

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:00 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	

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

APPROVAL OF AGENDA

The agenda was amended to add a discussion regarding Personnel to the planned Executive Session. It was then moved as amended by Council President Sikorski, seconded by Councilmember Bond and unanimously approved.

APPROVAL OF MINUTES

Minutes of the March 16, 2009 open session were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment. No one came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTIONS

Ms. Roberts explained that **Resolution 2009-90** would authorize the preparation of bid specifications and receipt of bids for plastic media for one trickling filter at the Advanced Wastewater Treatment Plant. This has been reviewed by the water-sewer committee as well as

by a subcommittee, and it is the subcommittee's recommendation that we seek bids for plastic media, which will provide greater efficiency and treatment capability at the plant.

Resolution 2009-90 was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

Council President Sikorski asked how the cost of plastic media compares to the cost of stone media. Ms. Roberts stated that plastic media is anticipated to cost \$125,000, while stone would cost about \$50,000; however, she added, processes at the plant have changed over the last several years. We now accept septage, there is a higher concentration of solids being processed, and there is more grease entering the plant than in the past. If we opt to use stone, she said, the Borough will "sometime soon be back in the same situation with rock media that has clogged again, and will need to be replaced again. Plastic suits the type of operation we have now, and should last for many decades."

Councilmember Bond noted that this Resolution simply allows us to go to bid to see what the ultimate cost will be for the plastic media.

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

Resolution adopted, 6-0.

RESOLUTION 2009-90 AUTHORIZING RECEIPT OF BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for trickling filter media for the Borough's Advanced Wastewater Treatment Plant, and that the Borough is authorized to receive same after proper advertisement.

Following a brief review by Ms. Roberts, **Resolution 2009-91** was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 6-0.

RESOLUTION 2009-91 AUTHORIZING PAYMENT NO. 4 – B&H CONTRACTING, INC. (WELL #3)

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

WHEREAS the contractor has submitted Payment Request No. 4 for work done in the total amount of \$70,364.00, together with the required certified payrolls; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 4 from B & H Contracting of Folsom, New Jersey in the amount of \$70,364.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

Ms. Roberts reviewed the provisions of **Resolution 2009-92**, which would authorize the expenditure of \$74,000 (including \$2,000 in engineering fees) to replace curbs, sidewalks and driveway aprons along Franklin Street between Broad Street and Maxwell Avenue. New Jersey DOT will be replacing some, but not all, of the curbs and sidewalks on Franklin Street based on their estimation of safety concerns, which would leave a "patchwork" appearance. They have indicated that, if the Borough wants all of the areas replaced, we would need to fund the additional cost of \$72,000. This funding is available in prior ordinances that would be canceled and appropriated to capital. Ms. Roberts noted that, although the Resolution allows for up to \$2,000 in engineering costs, her fees may not amount to that much since the work will be under the supervision of NJDOT; however, she will be available if needed for coordination. The work would take place around the end of May, and shouldn't take more than two weeks in the Borough.

Resolution 2009-92 was then moved by Council President Sikorski and seconded by Councilmember Theokas.

Council President Sikorski stated that this is much needed work that will improve the Borough's gateway image.

Councilmember Quattrone asked if, during this work, two storm drains on Broad Street could be either enlarged or moved, as they clog continually. Ms. Roberts said that she would look into this.

Councilmember Bond recommended that we take this opportunity to install a conduit along Franklin Street for future coach lamps and irrigation. Ms. Roberts stated that the timing is very tight, but she will try to coordinate an effort between our Public Works department and the contractor. The timing must be perfect so as not to interfere with DOT's work. If Public Works could do it, our cost would be limited to the cost of materials.

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

Resolution adopted, 6-0.

