehicles along a portion of Harron Avenue) was moved for introduction by Councilman Sikorski, seconded by Councilwoman Laudenberger.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

**Ordinance introduced, 5-0-1.**

The public hearing and final reading for Ordinance 2005-13 was set for April 18, 2005.

## RESOLUTIONS

RESOLUTION 2005-73, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR AUCTION SERVICES WITH  
MAX SPANN AUCTION CO. FOR THE SALE OF SURPLUS MUNICIPAL LAND

Ms. Gallagher reported that she had contacted Administrators in several other towns which have utilized the services of Max Spann and each was *delighted* with the service rendered by the firm and the results achieved. Mr. Raffetto noted that he has done additional research and is now comfortable with the ten percent buyer's premium routinely charged by the firm, and Ms. Gallagher added that the Borough auditor has reviewed this also and has no objection to it.

Resolution 2005-73 was then moved by Councilman Quattrone, seconded by Councilman Sackowitz.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

**Resolution adopted, 5-0-1.**

RESOLUTION 2005-73      AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR AUCTION SERVICES  
WITH MAX SPANN AUCTION CO. FOR THE SALE OF SURPLUS MUNICIPAL LAND

**WHEREAS** the Borough of Hightstown, County of Mercer, has determined that it is in the Borough's best interest to contract with Max Spann Auction Co., 1630 Route 31 North, Clinton, New Jersey 08809, for the public auction of public lands not needed by the Borough of Hightstown;

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



1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached agreement<sup>2</sup> with Max Spann Auction Co., for one that is substantially similar and approved by the Borough Attorney, for auction marketing services relative to the sale of a newly created lot (which shall be known as Block 40 Lot 20), which is composed of the properties currently designated as 216 Academy Street (Block 40, Lot 20) and 220 – 222 Academy Street (Block 40, Lot 21).
2. A certified copy of this Resolution shall be provided forthwith to Max Spann Auction Co., together with a signed copy of the agreement, at the above address.

## **RESOLUTION 2005-100, AUTHORIZING THE SALE OF REAL PROPERTY IN THE OWNERSHIP OF THE BOROUGH OF HIGHTSTOWN WHICH IS NO LONGER NEEDED FOR PUBLIC USE**

Ms. Gallagher provided a brief review of Resolution 2005-100, which was then moved by Councilwoman Laudenberg and seconded by Councilman Sikorski. Discussion ensued.

Councilman Quattrone stated that he would like to see the use of this property restricted to the construction of affordable housing. Mayor Patten noted that to do so is likely to restrict the number of bidders and reduce the revenue that the Borough could realize from the sale. He said that, once the property is sold, the Borough could utilize RCA monies to provide incentives to the contractor to build affordable housing at that site. Councilwoman Laudenberg questioned whether the Borough wants affordable housing to be centralized in that area rather than circulated throughout the community.

Councilman Sackowitz asked the Borough Attorney if the Borough must specifically dedicate this property to affordable housing at the time that it is sold. Mr. Raffetto stated that there is no requirement for this – it is a policy decision by Council.

Mayor Patten noted that the property is currently zoned for single family housing, not for duplexes. He said that he has been attending a lot of seminars regarding affordable housing, and there are various ways in which we can provide incentives to developers. RCA monies can be used for that purpose, or older properties can be deed-restricted. Those options are preferable, he said, to restricting the use of this property, particularly at this time when we need to maximize revenues. Mr. Raffetto confirmed that there are other ways for the Borough to meet its affordable housing obligation, such as alternative living arrangements. He added that the consolidation of these lots is still in process, therefore the auction will not happen right away. Council does have time to consider this further before taking action, he said. After brief further discussion, it was moved by Councilman Sikorski, seconded by Councilman Quattrone, that action on Resolution 2005-100 be postponed to April 18, 2005.

**Roll Call:** Councilmembers Laudenberg, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

**Motion carried (Resolution postponed), 5-0-1.**

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<sup>2</sup> See end of these 4/4/05 minutes.

## BUDGETARY RESOLUTIONS

### RESOLUTION 2005-102, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

Resolution 2005-102 was moved by Councilman Sikorski, seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

**Resolution adopted, 5-0-1.**

#### RESOLUTION 2005-102 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2005 temporary budget; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

**WHEREAS**, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2005 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	83,498.44	443,438.11	526,936.55
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	34,250.00	302,222.00	336,472.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
<b>TOTAL</b>	<b>117,748.44</b>	1,592,208.11	<b>1,709,956.55</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto<sup>3</sup> and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2005 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

## CONSENT AGENDA

**Resolutions 2005-109, 110 and 111** were moved by Councilwoman Laudenberger, seconded by Councilman Sikorski.

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<sup>3</sup> See end of these 4/4/05 minutes.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider was absent.

**Resolutions adopted, 5-0-1.**

**RESOLUTION 2005-109 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 Mayor, the appropriate Councilmember and the Treasurer in the amount of **\$573,272.27** from the following accounts:

Current	\$ 120,232.98
W/S Operating	107,182.16
General Capital	21,602.20
W/S Capital	312,427.53
Animal Control	378.40
Grant	1,092.50
Escrow – Subdivision & Site Plan (First Washington Bank)	<u>110,356.50</u>
<b>Total</b>	<b><u>\$ 573,272.27</u></b>

**RESOLUTION 2005-110 AUTHORIZING PROFESSIONAL SERVICES AGREEMENT –  
COMMUNITY GRANTS & PLANNING, INC. (COAH ISSUES)**

**WHEREAS**, there exists the need for consultant services to prepare all documents required to petition the New Jersey Council on Affordable Housing (COAH), under the new Round III rules, for substantive certification of the Borough's Fair Share and Housing Element, and to continue all planning and related meetings and discussions that are necessary to take that plan into the implementation phase; and

**WHEREAS**, Community Grants & Planning, Inc. of East Windsor, New Jersey has offered to perform this work for a total cost not to exceed \$10,000.00, including direct costs, as set forth in the agreement which is attached hereto and made a part hereof; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this expenditure;

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

1. The agreement with Community Grants & Planning, Inc., which is attached hereto and made a part hereof<sup>4</sup>, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a).
3. A copy of this Resolution as well as the agreement shall be placed on file in the office of the Borough Clerk.
4. A notice of this action shall be printed once in the official newspaper as required by law.

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<sup>4</sup> See end of these 4/4/05 minutes.

**WHEREAS**, Leonard Indellicati, residing at 279 Monmouth Street, Block 10, Lot 7.01, in the Borough of Hightstown, served in the United States Army from October 28, 1966 through October 25, 1968, and received an honorable discharge; and

**WHEREAS**, Mr. Indellicati has been certified, effective September 1, 2004, by the United States Department of Veterans Affairs to be a totally disabled veteran with a wartime service-connected disability; and

**WHEREAS**, in accordance with N.J.S.A. 54:4-3.30, Mr. Indellicati is thereby entitled to a complete exemption from property taxes on his dwelling and the lot it resides on;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized and directed to cancel the property taxes for 2005 on Block 10, Lot 7.01, to establish the property as tax-exempt, and to refund to Mr. Indellicati the amount of \$1,856.07 which he had already paid toward those taxes.

## UNFINISHED BUSINESS

### REVISIONS TO BOROUGH'S TAXI ORDINANCE

Councilman Sackowitz stated that he had reviewed the sample ordinances from other towns which had been provided by the Borough Clerk. He noted that our own ordinance requires that taxi fares be established annually by Resolution of Council, and it was acknowledged that this has not taken place within the memory of anyone present. Mr. Sackowitz recommended that we look at rates charged in towns comparable to Hightstown, specifically Freehold Borough.

Councilwoman Laudenberger said that she, too, reviewed the ordinances and each refers to rates set separately by Resolution. She would like to see comparisons among rates charged elsewhere.

Chief Eufemia stated that he has provided recommendations to Ms. Gallagher regarding changes to the language of the existing ordinance. He added that, while Freehold Borough may be comparable to Hightstown, taxi fares are typically based on distances between destinations. He noted that we currently have only two licensed taxi companies, and they are required to provide a list of their fares with their license application. "They nearly mirror each other," he said, and the listed fares "seem fair and equitable." Councilman Sackowitz questioned this, noting that he had been charged \$7 by an existing taxi service for a ride from T.G.I. Friday's to his home, a distance of about a mile. He added that, with a taxi meter, riders would know exactly how far they were traveling.

Chief Eufemia stated that Princeton Borough has more taxis than other towns in the area, and the rates are set by the governing body. Meters are not used.

Councilman Quattrone noted that none of the sample ordinances provided address the issue of handicapped riders. They should not be denied, he said, and the Borough should address this in its ordinance.

Councilman Sackowitz asked when our licensed taxis were last inspected. Chief Eufemia stated that inspections are done with each license renewal. The companies meet safety standards, he said, by having a current inspection sticker from a State facility and being reasonably clean. The Chief added that the Borough's ordinance does not currently address child safety seats and he will be recommending that our ordinance require that they be made available.

It was agreed that this issue will be discussed again at the next meeting, and that additional information regarding fares will be provided by Ms. Gallagher.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilwoman Laudenberger thanked Mayor Patten and Hightstown Engine Company No. 1 for their work to minimize the impact of the power outage experienced on the prior Saturday. She reported that Phase III of our Downtown Revitalization is moving forward, and the committee is looking toward plantings in the curbs and cutouts. Ms. Laudenberger also reported that the annual Better Beginnings Gala would be held on the coming Saturday, and that the Parks and Recreation Commission is planning a trip to Duke Gardens on May 15. She thanked Councilman Thompson for participating in the Community Action Service Center's 5K Run, and noted that Hightstown will have another celebration this October, over Columbus Day weekend.

Councilman Quattrone reported that our street sweeper is out of service and "in drastic need of repair or replacement," but Mercer County has agreed to help sweep our streets. He offered his congratulations to the recipients of this year's Proclamations. Mr. Quattrone also stated that he discussed the Wyckoff house and the property next door to it with Mr. Wetterskog that day, who is "as upset as everyone else" about the fact that certain legalities make it difficult for him to get things done. Councilman Quattrone noted that Mr. Wetterskog has not received any written complaints from local residents, and that could be helpful. Lastly, he reported that the parade committee is having its fourth meeting and all is going well.

Councilman Sikorski expressed appreciation to those of his neighbors who came forward at this meeting to express their concerns. Those concerns are being addressed, he said. "Harry is doing what is within the limits of the law to do. Your requests have not been ignored. They are documented and Harry has been informing me of the things that area taking place."

Mr. Sikorski went on to report that he attended the regular meeting of the Planning Board where certain Peddie School projects were approved. He thanked Mayor Patten for observing a moment of silence for Pope John Paul II, and noted that the Pope provided a "lesson of tolerance for those of all faiths." Mr. Sikorski added that the Mayor is to be commended for his efforts to bring different aspects of our community together. "We do have issues," he said, "and I share my neighbors' concerns."

Councilman Sackowitz noted a letter he had just received which was not listed on the agenda, and which was "filled with the most disgusting anti-Semitic language I've ever read." He recommended that the Borough respond to let the writer know "how we feel about bigotry and racism."

Ms. Gallagher reported that the 5<sup>th</sup> Annual Town-Wide Garage Sale will be held on Saturday, May 7, and information is available on the Borough's website. She added that, also available on the website, is the complete text of the Borough's CY2005 Extraordinary Aid application.

Chief Eufemia reported that the Health Fair was "well done," and should continue in the future.

Councilman Quattrone commented again to say that the Borough's Extraordinary Aid application is "one of the best grant applications ever," and he thanked Ms. Gallagher for her work on that. He encouraged all to read it in order to see all that the Borough has been doing.

Mayor Patten announced that the Peddie School has received a "Good Neighbor" award from the New Jersey Business and Industry Association for their partnering with the community in funding renovations to the downtown parking lot and the reconstruction of 120 Main Street. The Mayor also invited all to attend the upcoming meeting of the Equity Coalition and reported that he has formed a Latino Advisory Group which will hold their second meeting on April 16. He continues to participate on the statewide Heavy Truck Task Force and has presided over several seminars sponsored by the New Jersey State League of Municipalities. Mayor Patten went on to report that he has attended two forums at Princeton University regarding immigration, social justice and civil rights in order to gain a better understanding of the process and

the difficulties encountered. He also attended a Civil Rights Conference at St. Anthony's Church where members of the State Department of Civil Rights and Justice provided information to area immigrants.

## CORRESPONDENCE

The following items of correspondence were included in the meeting packets, noted for the record and placed on file in the Borough Clerk's office:

- Letter from McManimon & Scotland, LLC regarding issuance of \$5,654,395 Bond Anticipation Note

## PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

**Phyllis Deal**, 305 Stockton Street, asked if lighted crosswalks would be installed on Stockton Street during the repaving. Ms. Santaniello stated that "it would have to be a very special situation for the County to approve that" and informed Ms. Deal that the Borough has formally requested the State to install warning lights at crosswalks on Route 33. Ms. Deal suggested that this be considered at the crosswalks near the schools on Stockton Street and Oak Lane. She asked if there has been any discussion with the County regarding the type of paving to be used. Ms. Santaniello stated that the County will take the paving down about two or three inches and try to reshape it when repaving to have a high center that will help with drainage. No drainage improvements, however, are included in this project. Councilman Sikorski asked if the work will include curb replacement. Ms. Santaniello stated that it would not.

**Torry Watkins**, 68 Meadow Drive, asked the Mayor for clarification regarding information which appeared in a recent article in the *Trenton Times* concerning a group who was planning to demonstrate or speak out against "the immigrant alleviation Bob is so commendably carrying on with." Mr. Watkins said that he has "no sympathy for vigilantes," but they have First Amendment rights which should not be denied. The article, he said, alleged that Mayor Patten "either prevented or encouraged the prevention of a meeting of those folks at the Diner." He asked the Mayor what really happened. Mayor Patten stated that, when he learned that this group was coming to town, he simply notified the Hightstown Police Department. "That was the extent of it," he said. Chief Eufemia stated that the Department received information from Freehold Borough that a group was planning to meet at one of the USA Diners, and they advised the neighboring police departments. There was no other information available, he said, and there have been no incidents that he is aware of involving the group. Mr. Watkins stated that the article indicated that the group was denied admission to the Diner and he hoped that the Borough was not responsible for that. Mayor Patten assured Mr. Watkins that he will continue to fight for *everyone's* rights.

**Eugene Sarafin**, 600-628 South Main Street, asked how and why the design of the water tower changed from a straight tower to a bulb design. Ms. Santaniello stated that the first design considered was a hydropillar, and Mr. Blake requested a change in that design for maintenance reasons. Mr. Sarafin said that he enjoyed the discussions at this meeting. Regarding the Academy Street lots, he suggested that the Borough consider a "quadriplex" there to help meet our affordable housing obligation. He encouraged the inclusion on the agenda of letters such as that referred to earlier by Councilman Sackowitz. "You should publish them to show their ignorance," he said.

No one else came forward and the floor was closed.

## EXECUTIVE SESSION

The Borough Clerk read aloud Resolution 2005-103, authorizing a closed session for the purpose of discussing tax appeal litigation and personnel. The Resolution was moved by Councilman Quattrone, seconded by Councilwoman Laudenberger.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Councilman Schneider was absent.

**Resolution adopted, 5-0-1.**

### **RESOLUTION 2005-103      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 April 4, 2005 at approximately 9:00 p.m. at Borough Hall 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:

#### **Tax Appeal Litigation – Hightstown Development Associates Personnel**

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: July 4, 2005, 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.

Upon reconvening into open session **Resolution 2005-112** was moved by Councilman Sikorski, seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Councilman Schneider was absent.

**Resolution adopted, 5-0-1.**

### **RESOLUTION 2005-112      A RESOLUTION AUTHORIZING AND RATIFYING THE FILING OF A COUNTERCLAIM WITH RESPECT TO TAX APPEAL LITIGATION INVOLVING PROPERTIES OWNED BY HIGHTSTOWN DEVELOPMENT ASSOCIATION**

**WHEREAS**, Hightstown Development Association has filed a Complaint before the Tax Court of New Jersey seeking to reduce the tax assessed values of two (2) separately assessed real properties that it owns located along Westerlea Avenue, which are utilized for multi-unit residential purposes; and

**WHEREAS**, the properties at issue are known and designated as Block 55, Lot 74 and Block 61.01, Lot 26 on the Hightstown Borough Tax Map; and

**WHEREAS**, the combined assessment of these properties is equivalent to \$5,450,000.00, which implies a true value of \$9,200,000.00 when factoring the Borough's current assessment ratio; and

**WHEREAS**, the Borough's Tax Assessor is of the opinion that the true market value of these properties is significantly in excess of \$9,200,000.00; and

**WHEREAS**, the Borough's Tax Assessor has therefore recommended that the Borough file a Counterclaim in order to seek an increase in the assessed values of these properties; and

**WHEREAS**, due to the time constraints associated with filing a Counterclaim before the Tax Court, the Borough Attorney, upon the request of the Tax Assessor, has already prepared and filed the Counterclaim on behalf of the Borough; and

**WHEREAS**, the Borough Council wishes to provide its formal authorization for and to signify its ratification of the filing of the Counterclaim by the Borough Attorney, on behalf of the Borough, with respect to seeking an increase in the tax assessed values of these properties, as recommended by the Tax Assessor;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and the State of New Jersey, as follows:

1. That the filing of a Counterclaim on behalf of the Borough by the Borough Attorney seeking to increase the assessed valuation of the properties known and designated as Block 55, Lot 74 and Block 61.01, Lot 26 on the Hightstown Borough Tax Map, as recommended by the Tax Assessor, is hereby authorized and ratified.
2. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Brain Schneider, Tax Assessor
  - b. Candace Gallagher, Business Administrator/Clerk
  - c. Frederick C. Raffetto, Esq., Borough Attorney
  - d. Nancy Martin, Tax Collector
  - e. Arlene O'Rourke, Treasurer

Upon motion by Councilwoman Laudenberger, seconded by Councilman Sikorski and unanimously approved, the meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk