

# Borough of Hightstown Meeting Minutes September 21, 2009

## 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: Leona Baylor, Deputy Borough Clerk; Frederick Raffetto, Borough Attorney and Carmela Roberts, Borough Engineer.

### APPROVAL OF AGENDA

The agenda as presented was moved for approval by Council President Sikorski, seconded by Councilmember Schneider and approved.

### APPROVAL OF MINUTES

September 3, 2009 special meeting minutes of the open and closed sessions were moved by Council President Sikorski seconded by Councilmember Quattrone and approved.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, Ms. Deal commented on the absence of Chief Eufemia and asked if she would have to call the schools and the Route 130 buses herself; about the speeding on Stockton Street. She stated that no one else seems to care, including the police department.

Gene Sarafin, 628 S. Main Street, expressed his disappointment for missing the last council meeting and the discussion about taxis. He stated his objections that a resident is the chair of the taxi committee; that there are no minutes from any of the taxi committee meetings that show how they reached their recommendations; and that a single taxi company owner may have influenced some of chairperson's decisions.

No one else came forward and the Mayor closed public comment.

## ENGINEER'S ITEMS

### ANALYSIS: PURCHASE OF SLUDGE PRESS, CARMELA ROBERTS

Ms. Roberts explained that there are two ways to dispose of sludge, either as a liquid or as cake. Currently the Borough disposes of sludge by liquid and the analysis she prepared is for whether to continue to do so or to purchase additional equipment for the purpose of turning the liquid sludge to cake.

The current process at the Waste Water Treatment Plant is to transport liquid sludge by tanker, for disposal. The alternative, cake, can be disposed of in the same way and in addition, can go to a landfill, be burned or used for a farm land application. Ms. Roberts reported that the bids received in the fall of 2008 for disposal were high and with both trucking and fuel costs continuing to rise; the Borough's cost will also continue to rise. She estimated that the cost of a new sludge press, with engineering fees, would be about \$356,000. The Borough's current cost for liquid sludge disposal is; \$169,000 per year. After the initial cost of the purchase of the sludge press, the net saving to dispose by cake would be \$60,000 if a farming application is used, \$13,000 by landfill and \$47,000 by burning. The time to recoup the purchase cost would be eight years for farming, 37 years by landfill and 10.3 years by burning.

Ms. Roberts explained that this subject has been discussed by the Water and Sewer Committee over a period of time and they felt it should be passed to the Council for discussion.

Councilmember Bond stated that, the idea of the sludge press was originally presented by the Wastewater Treatment Plant Superintendent, William Searing about a year ago. Since then Mr. Searing has visited other sites that have the press in operation and also brought in two different presses for demonstration at the Borough's plant. Purchasing this press is not something that has to be done and whether or not it goes forward is all in the numbers and if the Council thinks the output worth it. In a best case scenario, it's an eight year payback. Councilmember Bond thanked Ms. Roberts for a good report and excellent research. He also stated that they will have to look at the future impact this could have on the water/sewer billing.

Councilmember Quattrone asked the costs currently for just transporting the sludge? Ms. Roberts responded that transporting is currently \$132,000 and that for 2010, expect the costs to increase. Mr. Quattrone questioned if the Borough would still be transporting the cake; Ms. Roberts answered that yes, the Borough would still be transporting the cake and the transporting was figured into the cost savings. He then asked; where are the farms that would be accepting the cake? And what are the odds that 100% of the cake could be used for that purpose? Ms. Roberts stated that the farming communities that use the cake are located in Pennsylvania; there are none in New Jersey and that Mr. Searing has done the research and that there are a large amount of farms in the market for accepting cake sludge. Mr. Quattrone said he understood that farming for non-consumable goods such as corn and soy for feed and fuel are available; but expressed his concern that they may eventually have to use one of the alternative sources of disposal. Ms. Roberts acknowledged that this is a valid concern and her recommendation would be to use burning as the alternative.

## ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2009-20, BOND  
ORDINANCE PROVIDING FOR STOCKTON STREET STREETSCAPE  
IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN,  
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING  
\$1,840,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$1,840,000 BONDS OR NOTES OF THE BOROUGH TO  
FINANCE ALL OR PART OF THE COST THEREOF

Mayor Patten explained that this funding is State stimulus money awarded by the NJDOT for the Stockton Street project.

The Mayor opened the meeting for public comment.

Gene Sarafin, 628 S. Main Street, expressed his support saying that it was fantastic that Dan Buriak and the Historic District were finally able to achieve their dream; Stockton Street attracts a lot of visitors. He commented that a report was done of the Bordentown Downtown Historic District that stated that they needed more five star restaurants and he wished that the Borough also could get some five star restaurants, to feed the people who come to look at the homes. He also felt that the Borough should honor Mr. Buriak for his "fantastic effort."

Stacy Trent, 163 Rogers Avenue, commented that she lives across from Mr. Buriak and that he has done a great job; but she has concerns regarding the area on Academy Street. She stated that the area is a "disgrace" and wondered what is going to happen after all of the work is done and what people would think, if they looked down Academy Street and witnessed the people "hanging out" near the corner drinking and using inappropriate language. She expressed her support of the project and would definitely like to see it go forward.

No one else came forward and the Mayor closed public comment.

Council President Sikorski moved ordinance 2009-20 for adoption and it was seconded by Councilmember Quattrone.

Council President Sikorski said that as past comments have indicated, this is an excellent project and the public seem to be in support of the project. Councilmember McGinty added; that in a previous council meeting it was stated that the bonding is a "necessary process" in order for the Borough to reap the benefits of receiving the stimulus money to complete this project and she is very much in favor of it.

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

Ordinance adopted 6-0.

**ORDINANCE 2009-20     BOND ORDINANCE PROVIDING FOR THE STOCKTON STREET HISTORIC DISTRICT STREETScape INFRASTRUCTURE PROJECT AND IMPROVEMENTS TO SURROUNDING AREAS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,840,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$1,840,000 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(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,840,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$1,690,000 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of and not otherwise covered by the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$1,840,000 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 for the Stockton Street Historic District Streetscape Infrastructure Project and improvements to surrounding areas, 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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) 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 20 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 \$1,840,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$350,000 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. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied 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 additional funds are so used.

Section 9. 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 15c2-12 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 10. 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 11. 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 2009-21, AN  
ORDINANCE AMENDING AND SUPPLEMENTING SECTION 7-26,  
"TAXI STANDS," OF CHAPTER 7, "TRAFFIC," OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

Mayor Patten opened the meeting for public hearing.

Gene Sarafin, 628 S. Main Street, questioned what prompted this ordinance. Mayor Patten responded that it addresses some complaints regarding idling and parking on residential streets and the lots in town. Mr. Sarafin asked if there were any taxi stands and if so, are they needed. Mayor Patten stated that there are no taxi stands currently and whether or not there is any need for taxi stands is a separate issue to debate.

No one else came forward, the mayor closed public hearing.

Ordinance 2009-21 was moved for adoption by Councilmember Quattrone and seconded by Council President Sikorski.

Councilmember McGinty stated that there are no taxi stands in the Borough; nor any area in the Borough that could accommodate a taxi stand. This amendment of the ordinance addresses a issue that responds to comments from the public about taxi parking and idling on residential streets and a private commercial lot in town.

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

Ordinance adopted 6-0.

**ORDINANCE 2009-21 AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 7-26,  
ENTITLED "TAXI STANDS," OF CHAPTER 7, "TRAFFIC," OF THE "REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW  
JERSEY"**

**WHEREAS**, the Hightstown Borough Council has determined that it is appropriate to amend certain portions of Section 7-26, "Taxi Stands," of the Borough Code in accordance with certain recommendations made by the Taxi Committee;

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

Section 1. Subsection 7-26-1, entitled "Taxi Stands," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented as follows (additions are shown with underline and deletions are shown with ~~strikeout~~):

Subsection 7-26-1 Taxi Stands; Parking or Idling of Taxis

The locations described are hereby designated as Taxi Stands. No vehicle other than a taxi shall be permitted to occupy these locations during the times indicated.

Street	Location	Hours
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(Reserved)

No taxicab shall be parked or shall remain standing idle for an extended period of time on a public roadway within a residential zoning district within the Borough without prior approval of the Borough.

No taxicab shall stand or be parked on any commercial property without the express written consent of the property owner. Such consent must be provided to the Borough with the annual taxi company license application.

Section 2. This Ordinance shall take effect upon final passage and publication in accordance with the law.

## INTRODUCTION AND FIRST READING: ORDINANCE 2009-19, AN ORDINANCE AMENDING CHAPTER 8, "TOWING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

Mayor Patten stated, this ordinance was originally presented at the September 8, 2009 meeting and postponed because of questions regarding the language and the authority.

The ordinance was moved by Councilmember Sikorski and seconded by Councilmember Theokas.

Councilmember Quattrone asked if there would be a conflict, since he used to be a tow agent for the Borough. Mr. Raffetto, the Borough Attorney assured him that there is no conflict.

Councilmember Quattrone questioned why the change, a company who currently doesn't have heavy load capacity would find it quite expensive to purchase heavy load equipment and if the company doesn't have it then the police department could just go to the next company on the list. The Mayor responded that when the police call in the middle of the night they need to make sure the company is capable of handling the job, they can't wait twenty minutes only to have the company not be able to handle the job and then have to call a second company and wait once again. Councilmember Quattrone noted that currently three of the companies have heavy equipment.

Councilmember McGinty asked for more information regarding the number of companies, their locations and how many of the current companies would be eliminated by this change; be supplied for the next council meeting.

Mayor Patten asked the Council to weigh the concern for eliminating businesses versus the police department's ability to clear the streets in a timely manner.

Councilmember McGinty asked if it could be as simple as the dispatchers knowing who has the capability to haul heavy or light and calling the appropriate company.

Councilmember Quattrone moved to table the ordinance until the next meeting, seconded by Councilmember Schneider.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Schneider and Sikorski voted yes to table the ordinance and Councilmember Theokas voted no.

Ordinance tabled 5-1 until the October 5, 2009 regular council meeting.

George Lang, the CFO joined the meeting.

## INTRODUCTION AND FIRST READING: ORDINANCE 2009-22, AN ORDINANCE PROVIDING FOR A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION, PRESERVATION AND PROTECTION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS WITHIN THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER AND STATE OF NEW JERSEY

Council President Sikorski stated that, the ordinance presented was approved by the Planning Board at their September 14, 2009 meeting and that there has been a large effort to create this ordinance, the Historic Preservation Commission has worked on this for two and a half years, its been reviewed by the Borough's attorney and the Planning Board's attorney.

Council President Sikorski acknowledged that there are some anticipated concerns regarding the ordinance. First is the "opinion process" of the Commission; he stressed that it is strictly advisory, if after hearing the Commission's opinion you still want to go forward with your original plans you can. Also the Commission's opinion does not affect changes to the interior of the home. Second concern, demolition, this also is strictly advisory and if the day after receiving the opinion of the Commission you still chose to demolish you can move forward.

Mr. Raffetto explained that there are ordinances in other municipalities and this ordinance is a compilation of those with some areas that are specific to the Borough.

The ordinance was moved for introduction by Council President Sikorski and seconded by Councilmember McGinty.

Mr. Raffetto noted that under the New Jersey Land Use, it is usually required that any ordinance that affects the zoning to be referred to the Planning Board, but the Board has already reviewed and approved the ordinance so it can be heard at the next meeting.

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

Ordinance introduced 6-0. Final reading and public hearing set for October 5, 2009 at the next regular meeting.



## RESOLUTIONS

### RESOLUTION 2009-219, ESTABLISHING A “GREEN TEAM” ADVISORY COMMITTEE, AS A WORKING SUBCOMMITTEE OF THE ENVIRONMENTAL COMMISSION OF THE BOROUGH OF HIGHTSTOWN

Councilmember McGinty stated that, this resolution follows the description give by Barbara Jones, the Environmental Commission’s chairperson, at the last council meeting. Establishing a “Green Team” is part of the certification process for the Sustainable NJ program and requires the Borough to set it by resolution.

The resolution was moved by Councilmember McGinty and seconded by Councilmember Quattrone.

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

Resolution adopted 6-0.

### **RESOLUTION 2009-219 ESTABLISHING A “GREEN TEAM” ADVISORY COMMITTEE, AS A WORKING SUBCOMMITTEE OF THE ENVIRONMENTAL COMMISSION OF THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, the Borough Council of the Borough of Hightstown strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially, and which would thrive well into the new century and beyond; and

**WHEREAS**, the Hightstown Borough Council wishes to build a model of government which benefits our residents now and far into the future with green community initiatives, which are easy to replicate and affordable to implement; and

**WHEREAS**, in an attempt to focus attention on “Green” issues, the Hightstown Borough Council wishes to establish a Green Team Advisory Committee (GTA); and

**WHEREAS**, the Hightstown Borough Council wants to begin the process of focusing on “Green” issues by developing initiatives and projects which may engage a wide range of community stakeholders and enhance the goals of sustainability; and

**WHEREAS**, the Hightstown Borough Council seeks to begin the process of making its operations greener and more environmentally friendly, by commissioning the GTA to address effective ways to reduce energy consumption and to raise awareness of, and attentiveness to, environmental issues, with regard to Borough departments, facilities, and equipment, and in all ways touching on and impacting the lives of Hightstown residents, and our world community; and

**WHEREAS**, solar power, changes to fleet purchasing and maintenance, water quality improvements, and operational changes will all be considered as the Borough moves to do its share to lessen the environmental impact of its operations;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Hightstown, that we do hereby establish a Green Team Advisory Committee (GTA), as a working subcommittee of the Hightstown Environmental Commission, whose membership shall be designated by the Chair of the Environmental Commission, on the advice and consent of the Environmental Commission, as demonstrated by a vote of the majority of its members; and

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Hightstown, that the GTA shall be made up of not more than eight persons, who shall reside and/or work in the Borough of Hightstown, and that the GTA membership shall be appointed annually, with the initial term of service to end on December 31, 2010.

## **CONSENT AGENDA**

Resolutions 2009-212, 213, 215, and 218 were removed from the consent agenda for individual consideration. Resolutions 2009-214, 216 and 217 were moved by Council President Sikorski and seconded by Councilmember McGinty.

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

Resolutions 2009-214, 216 and 217 were adopted 6-0.

### **RESOLUTION 2009-214 AUTHORIZING AGREEMENT FOR WEBSITE AND MUNICIPAL CODE SERVICES**

**WHEREAS**, as part of her service to the Borough as Municipal Clerk and Computer Systems Administrator, Candace Gallagher created and maintained the Borough's website at [www.hightstownborough.com](http://www.hightstownborough.com); and

**WHEREAS**, as part of her duties, Ms. Gallagher also performed ongoing in-house codification of the Borough's ordinances, continuously updating the *Revised General Ordinances of the Borough of Hightstown* with the adoption of each amending ordinance, thereby avoiding outside codification and supplementation costs; and

**WHEREAS**, it is the desire of the Mayor and Council to engage Ms. Gallagher to continue to perform these duties for the Borough of Hightstown on a contractual basis, for the periods of time and under the terms and conditions set forth in the attached agreement; and

**WHEREAS**, said agreement has been reviewed by the Borough Attorney and found to be in legal order; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the agreement with Candace Gallagher which is attached hereto and made a part hereof is hereby approved, and the Mayor and Deputy Borough Clerk are authorized to execute same.

**RESOLUTION 2009-216 AUTHORIZING TRANSFER OF CERTAIN MUNICIPAL COURT FUNDS  
TO MUNICIPAL TREASURER**

**WHEREAS**, the Municipal Court has compiled lists of outstanding checks issued during 2007 and 2008 from their General Account #4750213910 and Bail Account #4750213923, which lists are attached hereto; and

**WHEREAS**, the Municipal Court Administrator wishes to transfer these funds to the Municipal Treasurer;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the transfer of \$45,75 from the Municipal Court General Account #4750213910 and \$652.00 from the Municipal Court's Bail Account #4750213923, representing uncashed or returned checks from 2007 and 2008 as detailed on the attached listings, is hereby authorized and approved.

**RESOLUTION 2009-217 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 **\$1,055,516.20** from the following accounts:

Current	\$ 926,852.32
W/S Operating	103,364.58
General Capital	3,076.72
W/S Capital	13,511.78
Grant	1,125.00
Trust	7,435.80
Public Defender	<u>150.00</u>
<b>Total</b>	<b>\$ <u>1,055,516.20</u></b>

**RESOLUTION 2009-212, AUTHORIZING ISSUANCE OF LICENSE FOR  
AUCTION - EMPIRE ANTIQUES**

Councilmember McGinty asked the status of the applicant's construction project and if it was near completion. Mayor Patten said, that project is not associated with the application on the agenda. Mr. Raffetto stated that he could give an update on the project saying, the applicant had completed the items on the Engineer's "punch list" and Ms. Roberts confirmed this, saying that a letter was previously sent to Council, confirming the work was completed. The additional funds required have not been deposited for outstanding legal and engineering fees nor has the \$400.00 for inspection fees been deposited. Mayor Patten asked the attorney if the outstanding fees would interfere with approval of the application on the agenda. Mr. Raffetto confirmed that the two items are separate and the funding for the outstanding project would be addressed when time comes to refund the performance bond.

Resolution 2009-212 was moved by Councilmember Schneider and seconded by Councilmember Theokas.

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

Resolution adopted 6-0.

#### **RESOLUTION 2009-212 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE ANTIQUES**

**WHEREAS**, an application for a license to hold an auction on Saturday, October 10, 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 October 10, 2009 at 278 Monmouth Street.

#### **RESOLUTION 2009-213, ACCEPTING MEMBERSHIP OF DANIEL J. DIACIK IN HIGHTSTOWN ENGINE CO. NO. 1**

Councilmember McGinty stated that the Council periodically receives resolutions to accept members into the fire department, but they are names. While it is an honor to accept them into membership it would be nice for the candidate to come before Council so they could meet the individual.

Resolution 2009-213 was moved by Council President Sikorski and seconded by Councilmember McGinty.

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

Resolution adopted 6-0.

#### **RESOLUTION 2009-213 ACCEPTING MEMBERSHIP OF DANIEL J. DIACIK IN HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Daniel J. Diacik of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Diacik has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of Daniel J. Diacik in Hightstown Engine Company No. 1 is hereby accepted.

**RESOLUTION 2009-215, AUTHORIZING 2009 DONATION TO RISE  
(FORMERLY KNOWN AS THE COMMUNITY ACTION SERVICE CENTER)**

Councilmember Theokas asked what the procedure is for choosing how much the Borough donates and he also would like to see more information from Rise on the use of the funds.

Councilmember Bond asked the Council refer to the organization by their correct name as they have changed their name from Community Action Service Center to Rise and to have the resolution reflect the correct name.

Mr. Lang, the Chief Financial Officer said that under statute; organizations receiving government funds are required to provide some information, if the donation is over a certain amount.

The resolution was moved by Councilmember Schneider and seconded by Council President Sikorski.

Councilmember Theokas then asked who makes the decision who to donate to, since the Council recently turned down donating to different local non-profit and then didn't want to hold funds in trust for another non-profit.

Mayor Patten stated that this usually done during budget hearings and that this procedure is a good thing to be discussed during the up coming budget hearings.

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

Resolution adopted 5-0.

**RESOLUTION 2009-215 AUTHORIZING 2009 DONATION TO RISE  
(FORMERLY KNOWN AS THE COMMUNITY ACTION SERVICE CENTER)**

**WHEREAS**, the Borough of Hightstown has, for many years, made an annual contribution to the agency now known as Rise (formerly known as the Community Action Service Center); and

**WHEREAS**, it is the desire of the Mayor and Council to contribute the sum of \$4,000.00 to Rise for the year 2009, equivalent to the amount contributed during 2008; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue payment to Rise (formerly known as the Community Action Service Center) in the amount of \$4,000.00, representing the Borough's contribution to them for the year 2009.

## RESOLUTION 2009-218, RESOLUTION CALLING UPON THE STATE LEGISLATURE TO ADDRESS THE INEQUITY IN THE COURT DECISION OF HOMES OF HOPE V. TOWNSHIP OF EASTAMPTON

Council President Sikorski said he would prefer that this resolution be referred to Planning Board prior to vote by the Council. There was discussion on what the actual ruling meant and there was no clear consensus reached. Councilmember McGinty stated that it's a matter of legal opinion and no relation to the current resolution. She suggested that the Council read the Court Decision before voting on the resolution and that the resolution be tabled until the next meeting.

Mayor Patten stated that the resolution is not in support of Eastampton but asking that there be a better interpretation of the guidelines.

Councilmember Schneider moved to postpone, seconded by Councilmember Quattrone.

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

Resolution postponed 6-0.

Ms. Roberts asked to be excused from the remainder of the meeting; the mayor excused Ms. Roberts at 8:30pm.

## UNFINISHED BUSINESS

### TAXI ORDINANCE

Mayor Patten opened the discussion asking the Council to consider starting over regarding the taxi ordinance by reviewing the current ordinance, not any of the proposed ordinances presented. He said that the goal of this discussion is to reach a consensus that leads to a decision of whether to amend the ordinance or not; and if so what changes should be made. He further commented that an ordinance was adopted earlier in the evening that addressed the parking complaints and with enforcement the complaints for the noise and horns blaring could be handled; so the main focus is the number of taxis. He stressed that before the Council started trying to limit the number that they have proof to back their suggestions.

It was asked by Councilmember Bond if the Council could agree; that the differing of opinions are on the number of taxi companies to be allowed, the numbers of taxicabs to license and the insurance limits; also possibly the number of DMV points allowed.

Councilmember Quattrone stated that he read the old ordinance and suggests getting rid of the reciprocal licenses, using the new application created by the deputy clerk, changing the date to receive applications to November and date to issue licenses to February. He continued by saying that the Council could argue the need to limit the vehicles or they could let attrition take hold; he was more concerned on getting the licensing fees paid and the vehicles inspected. He also wanted a consensus on whether to use stickers as part of the inspection process.

Councilmember Bond thought that if the Council had to go with a definitive number of taxis, to start the limit with twenty cars and then go down. He also asked that the ordinance be changed to refer to owners instead of cabs.

The Council was cautioned by the Mayor that they would need to identify the need for public transportation and that would require a study and analysis.

Councilmember Bond commented that if the Borough currently has twenty licensed cabs then we could assume that twenty is the number that the market can bear.

Councilmember McGinty stated that she stood on the street and over a two day period, just using plate numbers, collected information for forty different cabs. At the inspection held at Borough Hall by the NJDMV in March, thirty-six cabs were brought in voluntarily. Of the thirty-six cabs, twenty were licensed by the Borough the remaining sixteen were not on her list of forty cabs and not all of the vehicles on the list of forty showed up. She suggests looking at current ordinance and enforcing what is currently in place, following the criteria for the owners, drivers and renewals.

Mayor Patten asked if what Councilmember McGinty was suggesting was that the current ordinance was good enough as is; she agreed. She further commented that the Council needs to get the companies in and licensed.

Mayor Patten agreed that they needed to get the process going again and stated that a resolution lifting the moratorium is all they would need.

It was asked that if allowing licensing now, what does it mean; are they in favor of limiting or against and what of the other issues? The Mayor responded they could go forward with the resolution and still work to clean up the ordinance. Lifting the moratorium just starts the application process.

Councilmember Bond stated that if the application process starts now, then the applications will be coming in at the lower insurance limits. An ordinance could be ready by end of October, but if no one else on Council is concerned he is willing to leave it. The Mayor agreed that the insurance limits should be looked at and that they will need to look into what limits the companies currently have and the practicality of raising the limits. Councilmember McGinty noted that the lower limits reflect the limits in the New Jersey statute;

It was agreed that the ordinance changes could be for the 2010 licensing year, and if the resolution is passed now then the licenses would expire December 31, 2010 and any changes made to the ordinance, including insurance, the applicant would be responsible for making themselves compliant in order to keep their license. It was recommended that it be added to the application, that the applicant would have to comply with any ordinance changes made after the issuance of their license. It was also suggested that the research be done regarding insurance limits for the next meeting.

The resolution to lift the moratorium on taxis was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Resolution adopted 5-1.

**RESOLUTION 2009-220 A RESOLUTION RESCINDING THE TEMPORARY EXTENSION OF EXISTING 2008 TAXICAB DRIVERS' AND TAXICAB OWNERS' LICENSES AND LIFTING THE MORATORIUM ON THE ISSUANCE OF NEW TAXICAB DRIVERS' AND TAXICAB OWNERS' LICENSES.**

**WHEREAS**, on December 30, 2008, the Borough Council of the Borough of Hightstown adopted Resolution 2008-294 authorizing a temporary extension of existing valid 2008 taxicab drivers' and taxicab owners' licenses, and placing a moratorium on the issuance of any new taxicab drivers' and taxicab owners' licenses, until such time as the taxi subcommittee completed its work on proposed Ordinance revisions and the Council considered its recommendations; and

**WHEREAS**, the Borough Council now wishes to rescind the temporary extension of existing 2008 taxicab drivers' and taxicab owners' licenses, and to lift the moratorium on the issuance of any new taxicab drivers' or taxicab licenses.

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

1. That the Borough Council hereby rescinds the temporary extension of existing valid 2008 taxicab drivers' and taxicab owners' licenses.
2. That the Borough Council hereby also lifts the moratorium on the issuance of any new taxicab drivers' and taxicab owners' licenses.

A certified copy of this Resolution shall be provided to:

- a. Each 2008 taxicab licensee (taxicab owners and drivers)
- b. William Schmeling, Zoning Officer
- c. James M. Eufemia, Chief of Police

## COAH AND DEVELOPER'S FEES

Mayor Patten explained that currently the Borough has an ordinance that set the COAH developer fees for a single family home at \$21,750 but under COAH regulations the maximum amount that can be charge was 1% and more recently changed to 1.5%. The original advice given by the professionals, recommended that the Borough needed money to be deposited into the COAH fund to help meet the Borough's obligations but the Borough's Housing Liaison, Gail Pfister did note at that time that the Borough should be cautious of applying this rule to individual residents building single family homes. The Mayor then opened the floor to general discussion by the Council for recommendations on how to address the COAH ruling.

Councilmember Bond questioned if the COAH regulations were 1% and now 1.5% how did the Borough charge the \$21,750? Mr. Raffetto explained that at the time the fee was charged the maximum COAH "residential" fee was 1% and has since been raised to 1.5%; but the \$21,750 was from the second round of COAH under a Growth Share program, that used the then methodology of COAH to calculate that amount. The Mayor clarified that COAH has made the ruling that single family homes built by homeowners do not qualify under our ordinance so we need to change our ordinance. Councilmember Bond then noted that the governor recently signed in a law a 2.5 % provision that replaces the Growth Share and now we have to give back money going as far back as a year and a half. Borough CFO, George Lang informed the Council that there is refund provision that can allow the Borough to recoup the refunded money from the State but there are deadlines.

Councilmember McGinty stated that in May of 2009 the opinion of Ms. Pfister and that of the Borough Planner, Tamara Lee did differ and the Planner recommended that the subject was best discussed among Counsel and the Planning Board. A meeting was arranged; members from Council, Planning Board, the Planning Board attorney, the Borough attorney, the Planner and the Housing Liaison were all present and the attorneys, at that time, recommended that the Borough do nothing and wait to take action further "down the road". Now the Council is discussing making changes contrary to the legal advice given in May. She asked that the Planning Board attorney come before Council and give his opinion and see if his opinion has changed on whether or not the Borough should be making the changes; because the laws have not changed since the original legal advice was given in May. The reasoning for the Council to act on this ordinance should be more than "this is something that would be nice to do," since it goes against the legal advice given.



Mayor Patten asked Mr. Raffetto if he had any details on why the recommendation was made to not address the COAH issue back in May. Mr. Raffetto responded that they felt that waiting to get through the COAH review process before taking action would be best. At that time, there were no objections to the Borough's plan, but since then Minute Maid has filed an objection with COAH so the original review process is anticipated to become much longer. He spoke with Gary Rosensweig, the Planning Board attorney and they both agreed that given the current circumstances it would be appropriate for Council to now consider modifying its original ordinance and start the process to refund the funds. Councilmember McGinty expressed her surprise at the change of opinions and that neither of the counsels gave notice of their change of opinion.

Councilmember Theokas stated that with all due respect to the Borough professionals, but the term COAH expert, is an oxymoron. No one can ever say for sure what COAH will do in the future. He now understands and agrees with Councilmember Schneider's repeated comments in the past that the Borough doesn't need COAH. The Borough should be able to do what is fair and right within reason. The Borough will never be able to figure out what COAH is doing and if they do it's going to change.

Councilmember Quattrone asked for clarification that since May of this year, Rounds I and II of COAH are set in stone and that everything after that; is what's up in the air, including the two homes in consideration for the refunds. Mayor agreed that Round I and II are done and that this is concerning the two homes that have already made deposits to the Borough.

It was noted by Councilmember McGinty that at almost every council meeting she has addressed the Borough's need for a COAH committee; and that the Borough is ignoring COAH to its own peril. There is an appointed liaison that is not a known presence within the Borough and that we don't consult her on an ongoing basis; it would seem that we don't because we don't want to pay the fees. COAH is not going away and will be in the courts for some time.

Mayor Patten redirected the Council to issue of what to do about the residents who have made deposits to the borough and the subject of refunding their money.

Councilmember Schneider stated that these two homes were built by people who do not fit the definition of developer. He felt that COAH is a voluntary program and that the Borough should not be participating in it and contrary to what it seems; this program it is designed as a way for towns to keep the poor from their communities; "not so they can have affordable housing" and the Borough should be bailing out of this program. COAH is "insane" always changing rules and the Growth Share makes no sense. He continued by saying that there is no need to the Borough to participate but he'd vote for the 1% but would prefer 0%.

After some discussion it was agreed that the two residents should have their COAH fees modified to 1% and a refund given by resolution, the ordinance should be changed to reflect the amendment of the Growth Share to the 2.5% and that all single family homes from now on will be assessed the 1.5% currently approved by COAH. Mr. Raffetto advised that the resolution and ordinance change should be done at the next meeting.

Councilmember Bond asked to make a closing comment regarding professionals and the fees. He felt that the COAH professional fees charged to the Borough, by Gary Rosensweig in 2008, \$10,000, was almost equal to the fees charged by Tamara Lee, and she actually wrote the entire plan and this doesn't include the fees charged by Ms. Pfister. The Borough should designate one or two experts, not four or five, at reduced fees. There is not a lot of money in the COAH fund and we can't afford to keep spending this money for professional advice.

## PUBLIC COMMENT II

Gene Sarafin, 628 S. Main Street, compared the Council discussions to the workings of Congress and the health reform bill. He made comments on several subject, his opposition to taxi ordinance changes based on the opinion of one person; his support of the report given by Ms. Roberts saying its a positive net cash flow of \$60,000; he congratulated the Council on a wonderful job on COAH, as people who understand COAH, and finally his opposition of the resolution appointing Candace Gallagher as webmaster stating, he doesn't want to pay her when she's on the other side of the United States.

Torry Watkins, 68 Meadow Drive, congratulated Ms. Roberts on an excellent report and that the landfills it referenced are located outside of Morrisville, PA. He felt the report was exceptional in clarity and direction but that this is not a cure and recommends the Borough evaluate whether they should have a stand alone WWTP or not. To avoid throwing good money after bad and to hold out for outcome of the consolidation report.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Quattrone stated that is has been a wonderful meeting. He has seen Public Works working at the Peddie Dam and the First Aid Squad has been responding with six to seven minute response times, this number is important especially after moving to Robbinsville. Public Works work hard, for low wages and the letter from the Parks and Recreation said a lot about Larry Blake and his crew, they are doing a great job and he commends them.

Council President Sikorski reported that the Board of Health appointed Leona Baylor as the Registrar of Vital Statistics, the Planning Board approved the application for the Habitat for Humanity and that finally the First Aid Squad building has lettering and a visible street number.

Councilmember Bond stated that the trickling filter work is going well and nearing completion and it appears that there is new life in the other filter; it will be interesting to see which performs the best. Public Works is doing all the work themselves at a significant savings to the Borough.

Councilmember McGinty stated that the Environmental Commission is moving forward and encouraged everyone to attend their meetings. She reported that the Triathlon is this weekend and volunteers are needed. She kept with her COAH theme and noted that the Borough needs a COAH committee in place. In regards to volunteers, she stated that volunteers should be recognized and for those signing up for the various entities in the Borough, should be invited to the meetings to introduce themselves. She then noted that the letter from Parks and Recreation was read at a Council meeting but she was unsure if it had actually been presented to Public Works.

Councilmember Theokas reported that the Economic Development Committee met and Mike Vanderbeck gave a brief overview of the DCA application that was submitted; which they should be hearing about soon. The next project on their list is the reconstruction of the parking lot near Peddie Lake and the Turnpike widening project. The EDC has momentum and is moving forward. He also commented that the Public Works is doing a fantastic job.

Mayor Patten reported that the 7<sup>th</sup> annual Hightstown Fair is Saturday, October 10<sup>th</sup> with a rain date of the 11<sup>th</sup> and that Bob Oley, a former Tax Assessor passed away over the weekend. He also asked that liaisons get around to the other departments as much as they can. The Mayor also commented on the work done by Public Works saying that along with the savings they provided by doing the trickling filter themselves, they also have repaired water main breaks, no matter the time or day; most towns contract out for that kind of work.

## EXECUTIVE SESSION

Resolution 2009-211 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted 6-0.

### RESOLUTION 2009-211

### 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 September 21, 2009 at approximately 9:55 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:

#### Litigation – Minute Maid 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: December 21, 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 to open session, Resolution 2009-221 was read aloud and moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted 6-0.

### RESOLUTION 2009-221 APPOINTING PURCHASING AGENT

**WHEREAS**, Section 2-9.9 of the *Revised General Ordinances of the Borough of Hightstown*, provides that “unless another Borough Official shall have been appointed by the Mayor to serve as Purchasing Agent of the Borough, the Administrator shall serve in that capacity, with authority as outlined in Section 2-14.2(e)” ; and

**WHEREAS**, it is the desire of the Mayor to appoint, Debra L. Sopronyi, of Jackson, New Jersey to serve as Purchasing Agent; and

**WHEREAS**, Ms. Sopronyi will receive no additional compensation for this designation;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Mayor’s designation of Debra L. Sopronyi as Purchasing Agent is hereby ratified and confirmed for a term concurrent to her term as Borough Clerk.

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilmember Schneider. The meeting was adjourned at 10:06 p.m.

Respectfully submitted,

Leona Baylor, RMC  
Deputy Borough Clerk