

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 James M. Eufemia, Chief of Police.

APPROVAL OF AGENDA

The agenda was amended to include Resolutions 2009-74 and 2009-75, and to remove the scheduled presentation by the Stony Brook-Millstone Watershed Association, the Mayor's Proclamation for "Read Across America" and the report and recommendations of the Taxi Committee. The agenda was then moved as amended by Council President Sikorski, seconded by Councilmember Schneider and approved by all.

APPROVAL OF MINUTES

Minutes of the February 17, 2009 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Theokas and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Gail Doren, 201 Hutchinson Street, commended the Borough's Public Works department for their work on snow removal during the current snowstorm. Ms. Doren also asked why Greystone had not yet made the presentation that had been scheduled at one time. Mayor Patten stated that Greystone has not been available to make that presentation.

Eugene Sarafin, 600-628 South Main Street, urged Council members to say "Enough!" and demand that federal government "start over with people who aren't corrupt." Mr. Sarafin also stated that Councilmember Bond should not be

voting on the budget because he owns "\$5 million in rateables." Lastly, Mr. Sarafin stated that budget committee meetings should have been open to the public.

Ryan Rosenberg, 177 Lincoln Avenue, spoke regarding an ordinance slated for introduction that would eliminate the requirement for monthly meetings of the Economic Development Committee and instead provide that they would meet on an "as needed" basis. "More than ever," Mr. Rosenberg said, "a strong and productive EDC is needed. If current members aren't doing the job, replace them. If they have no direction, give them some." He suggested that the EDC could work with landlords, help create a business enterprise zone, start a "buy local" program, identify and organize one large event to draw people to Hightstown, and work with the Historic Preservation Commission to pursue the historic registration of our downtown area and to look at heritage tourism opportunities that would stimulate our economy. "The Mill and Minute Maid aren't the only big projects," he said.

Torry Watkins, 68 Meadow Drive, stated that the Borough's public works department is "overstaffed" and added, "While they do a good job on snow removal, they do less of a good job on other things with the staff they have." He said that the GHEWIP consolidation study "hinted ... that the public works staffing is high relative to other towns." Councilmember Quattrone, he said, has stated that the department is staffed for the "worst case scenario," but, Mr. Watkins said, "that is not a good way to run a business." He went on to say that the problem lies in the supervision, not in the workers themselves, and that there are "days that a chipper comes down my street three times a day," which he termed "just riding around." Also, he said, when the automated truck is out of service, garbage is collected with the other truck, using three men. Mr. Watkins stated that he would not want to see layoffs, but urged Council to reduce the staff in that department through attrition.

No one else came forward and the floor was closed.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2009-05, AN ORDINANCE AUTHORIZING THE BOROUGH TO ACCEPT THE DEDICATION OF A SIDEWALK EASEMENT UPON, OVER AND ACROSS BLOCK 28, LOT 42.01

Ms. Gallagher briefly reviewed the provisions of Ordinance 2009-05. Council indicated that they would like more information on this ordinance from the Borough Engineer prior to its adoption.

Ordinance 2009-05 was moved for introduction by Councilmember Schneider and seconded by Council President Sikorski.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-05 was scheduled for March 16, 2009.

INTRODUCTION AND FIRST 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*

Ms. Gallagher provided a brief review of Ordinance 2009-06, which would remove the requirement that the Borough's Economic Development Committee meet on a monthly basis and instead provide that they meet "as needed."

Councilmember Theokas pointed out that this ordinance would not dissolve the EDC but would give them "the freedom and flexibility to meet when they deem necessary." He expressed support for the ordinance.

Councilmember McGinty stated that, to the best of her understanding, the EDC has not met since October 2008. In the meantime, she said, "there have been major economic developments in Hightstown and elsewhere" and three new members of the committee were appointed on January 1, 2009. She suggested that action on this ordinance would be premature given that the committee hasn't met yet this year. With respect to the "shift of energy" to the Downtown Hightstown Committee which Mike Vanderbeck had referenced at a prior meeting, Ms. McGinty said that she has attended meetings of that committee and there is indeed an energy there; however, "they have not usurped the role of the EDC," and the two groups "coexist within the Borough." She said that the Downtown Hightstown committee "doesn't supplant the functions in our Code for the EDC, and does not report to Council." She asked that this ordinance be tabled until the EDC meets at least once to discuss it. If they do, "and then come back to say that there is nothing economically important to discuss monthly," she said, "it might be an issue of whether we have the right membership."

Councilmember Theokas pointed out that the proposed ordinance would not preclude them from meeting monthly or even more often than that. "If Council feels that they would like to task the EDC with something," he said, "they'd be happy to take it on."

Council President Sikorski agreed, and said that he does not see a problem with the ordinance.

Councilmember Quattrone stated that it should be mandatory that the committee meet at least monthly, "otherwise they could never meet." He feels they should meet at least once with their new members to "get their feet on the ground."

Councilmember Schneider stated that tabling the ordinance would allow the EDC to send someone to the meeting to support it or answer questions. He then moved that introduction of this ordinance be postponed to the next regular meeting. His motion was seconded by Councilmember Quattrone.

Councilmember Theokas noted that "a lot of people do a lot of work here. They're being pulled in different directions. This is giving them flexibility." Councilmember Bond pointed out that there is a "finite group interested in serving" the Borough, and noted that the EDC has "put out the call" for members over the last four years and hasn't found people wanting to serve on it. "This," he said, "is an effort to get the thing rolling without having the spectre of having to meet every month. We're making a mountain out of a molehill here. Let's vote and move on."

Councilmember McGinty suggested that the Borough issue a renewed call for volunteers from the community. She noted that the powers and duties of the Committee are set forth in the existing ordinance.

At this time, the roll was called on the motion to table the ordinance.

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

Motion carried, 4-2. Introduction postponed to March 16, 2009.

UNFINISHED BUSINESS

REPORT AND RECOMMENDATIONS OF THE COAH COMMITTEE

Councilmember McGinty stated that this is an interim report on her progress, and that she would have her recommendations to Ms. Gallagher before the next meeting. She said that, to this point, she has functioned as "a committee of one" because it is a "specific and technical ordinance" we are dealing with. She has attended a COAH seminar and has followed up with COAH directly. Councilmember Quattrone is also a member of the committee, and she will follow up with him later, she said. She asked that the committee recommendations be placed on the next meeting agenda. Council President Sikorski asked what she had ascertained to date, and Ms. McGinty said that it would be premature to discuss that at this time.

RESOLUTION 2009-68, AUTHORIZING COUNCIL PRESIDENT TO INITIATE DISCUSSIONS WITH EAST WINDSOR TOWNSHIP REGARDING JOINT STUDY COMMISSION

Council President Sikorski stated that Council was in general agreement at the last meeting that the Borough is interested in initiating discussions with East Windsor Township regarding the formation of a joint study commission to examine the feasibility of consolidating the two municipalities. This Resolution, he said, is a procedural step in a process that would take many years to see completion, and consolidation could not take place any earlier than 2012. "There are many steps," he said, "and any one step in the process could derail it. The final step would be a question to all voters in both communities. It would then be out of the realm of the Council."

Mayor Patten read Resolution 2009-68 aloud and in full. The Resolution was moved by Council President Sikorski and seconded by Councilmember Theokas.

Councilmember Schneider stated that he felt that some of the answers given by the report's authors to questions he raised at the last meeting "would have led fellow council members and the public to question the numbers in the report." He questioned the manner in which manpower was calculated and said that the scenario used would provide less police coverage and less service to the people of Hightstown, and some savings were "based on trash figures from neither town." He pointed out that Hightstown's budget and tax rate includes garbage collection costs, while East Windsor's does not. "There is a problem," he said, "with the methodology and the numbers."

Councilmember Theokas noted that Council would be voting now to proceed with a new report, and is not voting on the report that was presented by GHEWIP.

"I'm not against looking into it more correctly," Councilmember Schneider said, "but there is no reason the report can't include a realistic analysis." He noted that the report's recommendation to form a joint study commission was based on projected savings and numbers "flawed by a significant enough factor that we should be taking it upon ourselves to determine if the conclusions are correct." "If I felt that there was an opportunity for significant savings," he said, "I'd go for it."

Council President Sikorski stated that Mr. Fehrenbach, at the last meeting, clearly indicated the limitations of his study, and that study was used just as a basis for discussion. The question here, he said, is whether to proceed with a process wherein another report would be done, contingent upon a number of factors such as funding from the state, which "would not cost anyone in the Borough one dime." He expressed support for proceeding, and again noted that consolidation would not take place unless approved by the voters.

Councilmember Schneider asked if the report's authors are expecting to be paid by the State of New Jersey for further work that they would perform for the joint study commission. Their recommendation for formation of the commission, he said, "makes their involvement later a problem."

At this time, Councilmember Theokas called for a vote on this matter.

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

Resolution adopted, 5-1.

RESOLUTION 2009-68 AUTHORIZING COUNCIL PRESIDENT TO INITIATE DISCUSSIONS WITH EAST WINDSOR TOWNSHIP REGARDING JOINT STUDY COMMISSION

WHEREAS, a study recently commissioned by the Greater Hightstown-East Windsor Improvement Project has recommended that the Borough of Hightstown and the Township of East Windsor form a Joint Study Commission to study the feasibility of consolidating the two municipalities; and

WHEREAS, after review of said study, it is the desire of the governing body to accept that recommendation and begin discussions with East Windsor Township in that regard;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the governing body hereby expresses their interest in forming a Joint Study Commission with East Windsor Township as outlined herein, and that Council President Walter L. Sikorski is hereby authorized and directed to begin discussions with East Windsor Township officials in this regard.

CONSENT AGENDA

Resolutions 2009-69 through 2009-73 were moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 6-0.

RESOLUTION 2009-69 AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE AND FUNDS REMAINING IN ESCROW – PEDDIE SCHOOL (CASPERSON HISTORY HOUSE)

WHEREAS the Peddie School has posted a maintenance guarantee in the amount of \$19,667.52 and maintained an inspection escrow account with the Borough for their Casperson History House project; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the maintenance bond and remaining escrow funds, subject to payment of any outstanding fees;

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

1. The Borough Clerk is authorized and directed to release to the Peddie School their maintenance bond in the amount of \$19,667.52 held relative to their Casperson History House project, as detailed herein.
2. The Treasurer is authorized and directed to release to the Peddie School all amounts remaining in their escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:

- a. Michael McKitish, The Peddie School
- b. Arlene O'Rourke, Treasurer
- c. Leona Baylor, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

RESOLUTION 2009-70 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-198 TO HIGHTSTOWN HIGH SCHOOL PARENTS ASSOCIATION

WHEREAS, the Hightstown High School Parents Association wishes to hold an on-premise 50/50 raffle at 25 Leshin Lane on March 30, 2009; and

WHEREAS, the group has submitted application number RA-198 for this raffle; and

WHEREAS, no fees are due and payable at this time because the amount of the prize is anticipated to be less than \$400.00; 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-198 to the Hightstown High School Parents Association for their raffle to be held on March 30, 2009.

RESOLUTION 2009-71 ACCEPTING MEMBERSHIP OF ROBERT KOZIC IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Robert Kozic of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Kozic 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 Robert Kozic in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2009-72 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 **\$431,401.84** from the following accounts:

Current	\$ 200,799.08
W/S Operating	220,782.92
General Capital	2,360.52
W/S Capital	1,122.00
Animal Control	2700.00
Trust	2,815.68
Grant	298.00
Public Defender	305.26
Lien Trust	70.01
Housing Trust	148.00
Total	\$ 431,401.84

RESOLUTION 2009-73**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:

	THIS RESOLUTION	PREVIOUS TOTAL	CUMULATIVE TOTAL
Current	5,125.00	202,494.00	207,619.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	73,827.00	325,040.00	398,867.00
Capital Outlay – W/S	0.00	7,500.00	7,500.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	78,952.00	535,034.00	613,986.00

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.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, said that he "could name 20 or 30 people in this town" who would serve on the Economic Development Committee, and specifically mentioned Dan Buriak and Chris Moraitis. "Get some intelligent committee members," he said, "and not businesses trying to survive." He said that he "wants a town where I can go to the convenience store, drycleaner, drugstore and get food," he said, "but there are other things to consider also," such as the Mill and Minute Maid properties and truck traffic.

Ryan Rosenberg, 177 Lincoln Avenue, said that, if Council is postponing the EDC ordinance in order to have current members come back and argue to not have to meet once a month, "they aren't the right people. Replace them immediately." He noted that Dylan Ross is willing to work but hasn't been able to since not enough members have shown up to meet. "If you ask," he said, "people will come forward."

Mike Vanderbeck, 344 Stockton Street, said that his comments at the last meeting were that "much of what the EDC had been doing was stagnant. If things were done of any substance, they were brought back to Council, and Council neglected to act on them." He said that, for him, that is a waste of his time, and he would prefer to spend his time on the

downtown. "I'm willing to step aside and let someone take that seat," he said. "We came to you with some ideas. They were shot right down. Maybe it *should* be dissolved and start over."

Torry Watkins, 68 Meadow Drive, explained that, in East Windsor, the garbage district is comprised of "everything that isn't Twin Rivers." It was established, he said, because Twin Rivers would make up about 40% of the town's population, and they have their own collection. They didn't want to pay for that in their taxes.

Gail Doren, 201 Hutchinson Street, again asked about the Mill presentation, and said that she was "a little uncomfortable" with the response that Greystone has not been available. "When it is announced," she asked, "who requests that it happen? Is that Council, or the redevelopment committee? Or does the developer come and say that they're ready to put that out there?" Mayor Patten replied, "It is the developer, and they weren't ready. It was solely up to the developer." He noted that communication with the developer in this regard took place through the Borough attorney, and not directly with any member of the governing body. "Is anyone else frustrated?" Ms. Doren asked? "Yes!" the Mayor and Council replied in unison.

No one else came forward and the floor was closed.

Adjournment was then moved by Council President Sikorski, seconded by Councilmember Theokas and unanimously approved. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk