

OPEN SESSION
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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
Mayor Patten	✓	
Councilmember Laudenberger	✓	
Councilmember Quattrone	✓	
Councilmember Schneider	✓	
Councilmember Sikorski	✓	
Councilmember Thompson	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; George Lang, Chief Financial Officer; Carmela Santaniello, Borough Engineer; and Frederick Raffetto, Esq., Borough Attorney.

### APPROVAL OF AGENDA

Council President Schneider requested that agenda item #8, discussion and possible action regarding appointment of a Councilmember to fill the vacancy left by the resignation of Councilwoman Susan Holtzclaw, be removed from this agenda. The agenda was moved as so amended by Councilman Sikorski, seconded by Councilman Quattrone and approved by all.

### PROCLAMATIONS

#### ***Honoring Susan Holtzclaw***

Mayor Patten read aloud and presented to former Councilwoman Susan Holtzclaw a Proclamation in her honor, signed by the entire governing body, and presented her with a gift certificate to Theo's Lakeside Tavern. Ms. Holtzclaw thanked the Mayor and Council for the honor and said that "it's hard saying 'goodbye.'" Councilmembers stepped down from the dais one-by-one to shake Ms. Holtzclaw's hand, thank her for her service and wish her well.

#### ***Honoring Susan Holtzclaw***

*Whereas, Susan Holtzclaw faithfully served the Borough of Hightstown as Councilwoman from January 1, 2003 through February 1, 2005; and*

*Whereas, during her tenure on Council, Ms. Holtzclaw served as liaison for the Board of Health, First Aid Squad and Hightstown Engine Co. No. 1; and*

*Whereas, Councilwoman Holtzclaw has worked with the Mayor and her fellow Councilmembers in a strong bipartisan effort to accomplish several important objectives during this time, including: the groundbreaking of the Borough's first Active Adult Community, Enchantment at Hightstown; adoption of a Redevelopment Plan for the Mill property; reconstruction of the municipal parking lot at Stockton Street; obtaining grant funding for the reconstruction of Center Street and Second Avenue and for the extension of the Borough's Downtown Revitalization along Mercer Street; the adoption of a series of Ordinances banning "pay-to-play"; the institution of an arrangement with St. Francis Medical Center for on-site EMS service, which has resulted in a significantly reduced emergency response time; and a continuing effort toward cost savings, revenue enhancement and quality services for Borough residents;*

*Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that Councilwoman Susan Holtzclaw be recognized and commended for her dedicated service and lasting contributions to the Borough as Councilwoman, and that the Mayor and Council extend to her their gratitude, appreciation and best wishes for the future.*

### **Mayor's Proclamations**

Mayor Patten read aloud the following two Mayor's Proclamations, which will be placed on display at Borough Hall:

#### **Recognizing Black History Month – February 2005**

*Whereas, every person is entitled to dignity and respect, regardless of race, color, or creed; and*

*Whereas, Dr. Martin Luther King, Jr. had a dream that one day human beings would be judged not by the color of their skin, but by the content of their character; and*

*Whereas, the best way to make Dr. King's dream come true is to encourage people to become tolerant adults who embrace and celebrate America's great diversity in the knowledge that it is our greatest strength; and*

*Whereas, the contributions of African-Americans to our country have been and continue to be numerous and beneficial; and*

*Whereas, we embrace learning about the many different cultures that exist in the Borough of Hightstown;*

*Now, Therefore, I, Robert J. Patten, Mayor of the Borough of Hightstown in the County of Mercer, State of New Jersey, do hereby proclaim that the Borough of Hightstown formally recognizes and supports Black History Month in February of the year 2005 as a means to accomplish the above goals.*

#### **Recognizing 2005 as the Year of the Rooster**

*Whereas, the Chinese people make up one-fifth of the world's population; and*

*Whereas, the Lunar New Year was created by Emperor Huang Ti more than 2,500 years B.C.; and*

*Whereas, for 4,702 years, the Chinese people have been celebrating each New Year using the astrological zodiac's cycle; and*

*Whereas, the first new moon occurs each year between January 21st and February 21st and the first full moon occurs fifteen days later; and*

*Whereas, the Chinese New Year is celebrated on the eve of the first annual new moon and continues for fifteen days, ending on the night of the first full moon; and*

*Whereas, each Chinese astrological New Year is named after one of twelve animals; and*

*Whereas, February 9, 2005 is the beginning of the Chinese New Year called "The Year of the Rooster;"*

*Now, Therefore, I, Robert J. Patten, Mayor of the Borough of Hightstown in the County of Mercer, State of New Jersey, on behalf of all of the residents of the Borough of Hightstown, wish our Chinese community members a Happy New Year, and may all have health, wealth and prosperity in the Year of the Rooster.*

## PUBLIC COMMENT

Mayor Patten opened the floor to public comment.

**Phyllis Deal**, 305 Stockton Street, again asked Council to look into the installation of lighted crosswalk strips, which she said could be incorporated into the repaving of Stockton Street later this year by the County. She also asked that they investigate a type of pink paving material that she said is quite effective in deadening sound.

Mayor Patten stated that this would be an item to discuss during budget talks and with the County. "Your suggestions are good," he said. "We just have to go through the process to see if and how it could be done."

**Gina Charsky**, 158 Broad Street, noted that she had addressed Council at the prior meeting regarding noise issues at Custom Bandag, near where she lives. She reported that on the previous Monday, they were changing a tire at 2:30 a.m. The police did come out, but it was an emergency repair and she was told that there was nothing that they could do. She said that she spoke with the Deputy Borough Clerk the next morning to file a noise complaint. Ms. Charsky also stated that Custom Bandag's telephone is again ringing outdoors. Mayor Patten asked Ms. Charsky to call him personally, regardless of the hour, the next time something like this occurs.

**Eugene Sarafin**, 600-628 South Main Street, informed Council that he has the right of free speech to use any words he wishes in addressing Council, and provided some examples. He went on to suggest that Borough employees be required to pay an increased amount each year toward their health benefits, as State employees do.

No one else came forward and the floor was closed.

## ENGINEER'S ITEMS

**RESOLUTION 2005-49, AUTHORIZING PAYMENT NO. 5 AND FINAL – S. BROTHERS CONSTRUCTION, INC.**

Councilman Quattrone asked Ms. Roberts if the drainage problem at Second Avenue and Center Street has been fixed. She stated that this was worked out as part of the Second Avenue project. Mr. Quattrone then moved **Resolution 2005-49**, and his motion was seconded by Councilman Thompson.

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

**Resolution adopted, 5-0.**

**RESOLUTION 2005-49                      AUTHORIZING PAYMENT NO. 5 AND FINAL TO S. BROTHERS, INC.  
(RECONSTRUCTION OF CENTER STREET)**

**WHEREAS**, on July 10, 2003, the Borough Council awarded a contract for Reconstruction of Center Street to S. Brothers, Inc. of South River, New Jersey (the "Contractor"), in the amount of One Hundred and Sixty-Nine Thousand Two Hundred Eighty-One Dollars and 50/100 (\$169,281.50); and

**WHEREAS**, the Contractor has submitted Payment Request #5 and Final for this project in the amount of Three Thousand Four Hundred Ninety-Four Dollars and 90/100 (\$3,494.90); and

**WHEREAS**, the Borough Engineer has recommended acceptance of the project and release of final payment to the Contractor, subject to receipt of a one-year maintenance guarantee in the amount of Seventeen Thousand Four Hundred Seventy-Four Dollars and 48/100 (\$17,474.48), as set forth in the specifications for the project;

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

1. Payment Request #5 and Final from S. Brothers, Inc. in the total amount of \$3,494.90 is hereby approved and the Treasurer is authorized to issue payment for same.
2. The Reconstruction of Center Street project is hereby approved.
3. The Borough Clerk is authorized and directed to release the Contractor's performance and payment guarantees in the amount of \$169,281.50.
4. The Borough acknowledges that the Contractor has submitted an acceptable one-year maintenance guarantee in the amount of \$17,474.48.

**RESOLUTION 2005-50, AUTHORIZING AGREEMENT WITH VAN CLEEF ENGINEERING ASSOCIATES FOR  
ENGINEERING SERVICES RELATED TO THE BOROUGH'S GREENWAYS, PHASE I PROJECT**

Ms. Roberts recommended that, in order to avoid additional costs to the Borough and a duplication of efforts, and to expedite this project, Van Cleef Engineering Associates be engaged to complete the engineering required for the Greenways, Phase I project. Council thanked Ms. Roberts for her consideration and professionalism.

Ms. Gallagher recommended that, in order for the Chief Financial Officer to be able to certify the funds for this contract, the authorization be capped at \$14,000 at this time. It may be necessary to provide additional funding and amend this agreement in future months.

**Resolution 2005-50** (including the \$14,000 cap) was moved by Councilman Sikorski and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudemberger, Quattrone, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 5-0.**

**RESOLUTION 2005-50      RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING THE BOROUGH TO  
ENTER INTO A CONTRACT WITH VAN CLEEF ENGINEERING ASSOCIATES FOR  
PROFESSIONAL ENGINEERING SERVICES RELATED TO THE COMPLETION OF THE  
BOROUGH'S GREENWAYS, PHASE I PROJECT**

**WHEREAS**, there is an existing project within the Borough of Hightstown known as the Greenways, Phase I Project (the "project"); and

**WHEREAS**, prior to 2005, the firm of Van Cleef Engineering Associates ("Van Cleef") performed certain work related to the project, including the preparation of plans and specifications; and

**WHEREAS**, at this time, it is necessary to complete additional engineering work which is directly related to this matter, including but not limited to matters pertaining to permitting, advertisement, award of the contract and inspection services; and

**WHEREAS**, in view of the prior involvement of Van Cleef with this project, the Borough has determined that it would be in the Borough's best interests to continue to work with Van Cleef to finish out all matters related to this project, so that the Borough will be assured that the award of a construction contract shall be completed prior to the deadline established by the New Jersey Department of Transportation; and

**WHEREAS**, the services shall be performed at the same rates that were in effect governing Van Cleef's services in 2004; and

**WHEREAS**, the services to be performed are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Borough Clerk and that notice of the awarding of the Contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, the Borough Council, having considered the same, now wishes to authorize the award of this professional service contract to Van Cleef for the provision of the necessary engineering services specified above.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** by the Borough Council of the Borough of Hightstown, as follows:

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Van Cleef Engineering Associates, regarding the above-referenced engineering services.
2. That this contract is specifically awarded to Van Cleef so that the Borough will be assured that the award of a construction contract shall be completed prior to the deadline established by the New Jersey Department of Transportation.
3. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by a person authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
4. That there shall be a cap on the expenditure of funds related to this contract in the amount of \$14,000 without further authorization from the Borough Council.
5. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.
6. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
7. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Van Cleef Engineering Associates
  - b. Carmela Roberts, P.E., Borough Engineer
  - c. Candace Gallagher, Borough Administrator
  - d. George Lang, Chief Financial Officer
  - e. Frederick C. Raffetto, Esquire, Borough Attorney

## **RESOLUTION 2005-51, AUTHORIZING INSPECTION OF PEDDIE LAKE DAM**

Following review and recommendation by Ms. Roberts, **Resolution 2005-51** was moved by Councilman Sikorski, seconded by Council President Schneider. It was noted that the Borough has recently received a loan of approximately \$156,000 from the New Jersey DEP for needed work on the dam.

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

**Resolution adopted, 5-0.**

### **RESOLUTION 2005-51      AUTHORIZING INSPECTION OF PEDDIE LAKE DAM**

**WHEREAS** the Borough of Hightstown is required to have an inspection of the Peddie Lake Dam performed every two years in accordance with NJDEP guidelines; and

**WHEREAS** the last such inspection was performed in May of 2003 by Lippincott & Jacobs; and

**WHEREAS** the Borough Engineer has recommended that Lippincott & Jacobs be engaged to perform the required 2005 inspection, and they have agreed to do so for a fee of \$2,950.00, as detailed in their proposal dated January 10, 2005 which is attached hereto and made a part hereof; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the proposal by Lippincott & Jacobs of Riverside, New Jersey dated January 10, 2005, which proposal is attached hereto and made a part hereof, in the amount of \$2,950.00 is hereby accepted, and the Borough Administrator is authorized to execute same and to arrange forthwith for the required inspection.

## **RESOLUTION 2005-52, AUTHORIZING AGREEMENT WITH ENVIRONMENTAL ENGINEERING & MANAGEMENT ASSOCIATES FOR SPECIALIZED ENGINEERING SERVICES**

Following review and recommendation by Ms. Roberts and Ms. Gallagher, **Resolution 2005-52** was moved by Councilman Quattrone and seconded by Councilwoman Laudenberg.

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

**Resolution adopted, 5-0.**

### **RESOLUTION 2005-52                    AUTHORIZING AGREEMENT WITH ENVIRONMENTAL ENGINEERING & MANAGEMENT ASSOCIATES FOR SPECIALIZED ENGINEERING SERVICES**

**WHEREAS**, there exists a need for professional, specialized engineering services to review operating conditions and to provide inspection services for the installation of certain equipment at the Borough's Advanced Wastewater Treatment Plant; and

**WHEREAS**, Environmental Engineering & Management Associates, Inc. (EEMA) has offered to perform these services as outlined in their letter dated January 18, 2005, which letter is attached hereto and made a part hereof; and

**WHEREAS**, it is the recommendation of AWWTP Superintendent Biff Searing that EEMA be engaged to perform these duties as outlined in said letter; and

**WHEREAS**, the Chief Financial Officer has certified the extent to which funds are available for this expenditure;

1. **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown as follows:
2. The Borough is hereby authorized to enter into a professional services agreement with Environmental Engineering & Management Associates, Inc. for professional, specialized engineering services to review operating conditions at the Borough's Advanced Wastewater Treatment Plant, as outlined in their letter dated January 18, 2005, for a cost of \$750 per month and a maximum period of 12 months.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Environmental Engineering & Management Associates, Inc. is a firm consisting of engineers authorized by law to practice a recognized profession.
4. A copy of this resolution as well as the agreement shall be placed on file in the office of the Borough Clerk.
5. A notice of this action shall be printed once in the official newspaper as required by law.

## ORDINANCES

### PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-01,

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO CONSOLIDATE TWO (2) UNDERSIZED LOTS OWNED BY THE BOROUGH LOCATED AT 216 ACADEMY STREET (BLOCK 40, LOT 20) AND 220-222 ACADEMY STREET (BLOCK 40, LOT 21)

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2005-01.

**Eugene Sarafin**, 600-628 South Main Street, spoke in support of the Ordinance and suggested that, when this property is sold, the minimum bid be set at \$50,000 or higher.

No one else came forward and the public hearing was closed.

**Ordinance 2005-01** was moved for adoption by Councilman Quattrone, seconded by Councilman Sikorski.

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

**Ordinance adopted, 5-0.**

**ORDINANCE 2005-01**      **AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO CONSOLIDATE TWO (2) UNDERSIZED LOTS OWNED BY THE BOROUGH LOCATED AT 216 ACADEMY STREET (BLOCK 40, LOT 20) AND 220 - 222 ACADEMY STREET (BLOCK 40, LOT 21)**

**WHEREAS**, two (2) adjacent lots located on Academy Street have been acquired by the Borough through In Rem foreclosure proceedings, said lots being located at 216 Academy Street (Block 40, Lot 20) and 220 – 222 Academy Street (Block 40, Lot 21); and

**WHEREAS**, the Mayor and Borough Council have determined that these properties are not needed for any public purposes of the Borough, and that it is in the best interests of the Borough that the properties be sold at open public auction in accordance with N.J.S.A. 40A:12-13; and

**WHEREAS**, each of the properties is less than the minimum size required for development under the Borough's Zoning Ordinance, and the Tax Assessor has recommended that they be consolidated and sold as a unified parcel; and

**WHEREAS**, the Mayor and Council therefore wish to authorize the Borough, and all appropriate Borough professionals and staff members, to undertake all necessary actions to in order to effectuate a consolidation of the said properties.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, 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 Borough hereby authorizes the consolidation of the properties known and designated as Block 40, Lot 20 and Block 40, Lot 21 on the Hightstown Borough Tax Map into one unified parcel.
2. That the Borough Attorney is hereby authorized and directed to prepare a Deed of Consolidation in order to effectuate such consolidation, and to cause said Deed to be recorded in the Office of the Mercer County Clerk, and to perform all other necessary actions.
3. That the Borough Engineer is hereby authorized and directed to prepare legal descriptions of the properties, as well as a legal description of the unified lot, and to perform all other necessary actions, in order to facilitate the lot consolidation referenced herein.
4. That the Borough Tax Assessor is hereby authorized and directed to perform all activities that are necessary in order to perform the lot consolidation referenced herein, including but not limited to the preparation of a new lot number for the unified property.

5. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest, a Deed of Dedication prepared by the Borough Attorney, as well as any and all other documents which may be necessary in order to facilitate the lot consolidation referenced herein.
6. That all other relevant Borough professionals or staff members are hereby authorized and directed to perform any and all necessary activities that are required in order to facilitate the lot consolidation referenced herein.
7. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
8. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
9. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

## **PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-02,**

**BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF OAK LANE IN AND BY THE  
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING  
\$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$52,250 BONDS OR NOTES OF  
THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Following a review by Ms. Roberts and Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2005-02.

**Eugene Sarafin**, 600-628 South Main Street, asked if the school had allocated funds to fix this street, and Ms. Roberts replied that they put in new curbing, but the other work was internal. He asked if the work would extend the full length of the street, and Ms. Roberts replied that it would. The work includes curbs on both sides of the street and sidewalks on one side. Mr. Sarafin asked Council to adopt this Ordinance.

No one else came forward and the public hearing was closed.

**Ordinance 2005-02** was moved for adoption by Councilman Quattrone and seconded by Councilwoman Laudenberger.

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

**Ordinance adopted, 5-0.**

**ORDINANCE 2005-02                    BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF OAK LANE IN AND BY THE  
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING  
\$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$52,250 BONDS OR NOTES OF  
THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$285,000, including a \$230,000 grant expected to be received from the New Jersey Department of Transportation Trust Fund, and further including the sum of \$2,750 as the down payment required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the portion of the costs of the improvements to be funded from the above referenced grant. The amount of the down payment appropriated is 5% of the \$55,000 in costs of the improvements which are not to be funded by the above referenced grant. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.



Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or from the grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$52,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the reconstruction of Oak Lane, including full roadway reconstruction, including new curbs on both sides of the roadway and sidewalk on one side, the replacement of hydrants and upgrades to the storm water facilities in order to bring them up to current New Jersey Department of Environmental Protection standards, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$52,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$63,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c212 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

## **PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-03,**

**BOND ORDINANCE FOR GREENWAYS, PHASE II, IN AND BY THE BOROUGH OF HIGHTSTOWN,  
IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE  
PART OF THE COST THEREOF**

Following a brief review by Ms. Roberts, Mayor Patten opened the public hearing on Ordinance 2005-03.

**Eugene Sarafin**, 600-628 South Main Street, expressed support for this Ordinance and asked if the work would include Memorial Park and the bridge over Peddie Dam. Ms. Roberts stated that, while the sidewalk along the lake near the wall is part of the Greenway, it does not include the walkway over the dam. Mr. Sarafin suggested that the parapet wall be utilized to display something "appropriate to the history of this town."

No one else came forward and the public hearing was closed.

**Ordinance 2005-03** was moved by Councilman Sikorski, seconded by Council President Schneider.

**Roll Call:** Councilmembers Laudemberger, Quattrone, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 5-0.**

**ORDINANCE 2005-03      BOND ORDINANCE PROVIDING FOR GREENWAYS, PHASE II IN AND BY THE BOROUGH OF  
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$300,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE  
BOROUGH TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER,  
NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$300,000, including a \$250,000 grant expected to be received from the New Jersey Department of Transportation Local Aid Program, and further including the \$2,500 as the down payment required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the portion of the costs of the improvements to be funded from the above referenced grant. The amount of the down payment appropriated is 5% of the \$50,000 in costs of the improvements which are not to be funded by the above referenced grant. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or from the grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is Greenways, Phase II, including the construction of a stone surface walking path along with concrete sidewalk improvements in various locations, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$47,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c212 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-04,**  
**BOND ORDINANCE PROVIDING FOR THE MERCER STREET REVITALIZATION PROJECT IN AND**  
**BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,**  
**APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,500**  
**BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Following a brief review by Ms. Roberts, Mayor Patten opened the public hearing on Ordinance 2005-04.

**Eugene Sarafin**, 600-628 South Main Street, asked if this work would include sidewalks and curbs on both sides of Mercer street. Ms. Roberts replied that it would. Mr. Sarafin also asked if there was "any chance of realigning Ward Street" during this process. Mayor Patten replied that this is being considered. Mr. Sarafin urged Council to adopt this Ordinance.

**Michael Vanderbeck**, 344 Stockton Street and 110 Mercer Street, expressed support for this Ordinance. He serves on the committee appointed to look into this work, and said that there is a wide range of representation on that committee. "It's an exciting time to be part of Hightstown," he said, noting that he often hears positive comments about the town from patrons at his café. Mayor Patten thanked Mr. Vanderbeck for all he did for the Borough during his term on Council, and for the continuation of his service to our community.

No one else came forward, and the public hearing was closed.

Councilwoman Laudenberger noted that she attended the first meeting of the committee referred to by Mr. Vanderbeck. Chief Eufemia serves on the committee also, she said, and is helping to address issues regarding the Ward Street intersection. "We are hoping to be aggressive and obtain more funding," she said, "so that it can be all that we want it to be."

**Ordinance 2005-04** was moved for adoption by Councilman Sikorski, seconded by Councilman Thompson.

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

**Ordinance adopted, 5-0.**

**BOND ORDINANCE PROVIDING FOR THE MERCER STREET REVITALIZATION PROJECT IN  
AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,500  
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$450,000, including a \$310,000 Federal Transportation Enhancement (TE-21) grant expected to be received from the New Jersey Department of Transportation, and further including the sum of \$22,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$427,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Mercer Street Revitalization Project, consisting of the extension of downtown revitalization, including full replacement of curbs and sidewalks on Mercer Street between Rogers Avenue and South Academy Street, as well as the installation of paver sidewalks, street lights, benches and trash receptacles, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$427,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$83,800 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c212 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-05,**  
**AMENDING SECTION 19-2.7(A) OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH***  
***OF HIGHTSTOWN* REGARDING WATER AND SEWER CONNECTION FEES**

Following a brief review by Ms. Roberts and Mr. Raffetto, Mayor Patten opened the public hearing on Ordinance 2005-05.

**Eugene Sarafin**, 600-628 South Main Street, stated that revenue from connection fees should be used to reduce water-sewer debt, and offered to go to court to establish a court decision in this matter, which has yet to be tested.

No one else came forward and the public hearing was closed.

Ordinance 2005-05 was moved for adoption by Councilwoman Laudenberger, seconded by Councilman Thompson.

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

**Ordinance adopted, 5-0.**

**ORDINANCE 2005-05                      AMENDING SECTION 19-2.7(a) OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH***  
***OF HIGHTSTOWN* REGARDING WATER AND SEWER CONNECTION FEES**

**WHEREAS**, municipalities in the State of New Jersey are authorized to collect certain charges in the nature of "connection fees" from all users of water and sewer services within the municipality, with such fees being payable at the time of connection to such services, pursuant to *N.J.S.A. 40A:26A-11* and *N.J.S.A. 40A:31-11*; and

**WHEREAS**, such authorization permits municipalities to collect amounts which represent a fair payment per unit toward the cost(s) associated with the water and sewer systems as paid by the municipality through the end of the preceding fiscal year; and

**WHEREAS**, the formula(s) for calculating such connection fees are established and set forth by statute and administrative regulation; and

**WHEREAS**, such fees shall be re-computed by the municipality at the end of each fiscal year after a public hearing; and

**WHEREAS**, connection fees in the Borough of Hightstown are currently set forth in and governed by Section 19-2.7 of the *Revised General Ordinances of the Borough of Hightstown*; and

**WHEREAS**, the Borough Engineer has re-computed the existing water and sewer connection fees in accordance with and as required by N.J.S.A. 40A:26A-11 and N.J.S.A. 40A:31-11, as set forth in her letter dated January 13, 2005, which letter is attached hereto and made a part hereof;

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

1. That the water and sewer connection fees set forth in Section 19-2.7(a) of the Revised General Ordinances of the Borough of Hightstown are hereby amended as follows:

1. Water Connection Fee: \$ 3,626.00

2. Sewer Connection Fee: \$ 2,338.00

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

3. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

## **PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-06,**

**AN ORDINANCE AMENDING CHAPTER 18, "SOLID WASTE MANAGEMENT," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* IN ORDER TO PROVIDE FOR THE COLLECTION OF GARBAGE FROM DUMPSTER-TYPE CONTAINERS FOR CERTAIN ESTABLISHMENTS LOCATED IN BLOCK 23 OF THE BOROUGH OF HIGHTSTOWN**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2005-06.

**Eugene Sarafin**, 600-628 South Main Street, noted his presence at the hearing.

No one else came forward and the public hearing was closed.

**Ordinance 2005-06** was moved for adoption by Councilman Quattrone, seconded by Council President Schneider.

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

**Ordinance adopted, 5-0.**

**AN ORDINANCE AMENDING CHAPTER 18, "SOLID WASTE MANAGEMENT", OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN IN ORDER TO  
PROVIDE FOR THE COLLECTION OF GARBAGE FROM DUMPSTER-TYPE CONTAINERS FOR  
CERTAIN ESTABLISHMENTS LOCATED IN BLOCK 23 OF THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, Section 18-1 of the *Revised General Ordinances of the Borough of Hightstown* provides for the collection of garbage and solid waste, under certain circumstances, from dumpster-type containers for certain business establishments located in Block 33 of the Borough of Hightstown; and

**WHEREAS**, the Borough Administrator, Code Enforcement Official and Superintendent of Public Works have recommended that businesses located in Block 23 be permitted also to utilize the dumpsters located in the Stockton Street parking lot, provided that they pay their respective share of the Borough's additional costs to provide that service; and

**WHEREAS**, in light of the same, the Mayor and Borough Council wish to amend the Borough Code accordingly;

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

Section 1. Paragraph (d) of Section 18-1.8, entitled "Non-residential users", of Chapter 18, "Solid Waste Management", of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (additions are underlined; deletions are shown in ~~strikeout~~):

(d) The Borough, at the discretion of the Borough Council, may provide garbage or solid waste collection service from a dumpster-type container to any licensed retail food establishment or other business establishment which is located in Block 23 or Block 33 of the Borough of Hightstown, provided that a written agreement is entered into between the Borough and the licensed retail food establishment or other business establishment for the provision of such service and the monthly reimbursement to the Borough for providing same. The unauthorized use of any such dumpster shall constitute a violation of this section and shall be enforced as set forth in subsection 18-1.20.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

**INTRODUCTION AND FIRST READING: ORDINANCE 2005-07,**

**AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN ADOPTING AN UPDATED ZONING MAP,  
AND AMENDING AND SUPPLEMENTING SUBSECTION 28-3.2, ENTITLED "ZONING MAP", OF THE  
SECTION 28-3, "DISTRICTS ESTABLISHED; ZONING MAP", OF CHAPTER 28, "ZONING," OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY"**

Ms. Roberts briefly reviewed the provisions of Ordinance 2005-07, noting that it formalizes work done by Council in the fall. It also corrects minor errors in the existing map.

Council President Schneider asked whether the map would have any effect if it were drafted incorrectly, but the zoning had been set by Ordinance. Ms. Roberts stated that, if the map is incorrect, it must be corrected. Mr. Raffetto agreed and noted that the map must be filed with the County Clerk, as an official record of what has been done. Ms. Roberts noted that this map has been reviewed by Mr. Gottesman to ascertain that the redevelopment zones are correctly depicted.

**Ordinance 2005-07** was moved for introduction by Councilman Sikorski, seconded by Councilman Thompson.

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

**Ordinance introduced, 5-0.**

Public hearing and final reading of the Ordinance was set for February 22, 2005.



## RESOLUTIONS

**Resolution 2005-53** was moved by Council President Schneider, seconded by Councilwoman Laudenberg.

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

**Resolution adopted, 5-0.**

**RESOLUTION 2005-53      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	116,500.00	0.00	116,500.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	252,118.00	0.00	252,118.00
Water/Sewer	22,100.00	0.00	22,100.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	594,430.00	0.00	594,430.00
<b>TOTAL</b>	985,148.00	0.00	<b>985,148.00</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 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.

**Resolutions 2005-54, 55, 56, 57, 58 and 59** were moved by Councilman Sikorski, seconded by Councilman Quattrone.

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

**Resolutions adopted, 5-0.**

**RESOLUTION 2005-54      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 **\$5,607,554.75** from the following accounts:

Current	\$ 639,174.72
W/S Operating	64,665.53
General Capital	3,099,975.35
W/S Capital	1,773,886.20
Animal Control	72.58
Uniform Construction Trust	370.80
Grant	575.00
RCA-COAH	20,549.42
Escrow – Subdivision & Site Plan (First Washington Bank)	8,285.15
<b>Total</b>	<b><u>\$ 5,607,554.75</u></b>

**RESOLUTION 2005-55 AUTHORIZING REFUND OF TAX OVERPAYMENTS**

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

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
First American Real Estate Tax Service Renaissance Tower, 3 <sup>rd</sup> Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Attn: J.T. Thompson (Loan #55141237)	\$878.99	Block 2.01, Lot 1 C0094	142 Mill Run East
First American Real Estate Tax Service Renaissance Tower, 3 <sup>rd</sup> Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Attn: J.T. Thompson (Loan #1817408873)	\$1,588.22	Block 47.01, Lot 14	142 Summit Street
First American Real Estate Tax Service Renaissance Tower, 3 <sup>rd</sup> Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Attn: J.T. Thompson (Loan #7077882244)	\$1,424.75	Block 44, Lot 4	152 Second 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 2005-56 AUTHORIZING INTERLOCAL AGREEMENT FOR HEALTH SERVICES – STD CLINIC**

**WHEREAS**, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

**WHEREAS**, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2005 through December 31, 2005 for a fee of \$25 per patient, and upon certain specified conditions, has authorized same with their Resolution 05-024, adopted on January 4, 2005; and

**WHEREAS**, it is the desire of the Borough Council to enter into an interlocal agreement with the Township of Hamilton for provision of these services; and

**WHEREAS**, such agreements are authorized pursuant to *N.J.S.A. 40:8A-1 et seq*;

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

1. An interlocal services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2005 through December 31, 2005, which agreement is attached hereto and incorporated herein, is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

**RESOLUTION 2005-57                      AUTHORIZING INTERLOCAL AGREEMENT FOR EMERGENCY "9-1-1" /  
POLICE DISPATCHING SERVICES**

**WHEREAS**, in previous years, the Borough of Hightstown has entered into an Interlocal Service Agreement with the Township of Cranbury for the provision of emergency "9-1-1" / police dispatching services; and

**WHEREAS**, the Borough of Hightstown desires to continue to provide these services to the Township of Cranbury during 2005 for a total fee of Ninety-Eight Thousand Four Hundred and Fifty (\$98,450.00) Dollars; and

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes the approval of Interlocal Service Agreements by Resolution; and

**WHEREAS**, the Mayor and Council have reviewed the proposed Interlocal Service Agreement for Emergency "9-1-1" / Police Dispatching Services, which agreement is attached hereto and made a part hereof;

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

1. The attached Interlocal Service Agreement with the Township of Cranbury for Emergency "9-1-1" / Police Dispatching Services for the period January 1, 2005 through December 31, 2005, is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for same.

**RESOLUTION 2005-58                      AUTHORIZING RENEWAL OF TAXI OWNER'S LICENSE - JOHNNY'S TAXI SERVICE**

**WHEREAS** an application for renewal of a taxicab owner's license for 2005, which application complies with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Demetrios J. Klapsogorge, owner of Johnny's Taxi Service, for one vehicle owned by the company:

**2001 Ford Windstar  
VIN 2FMZA51401BB46770**

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

1. The Borough Clerk is hereby authorized to issue a 2005 taxicab owner's license to Demetrios J. Klapsogorge of Johnny's Taxi Service, subject to approval of the Chief of Police.
2. The taxi owner's license authorized herein shall be considered valid only so long as insurance coverage in the form and amount required by law remains in effect, and shall be considered to be revoked immediately upon any lapse in such coverage, regardless of its duration.

**WHEREAS**, an application for renewal of a taxicab driver's license for 2005, which application complies with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Demetrios J. Klapsogeorge, together with payment for same;

**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 Demetrios J. Klapsogeorge, subject to approval of the Chief of Police.

## NEW BUSINESS

### BUDGET MEETING DATES

At the request of Ms. Gallagher, budget meetings were set by Council for 6:30 p.m. on February 10, February 15 and February 28, 2005.

## CORRESPONDENCE

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

- Letter from New Jersey Historic Preservation Office regarding the Stockton Street Historic District

## PUBLIC COMMENT II

Mayor Patten opened the floor once again to public comment.

**Eugene Sarafin**, 600-628 South Main Street, stated that he will be filing an ethics complaint this week with the State against Mayor Patten, claiming that the Mayor writes for the *Hightstown Gazette*, while "voting to pay them for legal ads." Lastly, Mr. Sarafin stated that President Bush is a "total a\*\*hole" and that we "can't afford this town."

No one else came forward and the floor was closed.

Upon motion by Councilwoman Laudenberger, seconded by Councilman Sikorski and unanimously approved, the meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk