

## 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, Borough Clerk/Administrator; and Carmela Roberts, Borough Engineer.

### APPROVAL OF AGENDA

Added to the agenda was Resolution 2009-151, rejecting all bids received for Peddie Dam improvements and authorizing rebid. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Schneider and approved by all.

### APPROVAL OF MINUTES

Minutes of the June 1, 2009 open session were moved by Council President Sikorski, seconded by Councilmember Theokas and unanimously approved as submitted.

Minutes of the June 1, 2009 closed session were moved by Council President Sikorski, seconded by Councilmember Theokas and approved as submitted by all but Councilmember McGinty, who abstained.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Linda Falkowski**, 153 Mechanic Street, thanked the Borough for its quick work in response to issues she had raised at a prior meeting regarding the property next door to hers. She said that Mr. Chin did an "excellent job" in addressing the issues. Ms. Falkowski went on to state that the Borough's noise ordinance is too broad. She stated that her neighbor is now outside sawing and

cutting metal beginning as early as 5 a.m. and as late as 10 p.m. She also said that a contractor doing construction work on that block is using a table saw on the sidewalk on weekend mornings and emptied his shop vac bags on Memorial Day, causing her to "taste sawdust in the barbecue." She said that she would like to see specific times added to the noise ordinance and a provision for fining violators. Lastly, Ms. Falkowski said that she learned that the Borough does not have an ordinance prohibiting public urination and feels that there should be one in place. Mayor Patten stated that we would review our ordinances, and thanked her for sharing her concerns.

No one else came forward and the floor was closed.

## **ENGINEER'S ITEMS**

### **RESOLUTION 2009-142, AUTHORIZING PAYMENT NO. 7 – B&H CONTRACTING, INC. (WELL #3)**

Following a brief review and recommendation by Ms. Roberts, Resolution 2009-142 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

### **RESOLUTION 2009-142 AUTHORIZING PAYMENT NO. 7 – 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**, Change Order No. 1 to this contract was subsequently approved in the amount of Seventeen Thousand and Seventy-Eight Dollars (\$17,078.00), bringing the total contract price to Five Hundred Ninety Two Thousand Three Hundred and Seventy-Eight Dollars (\$592,378.00); and

**WHEREAS**, the contractor has submitted Payment Request No. 7 for work done in the total amount of \$37,015.60, along 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. 7 from B & H Contracting of Folsom, New Jersey in the amount of \$37,015.60, as detailed herein, is hereby approved subject to receipt of the required certified payrolls, and the Treasurer is authorized to issue same.

### **RESOLUTION 2009-143, AWARDING CONTRACT FOR MORRISON AVENUE IMPROVEMENTS – ACE-MANZO, INC.**

Following a brief review and recommendation by Ms. Roberts, Resolution 2009-143 was moved by Council President Sikorski and seconded by Councilmember McGinty.

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

Resolution adopted, 5-0.

**RESOLUTION 2009-143      AWARDING CONTRACT FOR MORRISON AVENUE IMPROVEMENTS – ACE-MANZO, INC.**

**WHEREAS**, eight (8) bids were received on June 11, 2009 for Morrison Avenue improvements in the Borough of Hightstown; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the firm's recommendation that a contract be awarded to the low bidder, Ace-Manzo, Inc. of Aberdeen, New Jersey; and

**WHEREAS**, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Ace-Manzo is in order with respect to legal compliance; and

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

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

1. The contract for Morrison Avenue improvements is hereby awarded to Ace-Manzo, Inc. of Aberdeen, New Jersey in the amount of Four Hundred and Ninety-Four Thousand Four Hundred and Forty-Four Dollars and Nine Cents (\$494,444.09).
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Ace-Manzo, Inc. subject to approval of the Borough Attorney.
3. Approval of this agreement is subject to the approval of the New Jersey Department of Transportation.

**RESOLUTION 2009-151, REJECTING ALL BIDS RECEIVED FOR PEDDIE LAKE DAM  
IMPROVEMENTS AND AUTHORIZING MODIFICATION OF BID SPECIFICATIONS  
AND REBID**

Ms. Roberts explained that the Borough received bids on June 9 for Peddie Dam improvements to be funded by an NJDEP dam safety loan received by the Borough. The loan received was in the amount of \$156,000; however, bids came in much higher. The low bid was \$244,800. She reached out to NJDEP to find out if it may be possible for the Borough to receive additional funds through this loan, but that won't be possible. The Borough's options, she said, are to proceed with all of the work as planned and fund the difference, or scale down the project to focus on the two items that are dam safety-related: the repointing of the stone and the automation of our flood control gate. In scaling down the project, we would remove those items related to pedestrian safety: the railing and the walkway across the dam. Those items could be included in a future loan request. Ms. Roberts stated that her recommendation, and that of Mr. Blake, would be to reject all bids received, revise the bid specifications and rebid the project. This could be done immediately, and a contract awarded at the July 6 meeting. The work could be completed by the end of October. Discussion ensued.

Council President Sikorski asked what could be done on a temporary basis to enhance the safety of the walkway across the dam. Ms. Roberts stated that it might be possible for Public Works to install a netting of some sort over the railing until such time as permanent improvements could be made.

Councilman Schneider asked for additional information regarding the work that would be done under a scaled down contract. Ms. Roberts went over the areas where repointing would take place and noted that the work will also include finding and repairing a leak that has been evident for years downstream of the floodgate. The floodgate, she said, is now operated manually, based strictly upon Mr. Blake's observations. "If he were to retire," she said, "or was not available, the Borough would have to rely on someone like him to be here 24/7" to observe conditions. She said that the repointing and the floodgate automation were each valued at between \$40,000 and \$60,000. Mr. Schneider asked if it would be possible to include the

walkway and the railing repairs if we eliminated automation of the floodgate. Ms. Roberts said that it would not, as it takes the removal of those two items to bring the bid price under the \$156,000 we have available. Even if that were possible, she said, it would change the scope of the bid significantly enough that we would need to rebid the project. Mr. Schneider asked if, rather than automating the floodgate, we could install a water level alarm. "It's not that simple," Ms. Roberts said, and explained the process at some length, adding, "It is more involved than you may have been aware." Ms. Roberts stated that there is also an electrical component that must be placed inside a cabinet to protect it from vandalism.

Mayor Patten asked if the lake would need to be lowered in order to do the repointing. Ms. Roberts stated that it would, and added that some of the work can be done without lowering the lake, but in October (when it is first allowed), we would request that of the Division of Fish and Wildlife.

Councilmember McGinty asked where the electrical cabinet would be located. Ms. Roberts stated that one cabinet, which would be a black cabinet, not too wide but about seven feet tall, will be needed to house the rod that will raise or lower the automated floodgate. That will be located on the dam itself, where the green valve is right now. Another smaller cabinet, also black, housing the electrical equipment will be located on the grass on the far side of the walkway from the parking lot's east side.

Resolution 2009-151 was then moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 5-0.

**RESOLUTION 2009-151                      REJECTING ALL BIDS RECEIVED FOR PEDDIE LAKE DAM  
IMPROVEMENTS AND AUTHORIZING MODIFICATION OF BID  
SPECIFICATIONS AND REBID**

**WHEREAS** seven (7) bids were received on June 9, 2009 for Peddie Lake Dam improvements in the Borough of Hightstown; and

**WHEREAS** the low bidder submitted a bid which substantially exceeds the cost estimates and monies available for this purchase; and

**WHEREAS** N.J.S.A. 40A:11-13.2 provides that a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

**WHEREAS** the Borough Engineer has recommended that this bid be rejected and that the specifications be revised and the bid readvertised;

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

1. All bids received on June 9, 2009 for Peddie Lake Dam improvements are hereby rejected.
2. The Borough Clerk is hereby directed to return to each bidder the bid bond and consent of surety submitted in connection with this bid.
3. The Borough Engineer is hereby authorized to revise the bid specifications and to re-advertise for bids for Peddie Lake Dam improvements in the Borough of Hightstown.

4. The Borough Clerk or her designee is hereby authorized to receive such bids following advertisement for same in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

## ORDINANCES

### INTRODUCTION AND FIRST READING: ORDINANCE 2009-11, AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN

Following a review by Ms. Gallagher and brief discussion, Ordinance 2009-11 was moved for introduction by Councilmember Schneider and seconded by Councilmember Bond.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2009-11 was set for July 6, 2009.

## RESOLUTIONS

### RESOLUTION 2009-150, AUTHORIZING AMENDED INTERLOCAL SERVICES AGREEMENT WITH ROBBINSVILLE TOWNSHIP FOR EMERGENCY MEDICAL SERVICES

Councilmember McGinty recused herself from this discussion and left the meeting room until it had concluded.

Ms. Gallagher reviewed the provisions of Resolution 2009-150, explaining that this change in the agreement with Robbinsville reflects the outcome of negotiations discussed by Council in closed session. It would reduce the Borough's net contract cost from approximately \$178,000 per year to \$100,000 per year. Robbinsville would also be responsible for the cost of all fuel and supplies. In exchange, our ambulance would be housed at and operate from Robbinsville rather than from Hightstown, which will increase response time from two to three minutes to about ten minutes.

Councilmember Bond stated that the Borough has "achieved the best deal we can get for right now." He commended Robbinsville for "going the extra mile to work with us" and noted that our first responders (police officers) are "there in a flash." "We'll have just about as good a service as we have now," he said, "and we're saving \$78,000 a year. I'm in favor of this."

Councilmember Theokas also expressed support for the new arrangement. "This is what we focused on in budget talks," he said, "and we worked hard on it. I'm happy with the solidarity and cooperation with Robbinsville."

Council President Sikorski expressed his support as well. "This is an example of interlocal cooperation with Robbinsville," he said. "We spent a lot of hours discussing this." He thanked Ms. Gallagher for her efforts in negotiating the contract in accordance with Council's wishes, and said "this saves money with minimal impact on service."

Mayor Patten commended Robbinsville Mayor David Fried "for being sensitive to our needs and being patient enough to try to come up with a package that will be beneficial to our residents."

Councilmember Schneider stated that the new arrangement would represent “a shocking reduction of service for a little benefit.” He calculated that, for an expensive property, the savings to be achieved come to about \$16 per year in property taxes, and on a per person basis, the savings is about \$1.25 per person per month. To give up the benefit of having an ambulance respond from the Borough itself in exchange for a 1.2 cent savings on the tax rate “is not the right move,” he said. Mr. Schneider went on to say that he does believe the Borough should be working on this, and he would have less of an issue with it if we were contracting with East Windsor, which is closer and wouldn’t represent “an extra seven minutes response time.” Our ambulance, he said, “is your way to get to the hospital, and there are many circumstances where your time of arrival does impact whether you’ll be okay.” He went on to say that this change could affect property values, as right now, one thing that the Borough can offer is good police and emergency services. He asked Council to consider postponing action on this until the next meeting in order to allow residents to come forward and express their thoughts on the matter. He noted that the Borough has many senior residents and a new age-restricted development, and that the “slightest reduction in property values makes a huge difference.”

Councilmember Bond stated again that the Borough’s first responders are its police officers, and noted that, in a life and death situation, paramedics who are housed in East Windsor respond from there. He said that there would be about three or four minutes difference between when the police and possibly paramedics arrive and when our ambulance would arrive. “It’s not as big a deal as you’re making it out to be,” he said, “and \$78,000 is significant.” He urged Council to adopt the Resolution, adding, “Robbinsville has been so cooperative, that if we did get a better deal with our neighbors, they’d say ‘fine.’ ... This is a good deal for the Borough.”

At this time, Council President Sikorski moved Resolution 2009-151 for adoption. That motion was seconded by Councilmember Theokas.

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

Resolution adopted, 3-1

**RESOLUTION 2009-150      AUTHORIZING AMENDED INTERLOCAL SERVICES AGREEMENT    WITH  
ROBBINSVILLE TOWNSHIP FOR EMERGENCY MEDICAL SERVICES**

**WHEREAS**, on March 5, 2007, the Hightstown Borough Council approved Resolution 2007-78, authorizing an Interlocal agreement with Robbinsville Township for the provision of emergency medical services to the Borough; and

**WHEREAS**, due to budgetary concerns, it is the desire of the Mayor and Council to make certain changes to the agreement in order to lower the Borough’s costs for this service, as outlined in the amendment to said agreement which is attached hereto<sup>1</sup> and made a part hereof;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the attached amendment to the Interlocal services agreement with Robbinsville Township for the provision of emergency medical services are hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

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<sup>1</sup> Agreement is on file in the Borough Clerk’s office with original copy of this Resolution.

# CONSENT AGENDA

Councilmember McGinty returned to the dais at this time.

At the request of Councilmember Bond, Resolution 2009-145 was pulled from the Consent Agenda for discussion and separate consideration. At the request of Councilmember McGinty, Resolutions 2009-148 and 2009-149 were also pulled for separate consideration.

Resolutions 2009-144, 146 and 147 were moved for adoption by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 5-0.

## RESOLUTION 2009-144

## RESOLUTION AUTHORIZING PREPARATION AND ISSUANCE OF ESTIMATED TAX BILLS FOR THE THIRD INSTALLMENT OF 2009 TAXES

**WHEREAS**, the Borough of Hightstown has not adopted its 2009 municipal budget and the Tax Collector will be unable to mail the Borough's 2009 tax bills on a timely basis; and

**WHEREAS**, the Hightstown Borough Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

**WHEREAS**, in accordance with Chapter 72, P.L. 1994, the Borough Council requests the Director of the Division of Local Government Services to approve the estimated tax levy exceeding one hundred and five percent (105%) listed below, since approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save unnecessary costs and interest expenses on borrowing;

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

1. The Tax Collector of the Borough of Hightstown is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Hightstown for the third installment of 2009 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by Chapter 72, P.L. 1994 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2009 is set at \$14,802,236.71.
3. In accordance with law, the third installment of 2009 taxes shall not be subject to interest until the later of August 1, 2009 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated bills shall contain a notice specifying the date on which interest may begin to accrue.

## RESOLUTION 2009-146

## WAIVING FEE FOR CERTAIN PARKING PERMITS

**WHEREAS** Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2009-10 parking permits for use by their staff, including four special permits for use in the Main Street parking lot and four permits for use in the Borough's permit parking area near Wachovia Bank; and

**WHEREAS**, Rise has requested that the fee for these permits be waived; and

**WHEREAS**, because Rise is an agency that receives financial support from the Borough, the Mayor and Council wish to authorize issuance of said permits at no fee;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Rise shall be issued eight 2009-10 parking permits as detailed herein and that the fee for these permits shall be waived.

**RESOLUTION 2009-147**

**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," attached; 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><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	55,700.00	1,660,814.00	<b>1,716,514.00</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	53,870.00	0.00	<b>53,870.00</b>
Water/Sewer	91,600.00	980,933.00	<b>1,072,533.00</b>
Capital Outlay – W/S	40,000.00	10,000.00	<b>50,000.00</b>
Debt Service - W/S	0.00	110,908.50	<b>110,908.50</b>
<b>TOTAL</b>	<b>241,170.00</b>	<b>2,754,055.50</b>	<b>2,995,225.50</b>

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto<sup>2</sup> 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.

With respect to Resolution 2009-145, which would authorize the issuance of an auction license to Empire Antiques, Councilmember Bond said that he would be voting no for the same reasons that he has voted no in the past – the failure of Empire Antiques to complete work long outstanding on their site plan.

Councilmember McGinty stated that she, too, had been prepared to vote against this approval, but followed up on the issue that day and found that progress has been made by Empire on the outstanding work. Ms. Gallagher confirmed that most of the issues have now been addressed.

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<sup>2</sup> Schedule is on file in the Borough Clerk's office with original copy of this Resolution.



Resolution 2009-145 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 4-1.

**RESOLUTION 2009-145                      AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION -  
EMPIRE AUCTIONS**

**WHEREAS**, an application for a license to hold an auction on Saturday, June 20, 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 June 20, 2009 at 278 Monmouth Street.

With respect to Resolution 2009-148, authorizing payment of bills, Councilmember McGinty said that she requested that this be pulled for discussion because the bill list includes a payment related to the skatepark. "It appears," she said, "from the website and from activities, that the Borough has expressly endorsed the skatepark. I'm concerned that donations are directed specifically to Borough offices. I'm not clear on how this is happening."

Councilmember Schneider stated that he has no problem with the Borough being involved in that way, and noted that there is no taxpayer expense involved except time spent in handling the donations. He asked who reviews the expenditures. Ms. Gallagher stated that she reviews each voucher before the signing the checks. Councilmember Schneider said that he is comfortable with that.

"This may be a very good venture," Councilmember McGinty said, "but if we're endorsing it, we should formally do so." She noted that those who donate at different levels sometimes receive consideration in the form of skateboards or t-shirts, and the donations are represented as tax deductible due to the Borough's tax exempt status. She asked that the Borough attorney be asked to look at this. "If we have not formally endorsed this," she asked, "how can it be on the bill list?"

Mayor Patten agreed that there should be "some consistency between Parks and Recreation and Council." Councilmember McGinty asked again that the Borough attorney be asked to look at the way the accounting is set up and the way that skatepark related events are being advertised.

Council President Sikorski said that he recalls no formal endorsement of the project by Council. He noted that the North Brunswick governing body rejected a proposed skatepark due to "austere budgetary times," and expressed concern that establishing a skatepark could commit the Borough to "thousands of dollars in a dangerous economic time." He said that he shared Ms. McGinty's concern about organizations that use the Borough's tax exempt status, and noted that there is already a cost in that it uses the time of Borough officials to process donations. He said that he concerned about "committing the Borough to a major project that would involve

thousands of dollars and police time, after just voting painfully to curtail ambulance service to some extent."

Mayor Patten noted that this discussion is regarding the bill list resolution and authorizing payment of that invoice. "If you want to talk about the skatepark," he said, "we'll put it on the July agenda. Right now, either reject or approve the bill."

Councilmember Theokas agreed with Councilmember McGinty that "we need to be very careful." "The issue," he said, "is not the skatepark but the movement of the money." He noted, with respect to the invoice on the bill list, that it would reimburse Darek Hahn for monies he expended out of pocket totaling about \$700.

Councilmember Bond noted that there are "other organizations that we're doing the same thing for," citing the Animal Welfare Committee. "We're doing this to show transparency," he said, "and to account for the money. The Animal Welfare Committee is doing an excellent job, and they have money coming in and going out. It's the same thing. I wouldn't want to jeopardize that aspect." He noted that, in that event, that organization would then handle donations and expenses on their own, which they could do. "This is set up to show transparency and nothing else," he said. "Rick [Pratt] has said that no tax dollars would be spent. Money is coming in and going out. We're just fiduciary. It doesn't cost very much, and it doesn't have anything to do with whether or not we endorse the skatepark."

Mr. Theokas moved that Resolution 2009-148 be approved, but with the understanding that the Borough Attorney would be asked to "clear this up for the next meeting." The motion was seconded by Councilmember McGinty.

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

Resolution adopted, 5-0.

#### **RESOLUTION 2009-148**

#### **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 **\$352,443.45** from the following accounts:

Current	\$ 166,547.84
W/S Operating	85,910.82
General Capital	82,328.29
W/S Capital	1,337.50
Animal Control	179.40
Trust	4,416.72
Grant	1,051.63
Law Enforcement	86.06
Public Defender	450.00
Escrow – Subdivision & Site Plan	5,347.62
Housing Rehab Revolving	3,632.57
Housing Trust	<u>1,155.00</u>
<b>Total</b>	<b>\$ <u>352,443.45</u></b>

Prior to any discussion regarding Resolution 2009-149, which would authorize LOSAP ("Length of Service Awards Program") payments to the Borough's volunteers for time put in during the year 2008, Councilmember McGinty recused herself and left the meeting room.

CG explained in detail the process used in awarding points and calculating the amount to be deposited for volunteers on the basis of past and present service.

Councilmember Schneider expressed support for the LOSAP program, which he said "goes toward keeping volunteers showing up and gives them incentive to be active. The volunteer system we have is worth holding onto," he said, adding that it results in significant long term savings for the Borough.

Resolution 2009-149 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 4-0.

**RESOLUTION 2009-149 AUTHORIZING PAYMENT ON BEHALF OF PARTICIPANTS IN THE BOROUGH OF HIGHTSTOWN LENGTH OF SERVICE AWARD PROGRAM (LOSAP)**

**WHEREAS**, the Borough of Hightstown instituted a Length of Service Award Program (LOSAP) with the adoption of Ordinance 1999-20 on August 2, 1999 and its subsequent approval by referendum at the November 1999 general election; and

**WHEREAS**, said LOSAP became effective January 1, 2000; and

**WHEREAS**, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2008; and

**WHEREAS**, certain volunteers are also eligible to redeem amounts "banked" during prior years of qualified service; and

**WHEREAS**, the listing of all employees who qualified for credit under the LOSAP program during 2008 and/or are eligible to redeem amounts banked during prior years of qualified service is attached hereto as Schedule "A"; and

**WHEREAS**, *N.J.A.C. 5:30-14.10* requires that these listings be approved by Resolution of the governing body;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the certified listings set forth on the attached Schedule A<sup>3</sup> of volunteer members of the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 who qualified for credit under the LOSAP program for the year 2008 are hereby approved, and the Borough Administrator is directed to take all steps necessary to provide payment on their behalf to Lincoln Financial Group in accordance with the provisions and requirements of *N.J.S.A. 40A:14-191* and *N.J.A.C. 5:30-14.1 et seq*; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be provided to the Hightstown First Aid Squad and Hightstown Engine Co. No. 1; and

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<sup>3</sup> Schedule is on file in the Borough Clerk's office with original copy of Resolution 2009-149.

**BE IT FURTHER RESOLVED** that, in accordance with *N.J.S.A. 40A:14-192*, copies of the approved listings shall be posted for a period of not less than 30 days in the Borough Clerk's office, at the Hightstown Firehouse and at the Hightstown First Aid Squad building.

## NEW BUSINESS

Councilmember McGinty returned to the dais at this time.

### SUMMER MEETING SCHEDULE

Ms. Gallagher asked Council whether they wish to follow an abbreviated meeting schedule in July and August, as in prior years. Discussion ensued.

Council President Sikorski said that he would support having one meeting each month. Councilmember McGinty expressed concern about that as it relates to "the taxi issue." Currently, she said, there is a moratorium on the issuance of 2009 licenses. The taxi business in town is continuing to grow, and the May inspection of all taxis operating in the Borough went very well. All are inspected and insured. "There is some security in knowing that our cabs are street-worthy," she said, "but the issue below the surface is that many of those operating have not been licensed and can't be [due to the moratorium]." She said that drivers move on and new drivers can't get licenses. She suggested that, if the Borough is going to consider not holding the second meeting each month, we at list ask the owners to provide a list of the vehicles that are operating on our streets and the names of their drivers so that there is "some mechanism to monitor the businesses we have in town." She noted that, while we had 20 taxis licensed previously, there are more than twice that many operating here now, by a total of seven licensed owners. "That is the volume of business that is out there," she said, adding that the owners have been very cooperative. Unless this is addressed, she said, she would not be in favor of having only one meeting each month.

Mayor Patten stated that his understanding is that drivers can still be licensed, and that any taxis that are not licensed are in violation right now.

Councilmember Theokas asked Ms. McGinty if it would help if the taxi committee met a few times during the summer to address her immediate concerns. She replied, "The issue for owners is that we imposed a moratorium, and driver's licenses are not being issued during that time." She said that they are "in limbo. They can't come in and get licenses for any new cars they have on the street," some of which, she said, are replacements for previously licensed vehicles. She added that this is also a financial issue for the Borough in that we are not collecting the licensing revenue.

Ms. Gallagher confirmed that drivers are not currently being licensed due to the moratorium.

Councilmember Schneider said that he would have no problem lifting the moratorium, and would support one meeting per month during July and August.

At this time, Council President Sikorski moved that the Borough continue past practice of scheduling one meeting a month in July and August, to be held on the first Monday of each month, with special meetings as needed. The motion was seconded by Councilmember Theokas.

Mayor Patten called for a roll call vote and said that this would be memorialized as Resolution 2009-152.

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

Resolution adopted, 4-1.

**RESOLUTION 2009-152 ESTABLISHING SUMMER MEETING SCHEDULE**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that regular meetings during July and August will take place on July 6 and August 3, 2009, and that special meetings will be scheduled as needed for budgetary or other reasons, and duly advertised.

## **PUBLIC COMMENT II**

Mayor Patten opened the floor once again for public comment.

**Eugene Sarafin**, 600-628 South Main Street, stated that there is only one Advanced Life Support unit (paramedics) in this area, and if they're out on another call, "you don't have it." "You only have a few minutes to keep people alive when they can't breathe," he said, adding that the Squad gets calls from the school system where kids are in shock. He told Council that they "have no business making that decision without a risk analysis." He added that there is "something wrong" with the police study that was done, and that "the people that saw it didn't like it." He objected to hiring consultants and not involving the community, and left angrily, saying, "we'll see what the paper says about wanting to murder children in the school district."

**Torry Watkins**, 68 Meadow Drive, agreed with Council President Sikorski and Councilmember McGinty that no official endorsement of the skatepark has been made by the Borough. He also said that Councilmember Bond is correct in recalling that Rick Pratt represented during his presentation about the skatepark that there is "no intention to use public funds in the park's construction or operation, and that he expected that to prevail into perpetuity, but he did leave the door open in a couple of instances." Mr. Watkins noted that Mr. Pratt had referred to Mr. Blake's enthusiasm for the project and that some type of "material support" on the part of the Borough had been discussed. He was not sure what that meant. In addition, he said, on the subject of helmets, it was stated that there would be a system in place, administered by the police department, where helmets would be inspected and approved helmets marked with a sticker "so that kids using the park could be monitored as to their legitimacy." That would be "material support" on the part of the Borough, Mr. Watkins said, and the Borough needs to "be aware and make policy around that."

**Jan Guthrie**, 425 Stockton Street, commended Councilmember Schneider for his statements regarding emergency medical services. "Ten minutes is a long time when you're waiting," she said. She added that she might opt to drive to the hospital herself rather than calling the ambulance if she knows it would take 10 minutes to arrive. She added that she does not understand why the Borough would spend over \$70,000 to put in curbs on Franklin Street, and then "take away the ambulance." With respect to the skatepark, Ms. Guthrie noted that any administrative costs could be charged to the project fund.

**Linda Falkowski**, 153 Mechanic Street, expressed concern about taking the ambulance out of Hightstown. The response time for heart attacks and emphysema, she said, "makes all the difference in the world," adding, "\$78,000 is an awesome amount, but not if it costs someone their life." She said that this is a "huge mistake" and that she would hate for someone to lose their life or become incapacitated because of those few extra minutes. The savings per person are minimal, she said, and she wants the rig to stay in Hightstown. "In the end," she said, "someone could die."

**Susan Bluth**, 42 Dennis Court, also commended Councilmember Schneider for his stance on this issue. Council made a mistake here, she said, adding that she attended many budget meetings and listened to the ways that the Borough would try to cut costs, but she is "astonished that this is the part you would cut." She asked why the Borough would not instead address the \$100,000 increase in the cost of medical insurance for its employees.

**Skye Gilmartin**, 41 Powell Court, said that, while she respects the Borough's agreement with Robbinsville and supports shared services in general, she has worked in medicine for 18 years, and the difference in response time between three and 10 minutes is "very big. ... There are many situations where an AED and CPR won't save a life." She said that she "wouldn't give up seven minutes for \$4 a month."

**Esther Velazquez**, 178 Grant Avenue, also expressed concern about the new EMS arrangement, which, she said, is "at the risk of the lives of some of our residents." She noted that her own mother is diabetic and recently suffered a seizure. Responders were there in less than five minutes to transport her to the Princeton Hospital. "If I couldn't get services to her within a 10 minute period," Ms. Velazquez said, "I don't know what I'd do." She added that response time could be even longer in rush hour traffic. "I really think we need to look at this issue," she said, "and come up with other alternatives that won't jeopardize the lives of our residents."

**Mr. Watkins** spoke again to note that, "less than five minutes from where we're sitting is a fully qualified paramedic squad on One Mile Road. ... They can be at any house in this town within five minutes -- faster than our First Aid Squad, who are not certified paramedics."

**Elizabeth Balcewicz**, 413 Stockton Street, said that she has often had the police at her home to attend to her husband, who has diabetes. "Our EMS is great," she said, "but we needed paramedics, and they were there in a flash." She said that, while he has on occasion been transported to the hospital, in some instances, paramedics have been at their home for at least 40 minutes, and have saved his life at least four or five times. "The ambulance was needed only once," she said, "and it was a technicality, but not all situations are the same." The police respond first, she said, and the paramedics arrive next. She agreed with Mr. Watkins' comments and said, "we have paramedics, and they are wonderful."

No one else came forward and the floor was closed.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Theokas stated that the EDC would try again to meet on the following evening. He added that he attended a forum on consolidation that was held during the prior week, which was informative and well attended. He also attended a forum on solidarity which was held the day before at St. Anthony of Padua. Over 100 people attended, he said, and there were "great discussions in light of the public ugliness we've seen." He said that he hopes these dialogues will continue. Mr. Theokas further reported that the committee is continuing to meet regarding union negotiations with respect to salaries, benefits, and more. "It's a long process," he said. Lastly, with respect to the Council's decision regarding EMS services, Councilmember Theokas said that Council put a lot of time and thought into this arrangement, and reviewed all possible scenarios. It was not an "offhanded choice," and Council has "the well being of residents in the forefront. ... I feel good about what we've accomplished. No one here has any intention of putting anyone in harm's way," he said.

Councilmember McGinty reported that the Environmental Commission will meet on the following Tuesday. "Greenness and sustainability" are the "hot items," she said, and welcomed all to

attend. She said that she continues to meet with Chief Eufemia as liaison to the police department, and noted that one of the impacts of the Franklin Street construction is a higher profile for our officers. There has been a very well maintained flow of traffic through town, she said. Ms. McGinty went on to state that, during the COAH objections phase, on the issue of mediation, our Housing Liaison and Planner made her aware that there is a requirement through COAH that the Borough have a body in place if mediation is called for, to consist of representatives of Council, Planning Board and others. She asked Council to keep in mind that we will need that body in place to address COAH matters. Lastly, Ms. McGinty responded to comments made during the first public comment session. Our noise ordinance, she said, may be vague, but there is a State law that deals with harassment. If that is the underlying issue, our police can address that. She added that the issue of public urination is also covered by a State law, so the Borough does not need to enact that. If there is an issue with that, there is recourse.

Council President Sikorski reported that the Planning Board met and discussed the Historic Preservation ordinance. Changes have been suggested and the subcommittee will meet to review those changes and report back to the Commission. Mr. Sikorski reported also that the Borough's Construction office has been busy addressing several property maintenance issues, including bulk garbage at the curb and grass violations. Mr. Chin diligently addresses these issues, he said, working beyond normal hours to do so. He asked for the public's indulgence in their "zealotry to rout out some issues." "Mr. Chin is doing an excellent job," he said, "but there must be some time between reporting and resolving the issues. ... An instant response is an unfair expectation." A concern was also raised about signage in the Borough, Mr. Sikorski said, noting that people often post signs with nails on utility poles in town, which is against the law.

Council President Sikorski continued by thanking the Borough Engineer for coming out when the Franklin Street construction first began in order to address concerns of the merchants in that area. The roadblock was moved one block east and blinking signage was changed. He reported that progress is being made on the burned out house on Mechanic Street and that he too attended the seminar on consolidation, which, he said, was excellent. Mr. Sikorski also stated that he has been reading "the blogs" lately, and a lot of information presented there is not accurate. "If people want information about the studies that have been done," he said, "it's there on the internet. Get the correct information for an informed opinion." He disagreed with comments made regarding consultant's studies, and said that "they do serve a purpose" and provide scientific information to work with. "We can't rely on just our opinions," he said.

Councilmember Schneider stated that, several years ago, a sign ordinance was discussed and he argued and voted against it, but when he has spoken of it since, he refers to it by saying that "we" passed it, since he was part of the Council that, as a whole, adopted it. "Tonight," he said, "we passed a Resolution moving our ambulance out of Hightstown. I've never been so sad to be part of this governing body."

Mayor Patten stated that New Jersey municipalities are required to provide fire protection to their residents, but not are not required to provide first aid protection. "What has happened to our volunteer First Aid Squad in Hightstown?" he asked. "We're dependent on a paid service that has cost us over \$200,000 per year." He added that he and Robbinsville Mayor David Fried wrote a letter to East Windsor's Mayor some time ago suggesting a regional EMS service, to include West Windsor and other towns as well, but "that recommendation was not acted upon by East Windsor." He said that the Borough *has* been trying to reach out to East Windsor and has been trying to get volunteers for our First Aid Squad. "For people to think we're not looking out for the well being of people in town is not correct," he said. He closed by saying, "When we reached out to this region, it was Mayor Fried who reached back and said he wanted to help. We're having trouble finding that elsewhere."

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk/Administrator