RESOLUTION 2009-92 AUTHORIZING IMPROVEMENTS TO FRANKLIN STREET CURBS AND SIDEWALKS

WHEREAS, the State of New Jersey is undertaking improvements on Franklin Street (New Jersey Route 33) from Main Street to and beyond the East Windsor Township border; and

WHEREAS, such improvements include road reconstruction as well as replacement of certain sidewalks and curbs; and

WHEREAS, with respect to the replacement of curbs and sidewalks, the State has determined that it will replace only those curbs and sidewalks which have been deemed by them to be unsafe; and

WHEREAS, this will result in a partially improved streetscape between Broad Street and Maxwell Avenue; and

WHEREAS, the State has agreed to extend the work to include all sidewalks and curbs between Broad and Maxwell, provided that the Borough fund the cost of those replacements which would not otherwise have been undertaken by the State, estimated at \$72,000.00; and

WHEREAS, engineering costs associated with this work will not exceed \$2,000.00; and

WHEREAS, funding for this project is available through monies previously appropriated for other road work and subsequently cancelled, which monies will be available in the Borough's capital fund upon the adoption of Ordinance 2009-09, introduced on April 6, 2009; and

WHEREAS, because this project is being undertaken through the State of New Jersey, it is not necessary to seek competitive bids for this work;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that expenditure of up to \$72,000.00, plus up to \$2,000.00 in engineering fees, for replacement of sidewalks and curbs on Franklin Street between Broad Street and Maxwell Avenue, as detailed herein.

ORDINANCES

PUBLIC HEARING AND FINAL READING, ORDINANCE 2009-06, AN ORDINANCE AMENDING SECTION 2-46, ENTITLED "ECONOMIC DEVELOPMENT COMMITTEE," OF CHAPTER 2, "ADMINISTRATION," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2009-06, which would remove the requirement in our existing Code that the Economic Development Committee meet at least once per month. No one came forward and the hearing was closed.

Councilmember Theokas, liaison to the Economic Development Committee, stated that the committee did meet in March and is scheduled to meet again in April. Bill Gilmore will serve as chair, and Ashley Hutchinson as Vice Chair. It was a productive and positive meeting, he said, adding that the Committee has "great ideas for long term development and planning." The final member is to be voted on later at this meeting, and will give the Committee a full slate of members. The EDC, he said, is interested in the Franklin Street project and the New Jersey Turnpike expansion (from which new opportunities are likely to arise), in addition to the Minute Maid and Mill properties. "They have some very strong opinions," Mr. Theokas said, "and good ideas, and are well qualified. If utilized properly, they can be advantageous to the Borough." He added that he feels that there is no correlation between the number of meetings convened by the EDC and the level of their productivity.

Council President Sikorski said that he was pleased to see that the EDC seems to have "come alive in the past few weeks." The breakdown in communication seems to have been resolved, he said. He added that, after considering comments made by the public, he plans to change his position on this ordinance and vote against removing the requirement for a monthly meeting.

Councilmember McGinty said that she attended the March 26 meeting of the EDC and was encouraged to see members of the public in attendance. The committee has now met and has scheduled another meeting, and, she said, she sees no need to change the ordinance. She noted that two of the present members have not yet been able to attend a meeting. "Shouldn't we wait," she asked, "until the whole body has met several times before talking of the need to change [the ordinance]?"

At this time, the roll was called on the adoption of Ordinance 2009-06.

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

Ordinance DEFEATED, 5-1.

PUBLIC HEARING AND FINAL READING, ORDINANCE 2009-07,
AMENDING SECTION 19-2.7(A) OF THE *REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING
WATER AND SEWER CONNECTION FEES

Ms. Roberts explained that, in calculating the sewer connection fee set forth in Ordinance 2009-07, she inadvertently excluded the debt reduction in our loans, which amounted to about \$330,000. That fee should be corrected prior to adoption, and will be slightly lower. Mr. Raffetto recommended that the ordinance be amended and reintroduced in its entirety.

It was moved by Council President Sikorski and seconded by Councilmember Schneider that Ordinance 2009-07 be amended to reflect the correct sewer connection fee of \$2,031.00, and readvertised.

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

Ordinance amended and re-introduced, 6-0.

The public hearing and final reading for amended Ordinance 2009-07 was set for April 20, 2009.

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

Following a brief review by Ms. Gallagher, Ordinance 2009-09 was moved for introduction by Council President Sikorski, seconded by Councilmember Schneider.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-09 was set for April 20, 2009.

RESOLUTIONS

Following a brief review by Ms. Gallagher, **Resolution 2009-93** was moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolution adopted, 6-0.

RESOLUTION 2009-93**RESOLUTION CANCELING GENERAL CAPITAL IMPROVEMENT
APPROPRIATION BALANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to General Capital Fund Balance and grant receivables may be canceled;

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Hightstown, County of Mercer, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<u>Ord. No.</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Funded</u>	<u>Grant</u>
			<u>Capital Fund Balance</u>	<u>DOT Receivable</u>
07-01	2/20/2007- 04/07/08	Road Improvements Morrison Ave and Outcalt Street.	\$ 74,000.00	\$ 31,916.64

Councilmember McGinty reviewed the provisions of **Resolution 2009-94**, noting that the Resolution is supported by the Environmental Commission. It was then 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 2009-94**RESOLUTION TO RATIFY AND CONFIRM APPOINTMENT PROCESS FOR THE
ESTABLISHMENT OF THE POINT COMMITTEE OF THE MUNICIPAL ASSESSMENT
PROGRAM OF THE STONY BROOK-MILLSTONE WATERSHED ASSOCIATION**

WHEREAS, the Borough of Hightstown is taking part in the Municipal Assessment Program of the Stony Brook-Millstone Watershed Association; and

WHEREAS, Policy Director Jennifer Coffey and/or Policy Specialist Joan McGee of the Stony Brook-Millstone Watershed Association gave a presentation at the Borough of Hightstown Environmental Commission meeting on January 27, 2009 and at the Borough Council meeting on March 16, 2009 regarding the Stony Brook-Millstone Watershed Association's practices to assist municipalities to increase local environmental quality; and

WHEREAS, Policy Director Jennifer Coffey and Policy Specialist Joan McGee requested that a point committee be appointed to serve as Borough liaisons to the Stony Brook-Millstone Watershed Association; and

WHEREAS, Jennifer Coffey and Joan McGee recommended that one member of the Borough Council, the Borough Administrator, and the Borough Planner, and additional representatives of Borough commissions and departments relating to the environment, be appointed to the Point Committee; and

WHEREAS, the Stony Brook-Millstone Watershed Association requests that public Borough documents, such as the Master Plan and amendments thereto, municipal ordinances, Redevelopment Plans, as applicable, and other documents it deems necessary to conduct the municipal assessment, be provided free of charge in return for the services of the Municipal Assessment, which is grant-funded and free of charge; and

WHEREAS, on April 6, 2009, at the Borough Council meeting, Mayor Robert F. Patten, with the consent of the Borough Council, has set in place a Point Committee for the Municipal Assessment to be conducted by the Stony Brook-Millstone Watershed Association, and the Mayor has determined that the membership of the Point Committee should consist of the Borough representatives named above, and shall include one representative from each of the following entities, with the representative to be designated by the president, head or chair of each such entity:

the Hightstown Borough Council;

the Planning Board;

the Historic Preservation Commission;

the Parks and Recreation Commission;

the Environmental Commission;

the Department of Public Works;

the Waste Water Treatment Plant; and

the Board of Health;

WHEREAS, furthermore, the Borough Council of Hightstown wishes to ratify and confirm the above mentioned appointments;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hightstown, New Jersey that:

1. The above listed appointments to the Point Committee of the Stony Brook-Millstone Watershed Association Municipal Assessment are hereby ratified and confirmed;
2. The Municipal Assessment is provided at no charge to the Borough of Hightstown; and
3. The Borough of Hightstown agrees to accept these services and provide public documents deemed necessary for the conduct of the Municipal Assessment to the Stony Brook-Millstone Watershed Association.

UNFINISHED BUSINESS

REPORT AND RECOMMENDATIONS OF THE TAXI COMMITTEE

Esther Velázquez, chair of the Taxi Committee, addressed the governing body to present the committee's recommended changes to the Borough's taxi ordinance. She said that, given an increase in the number of taxi companies operating in the Borough, Mayor Patten felt that our ordinance should be reviewed, and he appointed a committee to do that. Committee members are Ms. Velázquez, Mayor Patten, Councilmember Quattrone, Councilmember Theokas, Police Chief James Eufemia and Deputy Borough Clerk Leona Baylor. That committee met several times and has finalized its recommendations. Complete copies of a proposed new ordinance were provided to Councilmembers and she invited any member of Council to contact her with questions or comments following their review of same. She noted that the Ordinance has been reviewed by the Borough Attorney.

Councilmember Bond noted that the new ordinance references a lottery system for approving licenses, and that it would be limited to three companies. He asked how this would work. Ms. Velázquez stated that currently, three companies are licensed to operate out of the Borough. If one decided to leave, then the lottery would be implemented. Currently, there is no limitation on the number of companies that can be licensed here.

Councilmember Theokas commended the committee members and in particular Ms. Velázquez, noting that she "did most of the legwork" on this ordinance. He said that it was done in communication with some of the Borough's existing taxi companies. The new ordinance is very detailed and thorough, he said, and very strict, and he added, "This will give us firm control over who is operating and how they have to operate."

Councilmember McGinty stated that she has taken the time to "try to educate herself a lot more about taxi issues." When Council determined to look into this, she said, it was partly due to the proliferation of cabs here. She stated that, right now, seven taxi companies have licenses and 20 taxicabs bear those licenses. At the time that the moratorium was issued, 20 drivers had been issued licenses to drive taxis in the Borough. Eight drivers had been denied licenses for various reasons. Our prior ordinance, she said, limited the police regarding regulation. After reviewing the list of licensed taxicabs, Ms. McGinty said, she observed that "probably one in two taxis I'm seeing on the street are not registered with the Borough." This could mean, she added, that they are licensed in other towns and driving through Hightstown. She said that she asked East Windsor what regulations they have in place, and noted that licensing in nearby towns has a direct impact on us, and vice versa. She has also observed that there are streets where cabs are parked on a regular basis – particularly Franklin, Monmouth, Broad, Outcalt, Prospect and Harron Avenue. "This is by no means a simple issue," she said. "We could put in the strictest cab ordinance we could envision, but it may have no impact because this is an issue not specific to us but to the whole area. We're seeing the manifestation here because we're so small, but this is an issue that we have to be talking to surrounding towns about." She noted that the plain language of the ordinance would mean that a taxi company could not pick up fares in a residential zone, and noted also that, of the eight drivers denied licenses, many came from a single company. "We have a spotty relationship with some of these companies," she said. "If we do a lottery, and the first three pulled out, some companies got authorized for five cabs and some for just one. Are we going to give priority to the one, and put out of business our residents lawfully operating five? It's automatic in the ordinance that if the lottery winner reapplies, they get priority." Councilmember McGinty recommended that the EDC be consulted on the taxi businesses that are building up within our town.

Ms. Velázquez stated that she respects the comments made by Councilmember McGinty, and noted that this ordinance "is just a stepping stone ... we will move forward to make further changes, but we have to start somewhere ... due to the concerns of the public and our taxi drivers." Councilmember McGinty suggested that the next step should be to solicit the input of the Borough's Economic Development Committee, and noted again that we should engage in a dialogue with surrounding communities, especially East Windsor. Ms. Velázquez agreed that this is important. She again stated that this ordinance represents a starting point, and offered to meet privately with Councilmember McGinty to review the ordinance further.

Mayor Patten stated that he would like to see this ordinance introduced on April 20, and encouraged Council members to provide input to Ms. Velázquez and the subcommittee for their consideration prior to that time.

NEW BUSINESS

ENFORCEMENT OF GARBAGE ORDINANCES

Mayor Patten stated that the Borough has ordinances in place which regulate when garbage can be put out for collection, but he has found that a lot is put out when it is not supposed to be. "We try to enforce it," he said, "but it is getting out of control. Do you want to start with citations?" He noted that people are putting large items out on Saturday and Sunday, and said

that he feels the Borough should "enforce and penalize so the word gets out that we can't tolerate that." He said that, in addition to educating people about the regulations, there is a need for stricter enforcement.

Councilmember Quattrone said that he agrees that a problem exists and has spoken with Public Works about it. Our police have been involved also, and we do ask residents to take the garbage back in. There is a problem when people move out, he said, and the landlord should be responsible for compliance. A warning should be given, and a certain amount of time allowed to get the garbage off the street, then "tell it to the judge."

Councilmember Bond asked who is responsible for enforcement of the ordinance. Ms. Gallagher stated that there is involvement by our code enforcement office, our public works department and, as a last resort, our police department. In some cases, summonses have been issued, she said. Mr. Bond agreed that landlords should be responsible for the proper disposal of garbage when tenants move out.

Mayor Patten objected to allowing a certain period of time for a resident to remove items from the street. "If I see it, I want it gone," he said, adding that our Public Works department can remove it and we can place a lien on the property. He asked that the Borough's solid waste committee meet to review this.

CONSENT AGENDA

Resolutions 2009-95 through 2009-101 were moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolutions adopted, 6-0.

RESOLUTION 2009-95 ACCEPTING MEMBERSHIP OF VICTOR C. RACZKA IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Victor C. Raczka of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Raczka 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 Victor C. Raczka in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2009-96 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-202 TO BETTER BEGINNINGS DAY CARE CENTER

WHEREAS, Better Beginnings Day Care Center wishes to hold an off-premise merchandise raffle at 318 North Main Street on June 24, 2009; and

WHEREAS, the group has submitted application number RA-202 for this raffle along with the required fees; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-202 to Better Beginnings Day Care Center for their merchandise raffle to be held on June 24, 2009.

RESOLUTION 2009-97 APPOINTING CHRISTOPHER EMIGHOLZ TO ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, a vacancy currently exists on the Hightstown Economic Development Committee for the remainder of the two-year term ending December 31, 2009; and

WHEREAS, it is the desire of Mayor Robert Patten to appoint Christopher Emigholz to fill that vacancy; and

WHEREAS, Section 2-32.3 of the Revised General Ordinances of the Borough of Hightstown provides that members of the Economic Development Committee are nominated by the Mayor and appointed with the advice and consent of the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Christopher Emigholz is hereby appointed as a member of the Economic Development Committee as set forth herein.

RESOLUTION 2009-98 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>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	306,683.00	902,234.00	1,208,917.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	3,150.00	836,167.00	839,317.00
Capital Outlay – W/S	0.00	7,530.00	7,530.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	309,833.00	1,745,931.00	2,055,764.00

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2009 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

RESOLUTION 2009-99 AUTHORIZING THE TRANSFER AND/OR REFUND OF CERTAIN TRUST FUNDS

WHEREAS, in correspondence dated March 26, 2009, the Borough Treasurer has requested the transfer and/or refund of certain trust funds, as follows:

	Account No.	Amount
Transfer to respective escrow accounts:		
Presbyterian Homes – 60 Bed Expansion	T-12-56-286-000-855	646.75
D. M. Properties – North Preserve	T-12-56-286-000-872	564.60
Refund:		
Hightstown Dental Care	T-23-56-286-000-866	170.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Treasurer is hereby authorized to transfer and/or refund trust accounts as set forth herein.

RESOLUTION 2009-100 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 **\$1,268,971.64** from the following accounts:

Current	\$ 881,805.84
W/S Operating	376,746.96
General Capital	475.00
W/S Capital	720.00
Trust	7,605.92
Grant	626.92
Public Defender	150.00
Housing Trust	<u>841.00</u>
Total	\$ <u>1,268,971.64</u>

RESOLUTION 2009-101 RESOLUTION REGARDING NATIONAL START! WALKING DAY, APRIL 8, 2009

WHEREAS, each year, 1.2 million Americans suffer a new and recurrent coronary attack, and cardiovascular disease is the nation's leading cause of death, with direct and indirect costs estimated to be \$4,348.5 billion in 2008; and

WHEREAS, more physical activity can help improve these statistics; and

WHEREAS, some adults may gain up to two hours of life expectancy for every hour of regular, vigorous physical activity, such as very brisk walking; and

WHEREAS, in addition to the possibility of increased life expectancy, regular walking has many proven benefits for an individual's overall health. Brisk walking for 30 minutes a day can lower both bad cholesterol (LDL) levels and high blood pressure. It may also help individuals who are overweight prevent weight gain and reduce their risk of stroke; and

WHEREAS, the Centers for Disease Control and Prevention estimate that physically active people save \$330 per year in direct medical expenditures; and

WHEREAS, on National Start! Walking Day, April 8, the American Heart Association's Start! initiative calls of all citizens of the Borough of Hightstown to walk at least 30 minutes that day; and

WHEREAS, the purpose behind National Start! Walking Day is to get Americans to become more physically active by walking; and

WHEREAS, by increasing awareness of the importance of physical activity to reduce the risk for cardiovascular disease, we can save thousands of lives each year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that, in recognition of the importance of regular physical activity, we do hereby proclaim April 8, 2009 as National Start! Walking Day in the Borough of Hightstown, and urge all citizens to show their support for walking and the fight against heart disease and commemorate this day by walking along the Roger C. Cook Greenway.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, asked if Franklin Street itself will be reconstructed when the sidewalks and curbs are replaced. Mayor Patten stated that the State will be doing that.

Rob Thibault, 504 South Main Street, objected to the possibility of "criminalizing behavior" by fining and penalizing those who violate the Borough's garbage regulations. Mr. Thibault also stated that property taxes in the Borough have seen a 52% increase between 2000 to 2007, while average income has increased by only 21% during that period. He said that, while the average monthly cost for residents for health insurance is \$354, Borough employees pay \$24 per month. He calculated that the average taxpayer pays \$29 per month for health benefits for Borough employees. He added that 34% of Borough employees earn more than \$75,000 per year, and more than 50% earn more than \$50,000 per year. "They could pay more," he said.

Esther Velázquez, 178 Grant Avenue, asked, regarding the discussion of enforcement of garbage regulations, "do you really want to *fine* people?" She added that, if one has lived here long enough, they know the rules and regulations about garbage. She said that, the prior week, a neighbor put out about 30 bags of trash, which sat there for a week and were not collected by the Borough. The owner was forced to take them all back, put them in a van, and "put them who knows where." There is no excuse, she said, for someone to leave garbage out for more than the allotted time, and, she added, the Borough has been conscientious about educating the public about this.

Jorge Torres, 5 Strathmore Way (East Windsor), said that he has found that there are a lot of problems that members of the immigrant community are having, yet they aren't comfortable speaking in public to address the Council about them. He recommended that the Borough make more of an outreach effort for its immigrants. "They have a lot of issues and things to say," he said.

Anna Pasmينو, 5 Strathmore Way, said that the Borough's website is very good, and asked if there has been any effort made to have it translated into Spanish. She offered her assistance in this regard. Mayor Patten asked her to speak with Ms. Gallagher about this.

Ilda Fernandez, (no address given) addressed Council with the assistance of Ms. Pasmينو, who interpreted for her. She said that there are some problems for workers in this area who are trying to get jobs through agencies. These agencies have been abusing the workers by working with the companies to use the workers for a few weeks and then lay them off, continually

changing personnel in order to avoid having to give them benefits. Mayor Patten asked if these agencies are located in Hightstown. Ms. Fernandez stated that one of the agencies is Brickforce. They have moved to New Brunswick, she said, but "the people are from here." Mayor Patten stated that he would confer with the Borough Attorney to determine how to investigate this.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud **Resolution 2009-89**, authorizing a closed session for the purpose of discussing personnel and contract negotiations. The Resolution was 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 2009-89 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on April 6, 2009 at approximately 8:15 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Contract Negotiations

(Professional Engineering Services; Interlocal EMS Services)

Personnel

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: July 6, 2009, or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, adjournment was moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk