

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 Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>		✓
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	

Also in attendance: Candace Gallagher, Clerk/Administrator and Frederick Raffetto; Borough Attorney.

APPROVAL OF AGENDA

The agenda was amended to remove the introduction of an ordinance amending the Borough's taxicab regulations and to include a discussion of contract negotiations in Executive Session. It was then moved as so amended by Council President Sikorski seconded by Councilmember Quattrone and approved by all present.

APPROVAL OF MINUTES

At Councilmember Bond's request, a clarification was made to "Engineer's Items" in the open session minutes of April 6, 2009 to indicate that it was the subcommittee, and not the water-sewer committee as a whole, that has recommended going to bid for plastic media for the AWWTP's trickling filter. Those minutes were then moved as amended by Councilmember Theokas, seconded by Councilmember Bond and approved by all present.

The April 6, 2009 closed session minutes were moved by Councilmember Theokas, seconded by Councilmember Bond and approved by all present except Councilmember McGinty, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, stated that there is a dead tree about two blocks away on North Main Street that is being held up only by wires.

Barbara Jones, 215 Greeley Street, spoke as chair of the Borough's Environmental Commission to note that there would be a Borough-wide clean up, in conjunction with the Stony Brook-Millstone Watershed Association, on Saturday, April 25. She also encouraged Council to adopt Resolution 2009-106, supporting the Borough's participation the "Sustainable Jersey" Municipal Certification Program. This would involve no cost to the Borough, she said, and will make us eligible for certain grant monies. To qualify, the Borough would need 100 "points," but we already have nearly 80 points due to practices already in place in the Borough.

Eugene Sarafin, 600-628 South Main Street, stated that the Borough should pay its engineer and attorney to be here at least once a month. He then stated that he does not want to attend any more meetings because "you treat people terribly." He angrily criticized the governing body as a whole for supporting the three minute time limit for individual public comment, and left the meeting at that time.

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2009-07, 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. Gallagher, Mayor Patten opened the public hearing on Ordinance 2009-07. No one came forward and the hearing was closed.

Ordinance 2009-07 was moved for adoption by Council President Sikorski and seconded by Councilmember Theokas

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes.
Councilmember Schneider was absent.

Ordinance adopted 5-0.

ORDINANCE 2009-07 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 March 11, 2009, 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: \$ ~~3,291.00~~ 3,282.00

2. Sewer Connection Fee: \$ ~~2,127.00~~ 2,031.00

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 2009-08, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2009-08. No one came forward and the hearing was closed.

Ordinance 2009-08 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Bond.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes; Councilmember Schneider was absent.

Ordinance adopted, 5-0.

ORDINANCE 2009-08 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$45,627.20 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$159,695.20, and that the CY 2009 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2009-09,
AN ORDINANCE APPROPRIATING \$74,000 FROM THE GENERAL CAPITAL
FUND BALANCE FOR IMPROVEMENTS TO FRANKLIN STREET CURBS AND
SIDEWALKS**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2009-09.

Martin Crabtree, 326 Franklin Street, asked if this project will include the installation of curbs and sidewalks on Franklin Street where none currently exist. He also requested that during the work, a low area in the pavement in front of his driveway be addressed.

No one else came forward and the hearing was closed.

Ordinance 2009-09 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes; Councilmember Schneider was absent.

Ordinance adopted, 5-0.

**ORDINANCE 2009-09 AN ORDINANCE APPROPRIATING \$74,000.00 FROM THE GENERAL CAPITAL FUND
BALANCE FOR IMPROVEMENTS TO FRANKLIN STREET CURBS AND SIDEWALKS**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The sum of \$74,000.00 is hereby appropriated from General Capital Fund Balance for improvements to Franklin Street curbs and sidewalks.

Section 2. 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 3. This ordinance shall take effect as provided by the law.

RESOLUTIONS

RESOLUTION 2009-103, MAKING APPLICATION TO THE LOCAL FINANCE BOARD FOR A REDUCED PENSION CONTRIBUTION PURSUANT TO N.J.S.A 43:15A-24(c) AND/OR N.J.S.A. 43:16A-15(9)

Following a brief review by Ms. Gallagher, Resolution 2009-103 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes and Councilmember Schneider was absent.

Resolution adopted, 5-0.

RESOLUTION 2009-103 MAKING APPLICATION TO THE LOCAL FINANCE BOARD FOR A REDUCED PENSION CONTRIBUTION PURSUANT TO N.J.S.A 43:15A-24(C) AND/OR N.J.S.A. 43:16A-15(9)

WHEREAS, the Mayor and Council of the Borough of Hightstown in the county of Mercer desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of:

Police and Fire Retirement System in the amount of \$138,700.00

Public Employee Retirement System in the amount of \$91,815.00; and,

WHEREAS, the Mayor and Council have made certain determinations concerning this application as required by statute and have completed the required Attachment that documents said determinations; and,

WHEREAS, the Mayor and Council have determined that the Borough needs to pay the reduced contribution and said determination is in the public interest due to the inability of the Borough of Hightstown to meet the cap without jeopardizing public safety, health, and welfare;

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

Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. The reduced pension contribution for PFRS in the amount of \$138,700.00 and PERS in the amount of \$91,815.00 pursuant to N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Hightstown are hereby authorized to submit such application and to represent the Borough in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Borough of Hightstown is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

Section 5. The Clerk of the Borough of Hightstown is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

RESOLUTIONS 2009-104 AND 2009-105, AUTHORIZING APPLICATIONS AND AGREEMENTS FOR TRANSPORTATION TRUST FUNDING

Ms. Gallagher relayed the Borough Engineer's recommendation that we apply for FY2010 Transportation Trust funding for Park Avenue and Leshin Lane. She noted that Ms. Roberts stated in her memo that her fee to prepare both of these applications, as well as her work in preparing the Borough's Transportation Enhancement grant application for the Stockton Street project, would amount in total to no more than \$3,000.

Resolution 2009-104 was moved by Council President Sikorski and seconded by Councilmember Theokas.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes and Councilmember Schneider was absent.

Resolution adopted, 5-0.

RESOLUTION 2009-104 AUTHORIZING APPLICATION AND AGREEMENT FOR TRANSPORTATION TRUST FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that an application for Transportation Trust FY 2010 Municipal Aid funding for the Park Avenue project is hereby approved, and the Mayor and Borough Clerk are authorized to submit an electronic grant application identified as MA-2010-Hightstown Borough-00066; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves its execution.

Resolution 2009-105 was moved by Council President Sikorski and seconded by Councilmember Bond.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes and Councilmember Schneider was absent.

Resolution adopted, 5-0.

RESOLUTION 2009-105 AUTHORIZING APPLICATION AND AGREEMENT FOR TRANSPORTATION TRUST FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that an application for Transportation Trust FY 2010 Municipal Aid funding for the Leshin Lane project is hereby approved, and the Mayor and Borough Clerk are authorized to submit an electronic grant application identified as MA-2010-Hightstown Borough-00067; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves its execution.

RESOLUTION 2009-106, SUPPORTING BOROUGH'S PARTICIPATION IN THE SUSTAINABLE JERSEY™ MUNICIPAL CERTIFICATION PROGRAM

Councilmember McGinty reviewed the provisions of this Resolution and encouraged its adoption, noting that there would be no cost to the Borough to participate in this program, and that there are potential benefits in so doing.

Resolution 2009-106 was moved by Councilmember McGinty and seconded by Council President Sikorski.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes and Councilmember Schneider was absent.

Resolution adopted, 5-0.

RESOLUTION 2009-106 SUPPORTING BOROUGH'S PARTICIPATION IN THE SUSTAINABLE JERSEY™ MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Hightstown strives to save tax dollars, assure clean land, air and water, and improve working and living environments, as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Hightstown hereby acknowledges that the residents of Hightstown desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Hightstown wishes to support a model of government which benefits our residents, now and far into the future, by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path, the Borough of Hightstown is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Borough of Hightstown, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW, THEREFORE, BE IT RESOLVED, that, to focus attention and effort within the Borough of Hightstown on matters of sustainability, the Hightstown Borough Mayor and Council wish to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Hightstown that we do hereby authorize Candace Gallagher, the Borough Administrator/Borough Clerk, to serve as agent for the Borough of Hightstown for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf of the Borough of Hightstown.

UNFINISHED BUSINESS

REPORT AND RECOMMENDATIONS OF THE COAH SUBCOMMITTEE

Councilmember McGinty reported that she and Councilmember Quattrone have been meeting and consulting with Planner Tamara Lee and Housing Liaison Gail Pfister regarding the Borough's existing COAH ordinances, and how they can be made to conform to what the new COAH regulations allow and recommend. "It's not a clear cut issue," she said, adding that it was her understanding that, prior to her joining Council, an issue arose with regard to the impact of our

existing requirements on two individuals who have constructed single unit residences on properties in the Borough, and who have been "substantially financially affected" by the \$21,750 fee required in our existing ordinance. This, she said, is what caused the issue to be sent to subcommittee.

Ms. McGinty stated that the impact to these homeowners is tied to the Borough's existing ordinances, and that portion of our Code has been impacted by COAH's new rules. We had hoped, she said, to simply amend the Code and resolve the issue, but it is more complicated than that, and the subcommittee's work is continuing. When consensus is reached as to the wording and content of the revised ordinance, then Council must approve, by Resolution, its submission to COAH for review. After COAH has reviewed and approved it, it comes back to Council for introduction and adoption. This process is likely to take several weeks, and our ordinance cannot be changed immediately, leaving the issue of what can be done regarding the fees paid by the two individuals referenced earlier. Councilmember McGinty said that a draft Resolution has been provided to Councilmember Quattrone and to the Borough Attorney which, if consensus is reached, would be presented to Council and would resolve those issues. She hopes to be able to present that Resolution at the next meeting.

Council President Sikorski asked if the Resolution referenced by Councilmember McGinty would need to be reviewed by the Planning Board. Mr. Raffetto stated that Ordinances of this nature do need to go through that process; however, a Resolution that would refund fees paid would not.

Councilmember Bond asked if the proposed Resolution would refund fees paid in prior years. Councilmember McGinty stated that there were no such fees paid prior to those in question.

CONSENT AGENDA

At Councilmember Bond's request, Resolution 2009-111 was pulled from the Consent Agenda for separate consideration.

Resolutions 2009-107 through 2009-110 and 2009-112 through 2009-114 were moved by Council President Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes.
Councilmember Schneider was absent.

Resolutions adopted, 5-0.

RESOLUTION 2009-107 ENDORSING THE BOROUGH'S GRANT APPLICATION FOR NJDOT TRANSPORTATION ENHANCEMENT FUNDING FOR THE STOCKTON STREET HISTORIC DISTRICT PROJECT

WHEREAS, the Borough of Hightstown is preparing a grant application to the State of New Jersey Department of Transportation Enhancement Program Funds (TE); and

WHEREAS, the Borough of Hightstown wishes to seek funding through this program for the Stockton Street Historic District Project, a street and public space infrastructure project, which has been planned for some time and is construction-ready, lacking only a funding source in order to proceed with these improvements, and

WHEREAS, engineering plans and specifications for this streetscape infrastructure project were prepared during 2008 through the award of a New Jersey Historic Trust grant in the amount of \$42,000.00; and

WHEREAS, the Stockton Street Historic District Project will replace deteriorated curb and sidewalk on Rogers Avenue and Stockton Street (also known as Mercer County Route 571), reconfigure street elevations and repaving as needed, create new crosswalks, reduce the length of the crosswalk at Rogers Avenue from 135 feet to 80 feet for improved pedestrian safety and traffic calming, restore the Civil War Monument Park and bring the District's public spaces into compliance with the Americans with Disabilities Act; and

WHEREAS, the Borough of Hightstown is committed to continual ownership and maintenance of the project for at least 20 years and throughout its useful life; and

WHEREAS, the District master plan is part of the Borough's economic renewal plan to create a historical walking area that would attract new people to the District and to the Borough, and would directly connect the Historic District to the downtown business district and to the Borough's Environmental Greenway; and

WHEREAS, the Stockton Street Historic District has been officially designated as such at the local, state and national levels under the United States Department of the Interior's National Historic Register Criterion A for the District's historic association to Transportation, as well as Criterion C for the District's historic Architecture; and

WHEREAS, this project is eligible for the Transportation Enhancement Program due to its direct association with surface transportation and eligibility within a broad spectrum of the specific TE activities to include historic preservation, pedestrian safety and provision of pedestrian facilities, landscaping and other scenic beautification, and the rehabilitation of Stockton Street, a primary motor and pedestrian traffic artery named after Princeton-born Commodore Robert Field Stockton, whose name is also honored on four U.S. Navy ships and multiple U.S. towns, as well as the notable Stockton Street in San Francisco, California, due to his leadership in the capture of California during the Mexican-American War; and

WHEREAS, this Transportation Enhancement project is not only consistent with the intent of the American Recovery and Reinvestment Act to repair our crumbling local public infrastructure associated with a primary traffic artery within the Borough of Hightstown, but also provides for this immediate investment to have long-term sustainable economic benefits by encouraging New Jersey heritage conservation, education and local tourism;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough is pleased to support and endorse the Stockton Street Historic District Project and the above mentioned grant application to the State of New Jersey Department of Transportation TE program; and

BE IT FURTHER RESOLVED that the Mayor of Hightstown and the Hightstown Borough Clerk are hereby authorized to submit an electronic grant application identified as TE-ARRA-Hightstown Borough-00028 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown; and

BE IT FURTHER RESOLVED that the Mayor of Hightstown and the Hightstown Borough Clerk are hereby authorized to sign the grant agreement on behalf of Hightstown Borough and that their signatures will constitute acceptance of the terms and conditions of the grant agreement and will approve the execution of the grant agreement.

RESOLUTION 2009-108 AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2008 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a 2008 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Lawrence Blake, Public Works Superintendent, 148 North Main Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2009-109 AUTHORIZING PAYMENT NO. 5 – B&H CONTRACTING, INC. (WELL #3)

WHEREAS, on August 4, 2008 the Borough Council awarded a contract for water treatment plant improvements (Well House No. 3) to B & H Contracting of Folsom, New Jersey in the amount of Five Hundred Seventy-Five Thousand Three Hundred Dollars (\$575,300.00); and

WHEREAS, the contractor has submitted Payment Request No. 5 for work done in the total amount of \$57,937.60, together with the required certified payrolls; and

WHEREAS the Borough Engineer has recommended approval of this payment request;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 5 from B & H Contracting of Folsom, New Jersey in the amount of \$57,937.60, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

RESOLUTION 2009-110 AUTHORIZING RELEASE OF PERFORMANCE BOND (APPLIED WATER MANAGEMENT)

WHEREAS, on December 4, 2006, the Hightstown Borough Council awarded a contract for sludge removal at the Advanced Wastewater Treatment Plant for the two-year period running from January 1, 2007, through December 31, 2008, to Applied Water Management of Hillsborough, New Jersey, for a total amount not to exceed Ninety-Two Thousand Four Hundred and Eighty Dollars (\$92,480.00); and

WHEREAS, Applied Water Management submitted a performance bond in connection with this contract, Bond No. 104854033 from Travelers Casualty and Surety Co. of America, in the amount of \$92,480.00, which bond has been kept on file in the Borough Clerk's office; and

WHEREAS, the contract period has now expired and all work is complete, and the Borough Administrator has recommended that the aforementioned performance bond be returned to Applied Water Management;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized and directed to return to Applied Water Management, Inc. their performance bond in the amount of \$92,480.00 as detailed herein.

**RESOLUTION 2009-112 AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT FOR WATER TREATMENT
PLANT IMPROVEMENTS (WELL HOUSE NO. 3)**

WHEREAS, on August 4, 2008 the Borough Council awarded a contract in the amount of Five Hundred Seventy-Five Thousand Three Hundred Dollars (\$575,300.00) to B & H Contracting of Folsom, New Jersey for water treatment plant improvements; and

WHEREAS the Superintendent of Public Works and the Borough Engineer have recommended the approval of Change Order No. 1 to this contract in the amount of Seventeen Thousand and Seventy-Eight Dollars (\$17,078.00), as detailed on the attached letter from B&H Contracting dated April 6, 2009;

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

1. Change Order No. 1 to the contract with B&H Contracting, Inc. of Folsom, New Jersey in the amount of Seventeen Thousand and Seventy-Eight Dollars (\$17,078.00) is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is Five Hundred Ninety Two Thousand Three Hundred and Seventy-Eight Dollars (\$592,378.00).

**RESOLUTION 2009-113 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF
THE 2009 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2009 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," attached¹; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2009 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	17,750.00	1,208,917.00	1,226,667.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	27,035.00	839,317.00	866,352.00
Capital Outlay – W/S	0.00	7,530.00	7,530.00
Debt Service - W/S	110,908.50	0.00	110,908.50
TOTAL	155,693.50	2,055,764.00	2,211,457.50

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 2009 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.

¹ Schedule is on file in the Borough Clerk's office with original copy of Resolution 2009-113.

RESOLUTION 2009-114 AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$446,906.01** from the following accounts:

Current	\$ 172,899.10
W/S Operating	86,959.91
General Capital	5,662.50
W/S Capital	129,396.60
Animal Control	240.00
Trust	841.86
Grant	26,840.00
Public Defender	150.00
Law Enforcement Trust	765.00
Unemployment	8,429.63
Lien Trust	22,330.61
Housing Trust	<u>2,390.80</u>
Total	\$ <u>446,906.01</u>

With respect to **Resolution 2009-111**, Councilmember Bond stated that he feels that the Borough should not approve an auction license for "someone we're basically in litigation with ... when they refuse to do what they're supposed to do." He acknowledged Mr. Raffetto's prior advice that the issuance of auction licenses should be treated as a separate issue from those related to the maintenance bond and site plan, but said that he intends, nevertheless, to vote against this Resolution.

Mr. Raffetto stated that this matter is still pending with the bonding company, and these things do take some time. He recommended that Council *not* disapprove this auction license on the basis of outstanding site plan issues, and said that he will send a letter to the bonding company pushing for a decision on this. "They have obligation under the bond," he said, "to insure that all is constructed to our satisfaction, and Empire has failed or refused to do that. A number of items remain incomplete."

Councilmember Bond stated, "We are continuing to spend taxpayer dollars to have a dialogue with the bonding company. We have had zero cooperation from Empire, or we wouldn't have to do that." At the request of Councilmember McGinty, Mr. Bond explained that Empire Antiques had an application for a use variance and site plan in the mid 1990s. They never completed the site plan, he said, but obtained the use variance and continued to operate. When this was brought to their attention, they started to do some of the work but it was never completed to the Engineer's satisfaction, and over the last few years, he said, "they have completely ignored our Engineer's requests. It's a slap in the face to the Borough ... and unconscionable that we'd continue to approve auction licenses every other month..."

Councilmember McGinty stated that, while this information "gives her pause," she is concerned that a vote to deny the license could imperil the Borough regarding possible litigation. Given the history, she said, she has concerns about continuing to vote to approve auction licenses for Empire. She said that she would vote yes on *this* Resolution but will "look more closely the next time around."

Resolution 2009-111 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes, Councilmember Bond voted no and Councilmember Schneider was absent.

Resolution adopted, 4-1.

RESOLUTION 2009-111 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, April 25, 2009 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, 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 on April 25, 2009 at 278 Monmouth Street.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Esther Velázquez, 178 Grant Avenue, noted that curbs along Park Way are in "horrendous condition," and could present a safety concern to pedestrians there. She asked that the Borough take a look at this and make repairs if needed.

Phyllis Deal, 305 Stockton Street, asked, regarding the potential grant for Stockton Street improvements, if traffic calming measures could be incorporated in this work. "What good will fancy sidewalks do," she asked, "if we still have high speed traffic?" She said that we now have fewer cars on that street, due to the Bypass, but they are traveling just as fast.

Dan Buriak, 194 Stockton Street, thanked Council for approving Resolution 2009-107. He noted that one traffic calming measure included in the plans for Stockton Street involves narrowing the intersection with Rogers Avenue. Currently, it is 135 feet wide, and it would be reduced to 80 feet wide under the new configuration. Trucks would, then, need to make more of a right hand turn when following the truck route there. The fourth phase of this project, he said, would be to apply for a Scenic Byways designation, which would allow for additional traffic calming.

Ron Orendorf, 324 Franklin Street, thanked Council for appropriating \$74,000 for curbs and sidewalks on Franklin Street, which, he said, was "long overdue." He asked if the work would be similar to the streetscape in the downtown area. Mayor Patten said that he would discuss this with him prior to the Executive Session. Mr. Orendorf added that Franklin Street is also "a bit of a speedway," and that he is "mystified at the amount of truck traffic in our Borough," which, he said, is detrimental to the quality of life of all Borough residents.

Martin Crabtree, 326 Franklin Street, stated that his end of Franklin Street is often forgotten, and "Hightstown seems to start at Maxwell Avenue." Any traffic calming measures there would help, he said, and it would be nice to add street trees also on Franklin Street. He added that he often sees cars on Franklin Street "zipping past" school buses that have their red lights flashing.

Barbara Jones, 215 Greeley Street, thanked Council for approving Resolution 2009-106. With regard to Franklin Street, she noted that the Environmental Commission hopes to help wherever there is a need for trees.

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Theokas reported that the Economic Development Committee will meet on the upcoming Thursday, and he will "pass along the thoughts of Council and the public." He further reported that the taxi committee had good feedback from the Council and the public, and are working to revise the draft ordinance to "make sure it's what we need." Lastly, he reported that things are "all pretty good with the Fire Department."

Councilmember McGinty reported on several items:

- She thanked Dan Buriak for his work toward attaining Economic Stimulus funding for the Stockton Street project. "Through contributions of private citizens," she said, "we, as the Borough, are enhanced."
- She noted that donations are still needed for the purchase of hanging baskets for our downtown area, and encouraged all to contribute. At present, the fund is about \$1,000 short.
- She attended a demonstration at the Advanced Wastewater Treatment Plant of a rotary press for sludge, and said that it was very informative. She urged her fellow Council members to do the same.
- She noted that the Better Beginnings charity ball will take place on the coming Saturday evening, and said that the education of our youngest children must be a priority, as "we all have a vested interest in that."
- She welcomed the continuing work of the taxi committee, and said that her concern is regarding the volume of taxis on our streets. She added that limiting the number of licensed taxis would not affect this because it is a regional problem. She recommended that the Borough "speak actively with East Windsor and surrounding towns" about this issue, as we share a similar burden.
- She noted that the Mercer County Freeholders will hold their April 23 meeting here at Hightstown Borough Hall, and that the Economic Development Committee will meet at 8 p.m. that night. She encouraged all to attend both meetings.
- She urged Council to consider allowing five minutes, rather than three, for individual public comment, noting that it can take a while for speakers to "warm up," and by that time their three minutes is over.
- She asked if Council comments could be included on every agenda, rather than just once per month, in order to provide the opportunity for members to respond, if appropriate, to concerns raised by the public rather than having to wait until the end of the following meeting.

Councilmember Bond stated, regarding the time limit for speakers during public comment, that, "years ago, there was no time limit and people would come up and speak for 20 and 25 minutes. ... It was totally abused." He stated that it may be okay to increase it to five minutes, but it is important to maintain a time limit. Mr. Bond went on to report that he has been involved with the newly formed contract negotiations subcommittee, which is looking at ways to reduce benefits costs, and will be meeting with union representatives by mid-summer. He is also active with the Minute Maid land use subcommittee, which is continuing to meet with East Windsor and is "making good progress along those lines." He is also involved with the water-sewer and solid waste subcommittees. Lastly, Mr. Bond commended Gary Grubb, who, along with Yan Troizier, planted bulbs and pansies at the fountain and near the diner. "He's been doing that stuff for a long time," Mr. Bond said. "He's been involved [with the Borough] in so many different ways."

Council President Sikorski encouraged attendance at the coming Freeholders meeting and announced that the Borough has received a letter from U.S. Senator Robert Menendez supporting the Borough's application for Transportation Enhancement funding for Stockton Street improvements.

Councilmember Quattrone commended Dan Buriak for his work on the Stockton Street project, stated that things have been going well with the First Aid Squad, and said that he feels that the Borough will need to have another budget meeting to find different ways to save money. He also said that the Public Works department is working well, and has been involved with a lot of cleanup in town. Lastly, Mr. Quattrone said that plans for the Memorial Day Parade are going well, but some sponsors have pulled out, so the post-parade celebration "may be slightly hindered."

EXECUTIVE SESSION

Ms. Gallagher read aloud and in full Resolution 2009-102, authorizing a closed session for the purpose of discussing contract negotiations and personnel. The Resolution was moved by Councilmember Quattrone and seconded by Council President Sikorski.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes and Councilmember Schneider was absent.

Resolution adopted, 5-0.

RESOLUTION 2009-102 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on April 20, 2009 at approximately 8:00 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Contract Negotiations

(Professional Engineering Services; Interlocal EMS Services)

Personnel

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: July 20, 2009, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Upon reconvening into open session, adjournment was moved by Council President Sikorski, seconded by Councilmember Theokas and unanimously approved. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk