

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:00 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.

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember Sackowitz</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; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was moved as submitted by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved.

APPROVAL OF MINUTES

Minutes of the May 2, 2005 open and closed sessions were moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and approved as submitted by all but Councilmembers Quattrone and Sackowitz, who abstained because they were not present at that meeting.

PUBLIC COMMENT

Mayor Patten opened the floor for public comment.

Gina Charsky, 158 Broad Street, objected to the East Windsor Township fire company's having recently conducted a drill at the location of the former pet grooming facility near her home, and to a late night tire-changing at Custom Bandag. Regarding the latter, she said that the Mayor did respond to her call that night. He came out to the site and indicated then that the police department would follow up. She said that she had not heard from anyone after that and asked the Mayor what is being done. He responded that he had contacted Borough officials about these incidents. Mr. Raffetto and Ms. Gallagher will review these issues.

Tom Muza, 160 Second Avenue, stated that there are single-family residences in the Borough which are housing multiple families. He stressed the importance of enforcing overcrowding regulations. Mr. Muza also noted that many houses in Hightstown seem to be in disrepair, and asked that any ordinances regarding property maintenance be enforced, expressing concern about safety issues. He suggested that the Borough Code be made available online as well as answers to frequently asked questions. Ms. Gallagher noted that the Code has previously been available online but is currently being updated and will be re-posted when that process is complete.

Pete Klapsogearge, 418 N. Main Street, asked the Borough Attorney to define "R-3 Single Family zoning." Mr. Raffetto stated that there are court decisions which have interpreted the definition of family. "It can't be construed as just related by blood," he said. "If they are operating as if they are a family, we can't treat them differently." Mr. Klapsogearge stated that there is an issue with overcrowding and with noise. Yesterday, he said, he was awakened early in the morning to two car alarms. Mayor Patten recommended that, when there is an issue of excessive noise, Mr. Klapsogearge call our police department. Mr. Klapsogearge said that, also, there are cars parked in the back yard there, and he believes that our ordinance requires that they be parked in a gravel area. He closed his comments by recalling a tragic house fire years ago on Oak Lane. "If we don't have teeth in our ordinances," he said, "we have to adopt an ordinance with teeth in it." He suggested that existing regulations involving occupancy and square footage could work.

Mr. Klapsogearge's comments were met with applause from some in attendance.

It was noted that Mr. Raffetto will be reporting on this issue in more depth at the June 6 meeting.

Eugene Sarafin, 600-628 South Main Street, objected to the 7:00 p.m. meeting time. With respect to the recently defeated school budget, Mr. Sarafin said that Centex in East Windsor creates more students, and the need to make changes. A \$64 million bond was just issued, he said, "and not one penny comes from East Windsor in roll back tax." He criticized Council for cooperating with East Windsor Township in proposing to cut the school budget and noted the need for revaluation in both towns.

Carol Hewins, 104 Hausser Avenue, stated that a resident at 377 Morrison Avenue is also housing multiple families, and its residents seem to change often. She said that she has called the police several times with noise complaints and has had thefts in her driveway. People are living in the basement there, she said, and "something has to be done." Mayor Patten stated that there are civil rights issues involved and "if we can find a law that allows us to go in there, we'll do that." He added that it is not illegal for people to live in the basement if it is approved for egress, ventilation, etc. He agreed that there are concerns that need to be addressed, but there are legal issues involved.

Harold Barton, 410 N. Main Street, stated that a neighbor on Chamberlin Avenue is running heavy equipment on his property, as well as dumping material and burying it on his property. The backyard is "totally torn up," he said, and, when he complained, the neighbor threatened him and told him to move elsewhere. There is a backhoe and a large dump truck parked on the grass there. Mr. Barton added that he came to this meeting also to support Mr. Klapsogearge.

Mr. Sikorski responded to Mr. Barton, noting that he has discussed this with the housing inspector. Ms. Gallagher stated that she met recently with Mr. Wetterskog, Mr. Blake and Chief Eufemia to discuss property maintenance issues in general and the need for all three departments to be involved in enforcement.

Doug Ely, 317 Stockton Street, said that there is a house near his that has "15 cars in the yard." This is a townwide issue, he said, and should be taken care of quickly. He said that he watched a U-Haul unload there recently with 12 people and that the property owner lives in Twin Rivers and "is making serious money" as landlord of this home. "This is 100% wrong," he said. "It's beating up the school system, single families and others who pay taxes." He claimed that there are 15 to 20 people living at that location, and said that they are putting padlocks on the doors. He questioned why complaints would not be a valid reason to gain entry, and said that residents there are "urinating in bushes during volleyball games at all hours on Sunday." Discarded beer bottles are also an issue, he said. Recently, he added, a

resident there was charged with six violations in connection with his car hitting a neighbor's telephone pole, including no driver's license, false insurance, and fictitious plates. "Attack [this issue]," he said, "because it is only getting worse." He suggested that the owners of these properties should be taxed differently than other properties, or should have to pay a fee to help keep taxes down.

Councilman Thompson said that he is reassured by the fact that Mr. Raffetto will be reviewing this issue from a legal perspective and noted that there are privacy laws which affect this. "There are legal requirements," he said. "Some of what makes America great makes it a challenge, also."

Phyllis Deal, 305 Stockton Street, questioned the requirement that "cars should be parked on asphalt." Her driveway, she said, is "grass and pebbles, mostly grass." It was noted that pebble surfaces are acceptable.

Charlie Ernst, 106 Hausser Avenue, spoke to support the residents of North Main Street. There are houses around his, he said, that are boarding houses, and, at 150 Prospect Street, "three gentleman regularly shower out back with a garden hose, wearing only a towel." Last summer, he added, his car was totaled by someone without insurance on a Sunday night. He can no longer park his car on the street on Sunday nights, he said, as he has been told that this is "party night."

Kathy Patten, 135 South Street, announced that the Constitutional Convention bill was passed that day in the General Assembly, but passage will be much harder in the Senate. "Now is the time to be proactive," she said, noting that "a lot of the problems discussed tonight are peripherally involved with the property taxes we have to pay." With respect to the issues raised during this public comment session, Ms. Patten said that "all are aware of this, and we are trying in different ways to address it. Our church groups are looking at it, as is the Equity Coalition. It is never easy when cultures blend." She invited anyone who would like to become involved with the Equity Coalition to contact her.

Torry Watkins, 68 Meadow Drive, stated that the Hightstown Democratic Club strongly endorses Ms. Patten's remarks regarding the need to be proactive in supporting a Constitutional Convention.

No one else came forward and the floor was closed.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2005-17,

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE DEDICATION OF CERTAIN EASEMENTS FROM ENCHANTMENT AT HIGHTSTOWN, LLC

Ms. Roberts reviewed Ordinance 2005-17, noting that it would authorize acceptance from Enchantment of all the easements which are required as part of their Planning Board approval.

The ordinance was moved for introduction by Councilman Quattrone and seconded by Councilman Thompson.

Roll Call: Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-18,

AMENDING CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO ELIMINATE THE FLOOR AREA RATIO REQUIREMENT IN THE AA ZONE

Ms. Roberts explained that many potential homebuyers for Enchantment would prefer a finished second floor option that, unless this ordinance is adopted, would cause those properties to be nonconforming. This is due to a floor area ratio requirement which was included in the original ordinance creating the AA zone (which was originally created with the input of Robertson Douglas), and which is not a requirement in any other zone. Councilman Quattrone asked Ms. Roberts to define "floor area ratio." She stated that this is the ratio of the total floor area in the building to the total lot area.

Bob Geiger of Robertson Douglas was in attendance and spoke briefly to further explain the need for this amendment. A Floor Area Ratio requirement (FAR) is not typical for a residential zone, he said, and is usually seen in commercial /office zones. For that reason, the fact that it was originally included was not reviewed in much detail. All of Enchantment's models fit within the prescribed footprint and meet the requirements regarding impervious coverage. Enchantment homebuyers have the option of either a loft or small upstairs, or an attic storage space with stairs. The finished space causes the FAR to be exceeded, and if a homeowner with an unfinished attic wished to finish it at some point in the future, he would need to obtain a variance. The appearance of the units is identical except for possibly a dormer or window. 65 to 70 percent of Enchantment's buyers, at this point, have requested the finished upstairs space.

Councilwoman Laudenberg asked why this requirement had been included in the first place. Ms. Roberts stated that the Borough worked with Robertson Douglas in creating this Ordinance, and she does not recall a specific discussion regarding this issue. They did, however, use another town's ordinance as a model, and it may have been included as a result of that.

Councilman Schneider asked if the finished second floor adds to the home's value. Mr. Geiger estimated that it could add about 10 percent to the value. Councilman Schneider noted that this could be reflected in our ratable base. He asked Ms. Roberts if floor area is considered when determining impervious coverage. She replied that it is not. These changes are all interior changes, she said, and regardless of the FAR requirement, the buildings cannot exceed the height restriction already specified for them.

Ordinance 2005-18 was moved for introduction by Councilwoman Laudenberg and seconded by Councilman Sackowitz.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-19,

AN ORDINANCE TO ESTABLISH SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN

Ms. Gallagher reviewed the provisions of this ordinance, which establishes salary ranges for 2005. The 2004 ordinance was updated as needed to accommodate 2005 salaries which have been previously approved by resolution of Council for both contractual and non-contractual employees.

Councilman Quattrone suggested that, when one's salary reaches the upper limit of the salary range, it should not go higher. Ms. Gallagher noted that contractual salary increases often create the need to adjust the salary range accordingly. Councilman Sikorski restated his objection to the 3.5% increase previously granted to Borough employees for 2005.

After further discussion, Ordinance 2005-19 was moved for introduction by Councilwoman Laudenberg and seconded by Councilman Schneider.

Roll Call: Councilmembers Laudenberg, Sackowitz and Schneider voted yes. Councilmembers Quattrone, Sikorski and Thompson voted no. Mayor Patten voted yes.

Ordinance introduced, 4-3.

The public hearings and final readings for all ordinances introduced at this meeting will take place on June 6, 2005.

RESOLUTIONS

**RESOLUTION 2005-132, A RESOLUTION AWARDING A LEASE OF SPACE ON AND ADJACENT TO THE
BOROUGH WATER TOWER AT FIRST AVENUE, TO NEXTEL COMMUNICATIONS OF THE MID-
ATLANTIC, INC., D/B/A NEXTEL COMMUNICATIONS**

Ms. Gallagher reported that bids for the lease of space on the Borough's First Avenue water tower were received on April 27, 2005. The sole bidder was Nextel, submitting a bid of \$1,900 per month for a five-year term. The lease will provide for four additional five-year renewals, and the lease price will increase by 3% per year after the first five years. Mr. Raffetto noted that the bid price of \$1,900/month is in line with the "going rate" in this area. The lease awarded last year to Sprint was at a price of \$1,850 per month.

Resolution 2005-132 was moved by Councilman Quattrone and seconded by Councilwoman Laudenberg.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Resolution adopted 6-0.

**RESOLUTION 2005-132 A RESOLUTION AWARDING A LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH
WATER TOWER AT FIRST AVENUE, TO NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC,
INC., D/B/A NEXTEL COMMUNICATIONS**

WHEREAS, N.J.S.A. 40A:12-14 and N.J.S.A. 40A:12-24, require public bidding when a municipality has determined to lease any real property or personal property not otherwise needed for municipal public use; and

WHEREAS, by Resolution Nos. 2004-303 and 2005-46, adopted on November 15, 2004, and January 18, 2005, respectively, the Borough of Hightstown authorized and directed the Borough Clerk to publish advertisements for the receipt of sealed bids for a lease of space on and adjacent to the Borough's water tower located on First Avenue, subject to the terms and conditions set forth in those Resolutions as well as subject to all terms and conditions set forth in the Borough's bid documents and proposed contract; and

WHEREAS, the said advertisements were published in accordance with applicable law and indicated that the sealed bids would be received from any and all interested applicants at 11:00 a.m., prevailing time, April 27, 2005, at the Hightstown Borough Hall; and

WHEREAS, on that date, the Borough received a timely submission from one (1) bidder, Nextel Communications of the Mid-Atlantic, Inc., D/B/A Nextel Communications (hereinafter referred to as "Nextel"); and

WHEREAS, the bid submitted by Nextel proposes a rental fee in the total amount of \$114,000.00, representing \$1,900.00 per month for the initial five (5) year term, with the option of renewals for four (4) successive periods of five (5) years each, upon the same terms and conditions as those governing the initial term, except as to the rental rate, which shall increase at the rate of three percent (3%) each year after the initial term; and

WHEREAS, the financial amount offered by Nextel is in accordance with the minimum dollar amount required in Resolution Nos. 2004-303 and 2005-46; and

WHEREAS, the bid submitted by Nextel contained a number of exceptions to the requirements set forth in the Borough's bid documents and to the terms and conditions set forth in the proposed contract; and

WHEREAS, the proposed exceptions requested by Nextel are being reviewed by the Borough Attorney; and

WHEREAS, the Borough Council wishes to award the bid for this lease of space to Nextel, subject to the review and approval of the Borough Attorney as to any exceptions taken by Nextel to the Borough's bid documents and to the terms and conditions set forth in the proposed contract.

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

1. That, subject to the conditions set forth herein, the Borough hereby awards a contract to Nextel for a lease of space on and adjacent to the Borough's water tower, located on First Avenue, for a five (5) year term, in the total amount of \$114,000.00, representing \$1,900.00 per month for the initial five (5) year term, with the option of renewals for four (4) successive periods of five (5) years each, upon the same terms and conditions as those governing the initial term, except as to the rental rate, which shall increase at the rate of three percent (3%) each year after the initial term.
2. That this award is subject to all of the terms and conditions set forth in Resolution Nos. 2004-303 and 2005-46, as well as all terms and conditions set forth in the Borough's bid documents and proposed contract for this matter.
3. That the Borough authorizes and directs the Borough Attorney to review all exceptions taken by Nextel to the Borough's bid documents and to the terms and conditions set forth in the proposed contract, and to advise the Borough as to the acceptability of such exceptions. The award of this bid is specifically contingent upon the review and approval of the Borough Attorney as to any exceptions taken by Nextel to the Borough's bid documents and to the terms and conditions set forth in the proposed contract. If, after negotiation with Nextel, the Borough Attorney is not satisfied with any or all of the exceptions taken by Nextel, then the award of this contract shall be void.
4. That, subject to the approval of the Borough Attorney, the Mayor is authorized to execute and the Municipal Clerk to attest a Communications Site Lease Agreement between the Borough of Hightstown and Nextel.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a.) Amy Mahoney Davis, Nextel Communications
 - (b.) Frederick C. Raffetto, Borough Attorney
 - (c.) Candace B. Gallagher, Borough Clerk/Administrator

RESOLUTION 2005-133, AUTHORIZING TRANSFER OF LIQUOR LICENSE #1104-44-002-008

(HIGHTSTOWN WINE AND LIQUOR, INC. TO EVERGREEN WINES & LIQUORS, INC.)

Ms. Gallagher stated that our police department has investigated this applicant and has no objections to the transfer. All State requirements for the transfer have been met, and it would become effective on June 6, 2005.

Resolution 2005-133 was moved by Councilman Schneider and seconded by Councilman Quattrone.

Roll Call: Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

**RESOLUTION 2005-133 AUTHORIZING TRANSFER OF LIQUOR LICENSE #1104-44-002-008
(HIGHTSTOWN WINE AND LIQUOR, INC. TO EVERGREEN WINES & LIQUORS, INC.)**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Distribution License #1104-44-002-008, heretofore issued to Hightstown Wine and Liquor, Inc., for premises located at 107 Stockton Street; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statute, regulations promulgated thereunder and pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Applicant has disclosed and the Borough has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, does hereby approve, effective June 6, 2005, the transfer of the aforesaid Plenary Retail Distribution License to Evergreen Wines & Liquors, Inc., and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Hightstown Wine and Liquor, Inc. effective June 6, 2005."

**RESOLUTION 2005-134, ENDORSING THE BOROUGH'S APPLICATION TO THE
NEW JERSEY HISTORIC TRUST FOR A HISTORIC SITE MANAGEMENT GRANT**

Ms. Gallagher reported that, after the recent discussion regarding Stockton Street's sidewalks and curbs, she began to investigate alternative funding sources and was informed about a new funding source – the Garden State Historic Preservation Trust Fund – which is available only to designated historic districts. She and Ms. Roberts met in Trenton on May 6 with a representative of the Trust, and it was determined that the Borough is eligible for this funding. The application deadline is June 1, and she recommended that the Borough act quickly to seize this opportunity.

We would seek this grant, she said, to fund engineering and historic planning for improvements within the newly-designated Stockton Street Historic District. The maximum award is \$50,000, and the Borough would be responsible for a 25% match of the total project cost. The \$7,500 already paid to the consultant who worked on the district's nomination would count toward that match, and there is \$2,100 available in the Borough's historic preservation trust fund (the remainder of the salary donated back to the Borough by then Councilman Dan Buriak) which can be used for this purpose. The remainder, if any, could be provided in next year's budget. Amy Aughenbaugh, chair of the Historic Preservation Commission, has offered to write the application with assistance from Dan Buriak and in consultation with Ms. Gallagher.

Having completed plans, Ms. Gallagher said, will position us for funding for the improvements themselves, which could include restoration of the Civil War monument and surrounding area, installation of new, historically-themed gas lighting fixtures, recovery and installation of carriage steps, installation of historic markers and signage, development of educational brochures, and replacement of sidewalks and curbs with materials appropriate to the historic nature of that district. That funding could be sought from a variety of sources, including Transportation Enhancement funds and next round Historic Trust funding.

Ms. Gallagher said that the Historic Element of the Master Plan is filled with recommendations for this type of project, and makes particular reference to the installation of historic markers. The benefits of the completed project would include: promoting heritage tourism in Hightstown, accomplishing a stated goal of making Hightstown a destination rather than a thruway, enhancing the utilization and understanding of our Stockton Street Historic District, identifying and connecting points of interest within it, making the District safer and more accessible for pedestrians (including handicapped accessibility, and connecting the District to the newly revitalized downtown area.

She noted that the Historic Preservation Trust awarded \$18 million last year for 85 projects, including \$542,000 for restoration of the First United Methodist Church. Over the six rounds of funding completed so far, they have awarded a total \$52 million. The money was put aside in 1999 to be distributed over the next ten years. Funding will be available to 2009.

Resolution 2005-134 was moved by Councilman Quattrone and seconded by Councilman Schneider.

Roll Call: Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

The Mayor and Council thanked Amy Aughenbaugh and Dan Buriak, who were in attendance, for their assistance with this project.

**RESOLUTION 2005-134 ENDORSING THE BOROUGH'S APPLICATION TO THE
NEW JERSEY HISTORIC TRUST FOR A HISTORIC SITE MANAGEMENT GRANT**

WHEREAS, the Borough of Hightstown is preparing a grant application to the New Jersey Historic Trust for a Historic Site Management Grant to fund engineering and planning activities for improvements contemplated within the Borough's Stockton Street Historic District; and

WHEREAS, the improvements contemplated include restoration of the Civil War monument and surrounding area, installation of new, historically-themed gas lighting fixtures, recovery and installation of carriage steps, installation of signage, development of educational brochures, and replacement of sidewalks and curbs with materials appropriate to the historic nature of that district; and

WHEREAS these improvements would promote heritage tourism in Hightstown, enhance the utilization and understanding of our Stockton Street Historic District, identify and connect points of interest within it, make the District safer and more accessible for pedestrians, including handicapped accessibility, and connect the District to the newly revitalized downtown area; and

WHEREAS this project is consistent with the Borough's Master Plan; and

WHEREAS, an award from the Historic Trust would allow the Borough of Hightstown to prepare plans and specifications for these improvements;

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

1. The Borough of Hightstown supports and endorses the project and the grant application to the New Jersey Historic Trust as outlined herein.
2. Mayor Robert Patten is hereby authorized to sign the application on the Borough's behalf.
3. The Borough of Hightstown hereby commits to providing the required matching funds of 25 percent of the total project cost.

BUDGETARY RESOLUTIONS

RESOLUTION 2005-124, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

Resolution 2005-124 was moved by Councilman Sikorski and seconded by Councilwoman Laudenberg.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

RESOLUTION 2005-124 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	50,750.00	1,064,576.09	1,115,326.09
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	50,549.15	588,452.46	639,001.61
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
TOTAL	101,299.15	2,499,576.55	2,600,875.70

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 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 2005-120, 125, 126, 127, 128, 129, 130 and 131 were moved by Councilman Sackowitz and seconded by Councilman Schneider.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

Resolutions adopted, 6-0.

RESOLUTION 2005-120**AUTHORIZING ISSUANCE OF TAXICAB DRIVER'S LICENSE - DEVA LAWRENCE**

WHEREAS, an application for issuance of a taxicab driver's license, which application complies with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Deva Lawrence, 331 Morrison Avenue, Hightstown New Jersey; and

WHEREAS said application has been reviewed by the Hightstown Borough Police Department and approved by the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a 2005 taxicab driver's license to Deva Lawrence, 331 Morrison Avenue, Hightstown New Jersey.

RESOLUTION 2005-125**AUTHORIZING RECEIPT OF BIDS – RECONSTRUCTION OF OAK LANE**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for the following project(s):

Reconstruction of Oak Lane

and that the Borough Clerk is authorized to receive same following proper advertisement.

RESOLUTION 2005-126**AUTHORIZING PAYMENT NO. 6 – 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 two change orders to that contract have been approved in the amounts of \$402.00 and \$2,849.00 respectively, bringing the total contract price to Nine Hundred and Ten Thousand Seven Hundred and Three (\$910,703.00) Dollars; and

WHEREAS the contractor has submitted Payment Request No. 6 for work done in the total amount of \$166,551.00; 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. 6 from Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware in the amount of \$166,551.00 is hereby approved, and the Treasurer is authorized to issue same.

RESOLUTION 2005-127**AWARDING CONTRACT FOR CIBA MAGNAFLOC E-32 (ZETA LYTE 1A EQUIVALENT)****(COYNE CHEMICAL)**

WHEREAS three (3) bids were received on February 18, 2005, for the provision of a polymer chemical, Zeta Lyte 1A or equivalent, for the two-year period running from January 1, 2005, through December 31, 2006; and

WHEREAS the low bid, submitted by the George Coyne S. Chemical Company of Croydon, PA was for an "equivalent" product, which required testing by our Advanced Wastewater Treatment Plant prior to awarding the contract; and

WHEREAS said testing has been conducted, and it has been determined by the Superintendent of the Advanced Wastewater Treatment Plant that the chemical proposed by Coyne Chemical, Ciba Magnafloc E-32, is equal to that specified in the bid specifications; and

WHEREAS the Borough Engineer has recommended the award of a contract for same to the George Coyne S. Chemical Company; and

WHEREAS the Borough Attorney has reviewed the bid documents submitted by Coyne Chemical and has found them to be in order;

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

1. The contract for provision of Ciba Magnifloc E-32 (Zeta Lyte 1A equivalent) for the period running from execution of an agreement by both parties through December 31, 2006, is hereby awarded to the George S. Coyne Chemical Company of Croydon, PA for the unit price of \$8.39/gallon and a total amount not to exceed Eleven Thousand Seventy-Four Dollars and Eighty Cents (\$11,074.80).
2. The Mayor and Clerk are hereby authorized to execute an agreement with the George Coyne S. Chemical Company, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2005 and 2006.

RESOLUTION 2005-128 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 **\$462,604.26** from the following accounts:

Current	\$ 117,812.82
W/S Operating	154,603.90
General Capital	1,179.25
W/S Capital	167,967.00
Animal Control	30.00
Trust Housing Rehab	5,742.00
Uniform Construction Trust	.46
Grant	383.47
Escrow – Subdivision & Site Plan (First Washington Bank)	13,626.25
Total	<u>\$ 462,604.26</u>

RESOLUTION 2005-129 AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments have been received by the Borough for the second quarter of 2005 as follows:

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
First American Real Estate Tax Service Renaissance Tower, 3 rd Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Attn: Kathy Sanders	\$878.99	Block 2.01, Lot 1 C0301	8 Fryer Court
	\$997.20	Block 2.01, Lot 1 C0317	10 Fryer Court
	\$878.99	Block 2.01, Lot 1 C0261	62 Mill Run West
	\$1,233.61	Block 47.01, Lot 7	319 Second Avenue
	\$1,856.07	Block 10, Lot 7.01	279 Monmouth Street

Wells Fargo Home Mortgage MAC X2501-01X, Tax Department 1 Home Campus Des Moines, IA 50328	\$1,437.32	Block 9, Lot 35	180 Grant Avenue
	\$1,940.32	Block 40, Lot 1	100-102 Morrison Avenue

; and

WHEREAS, the Tax Collector has requested permission to refund the overpayments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized to refund tax overpayments as set forth herein.

RESOLUTION 2005-130 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction at 9 a.m. on Saturday, June 11, 2005 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Chief of Police; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Auctions for this event;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held at 9 a.m. on Saturday, June 11, 2005 at 278 Monmouth Street.

RESOLUTION 2005-131 APPOINTING PLUMBING SUBCODE OFFICIAL

WHEREAS, due to the resignation, effective May 20, 2005, of George Willan as Plumbing Subcode Official, there will exist a vacancy in that office; and

WHEREAS the Construction Official has recommended that Joseph A. Greziano, who has previously served the Borough as Temporary Subcode Official, be appointed to the position of Plumbing Subcode Official for a full four-year term effective May 20, 2005 and running through May 19, 2009; and

WHEREAS, Mr. Greziano is duly licensed by the New Jersey Department of Community Affairs to perform that function, holding State license #005392;

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

1. Joseph A. Greziano is hereby appointed as Plumbing Subcode Official for the Borough of Hightstown for a four-year term effective May 20, 2005 and running through May 19, 2009.
2. A certified copy of this Resolution shall be submitted to the State of New Jersey Department of Community Affairs.

UNFINISHED BUSINESS

DEFEATED 2005-06 SCHOOL BUDGET

Mayor Patten stated that there have been informal discussions among the subcommittees of Hightstown Borough and East Windsor Township and representatives of the school district regarding the defeated school budget. In addition, a joint meeting of the Borough and Township Councils and the School Board was held at the high school cafeteria last Tuesday, with a great deal of public input. Final recommendations must be made by May 19. Another joint meeting is

scheduled for tomorrow evening, at which time a Resolution regarding potential cuts in certain line items will be considered. Mayor Patten encouraged those in attendance to come to that meeting.

Councilman Quattrone stated that he is proud to be serving as a member of this subcommittee, and assured the public that any cuts under consideration will “in no way affect the education of our students.”

REDEVELOPMENT OF THE MILL

Although not listed on the agenda, Councilman Sikorski asked Mr. Raffetto for an update regarding the redevelopment process and the submittal, due that day, of certain materials by Greystone. Mr. Raffetto stated that the documentation due to be submitted by them is regarding any requests they may wish to make to the governing body regarding tax abatement. Their professionals are working on this now, and have indicated that this information will be provided by Wednesday, after which there will be further discussions with the Borough's bond counsel and other professionals.

NEW BUSINESS

MEETING PACKETS

Councilman Sikorski requested permission to discuss under “New Business” the preparation of Council meeting packets. No objections were voiced. Mr. Sikorski said that he would like to see packets ready for Council by the end of the day on Thursdays, rather than on Fridays, in order to provide more time to digest the information. He said that he is primarily concerned with discussion and action items, and that minutes for approval could be provided on Friday or even on Monday. Mayor Patten and Ms. Gallagher both expressed their full support for this, and all agreed that, beginning with the June 6 meeting, packets will be ready on Thursdays.

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:

- Tax/Water/Sewer Collector's Reports – April 2005

PUBLIC COMMENT

Mayor Patten opened the floor to public comment.

Eugene Sarafin, 600-628 South Main Street, stated that Hispanics are working here and have no place to live, and we're “not going to solve the problem with laws.” He said that the Borough should do something to provide living space for single males.

Pete Klapsogorge, 418 North Main Street, asked the Borough Attorney to work with Mr. Wetterskog to “give him some teeth.” He again noted that cars are being parked in the back yard at a property on North Main Street, and asked who he should call about that. Mayor Patten stated that the police have responded to this issue, and Mr. Klapsogorge said that the problem is continuing. He said that he is willing to sign a complaint if necessary. He has seen construction debris behind the house, and feels that this should allow Mr. Wetterskog to knock on the door, as they may have been doing work without a permit.

Regarding the Wyckoff house, Mr. Klapsogorge said that he understands that a church group was supposed to come to assist in fixing up the property, but “it's a monumental task.” He said that, last week, just one person was there working on the porch. These problems exist in other places in town as well, he said.

Mayor Patten noted that the owner of the Wyckoff house is scheduled to appear in court this week.

Carol Hewins, 104 Hausser Avenue, spoke as “co-vice president of the Hightstown High School Marching Band Boosters” to ask the Borough Council not to “take any money from the kids” when recommending cuts to the school budget. Councilwoman Laudenberger assured Ms. Hewins that no cuts are being considered which would impact the students in any way.

Torry Watkins, 68 Meadow Drive, referred to possible improvements to the historic district which were mentioned earlier in the meeting, and recommended against gas lighting fixtures, which he called “an irresponsible waste of scarce and increasingly expensive natural resources.”

Harold Barton, 410 N. Main Street, stated that there are small children at play around the construction equipment being stored at the home at North Main Street and Chamberlin. He expressed concern for their safety and asked that action be taken quickly to have the equipment removed.

Bob Barnes, 117 Dutch Neck Road, stated that some homes in his neighborhood house more than 20 people. On Gilman Place, he said, vans full of men come and go, and he is concerned that a child could be abducted. When he has approached them, they “don’t speak and they speed off.” He asked if there is an ordinance governing how many cars can be parked at a property, and noted that he sees a lot of cars parked in driveways and on lawns. Showering in the back yard, he said, represents “indecent exposure.” Mayor Patten told Mr. Barnes that if he witnesses indecent exposure or any other illegal act, he should call the police, who will respond.

Jeff Applegate, 102 Gilman Place, also spoke regarding the home on Gilman Place where many people seem to be living. Traffic has increased there, he said, and traffic cones set up on the street have been knocked down by cars. A lot of people are being picked up and dropped off. He said that there are people living in the basement without egress in the event of a fire, and he asked who would be liable if someone was hurt or killed.

Dan Buriak, 194 Stockton Street, stated that the concerns being addressed at this meeting are not unique to Hightstown. He recommended that a committee be formed to understand what other towns are doing. Mayor Patten agreed that these issues are a factor all over New Jersey. Mr. Buriak thanked Council for their support of Resolution 2005-134, and said that it will be an important initiative for Hightstown. He urged members of the governing body to learn more about the Historic District, as Hightstown is becoming well known for it, and people will be asking about it. Where the railroad used to go through, he said, there is a “virtual timeline” of houses that document our history over the years and the decades ... a linear progression of homes that still exist. There are other properties in town, he said, that could be designated on an individual basis.

No one else came forward and the floor was closed.

Prior to adjournment, Councilwoman Laudenberger announced that the next meeting of the Celebrate Hightstown! Committee will be take place at 7:30 p.m. on Tuesday, May 24 and is open to all.

Upon motion by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk