

## 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.

### APPROVAL OF AGENDA

The agenda was moved as submitted by Council President Sikorski. Councilmember McGinty seconded the motion, with a request to add Council comments at the end of the meeting. No objections were heard and the agenda was unanimously approved as amended.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Phyllis Deal**, 305 Stockton Street, stated that she is not concerned about the proliferation of taxicabs in the Borough because there is probably a need for them, but "they need to obey speed limits and non-idling laws." Ms. Deal also said that cherry trees would look "fabulous" on Stockton Street and would be a big improvement over the Bradford Pear trees there.

**Dan Buriak**, 194 Stockton Street, stated that the Borough's Transportation Enhancement Grant application for Stockton Street Historic District improvements is complete and will be submitted by the end of the week. Endorsement letters are now being finalized, he said, and noted that Mayor Patten and his wife, Kathy, have obtained a significant number of endorsements from businesses and individuals in our community. Senator Frank Menendez is personally backing this project, he said, and our 12<sup>th</sup> District legislators as well as the county freeholders have expressed their unanimous support. In addition, East Windsor Mayor Janice Mironov has provided a letter of support. Mr. Buriak stated that this project will be a "very smart economic generator for the town."

**Linda Falkowski**, a tenant at 153 Mechanic Street, lodged a complaint about how Mechanic Street looks, and said that the town seems overly concerned with its historic homes and not with other homes in the Borough. Her neighbor's backyard, she said, is filled with junk to the point that it hangs over the six foot fence between their properties. She said that he has 16 recycling buckets and "is banging on stuff at all hours." Ms. Falkowski also complained that a duplex which burned on Mechanic Street several years ago has only recently begun to be repaired. She said that, as a ten-year resident who pays a "hefty" rent and a volunteer member of the Ladies Auxiliary, she has a vested interest in the town and "wants someone here to make it better." Mayor Patten asked Ms. Gallagher to follow up with the Borough's Code Enforcement officials regarding Ms. Falkowski's concerns.

**Eugene Sarafin**, 600-628 South Main Street, objected to the three minute limit on public comment and said that this should be reconsidered.

**Torry Watkins**, 68 Meadow Drive, referred to a recent police blotter which, he said, indicated that "our force unleashed the dog on a drunken Latino causing bites treated, at public expense, at a hospital." He said that he was bothered by this "hopes that this incident won't make mockery of the good work done [ in supporting the Latino community] over the past several years." He said that he hopes to hear members of the governing body express concerns about this.

No one else came forward and the floor was closed.

## ORDINANCES

### INTRODUCTION AND FIRST READING: ORDINANCE 2009-10, BOND ORDINANCE PROVIDING FOR MEMORIAL PARK PARKING LOT IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$154,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review by Ms. Gallagher, Ordinance 2009-10 was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

Councilmember Quattrone asked if drawings have been done for this project. Councilmember Bond stated that drawings were done in preparing the grant application. All other work will take place after the bond ordinance is effective. If the bids come in low enough, the grant funds can be used toward engineering costs as well as construction costs. Councilmember Quattrone stated that the Parks and Recreation Commission should have some say in what this looks like, and Councilmember Bond said that he would relay that to Ms. Roberts.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-10 was set for May 18, 2009.

# RESOLUTIONS

## **RESOLUTION 2009-115, EXPRESSING THE FULL SUPPORT OF THE BOROUGH COUNCIL FOR THE APPLICATION BY THE ENVIRONMENTAL COMMISSION OF THE BOROUGH OF HIGHTSTOWN FOR THE SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART TO ACCOMPLISH THE VITAL AND NEEDED TREE-PLANTING INITIATIVE, AS A FURTHER STEP TOWARDS SUSTAINABLE JERSEY™ CERTIFICATION**

Councilmember McGinty reviewed the provisions of this Resolution, noting that, due to budgetary constraints, the Environmental Commission has not had funds available for tree planting, and this grant could provide those funds for trees along the Franklin Street gateway and Main Street near the library. Not many towns are eligible for this grant, but Hightstown is. We would be applying for \$25,000. The application would be prepared by Barbara Jones, Commission chair.

Resolution 2009-115 was moved by Councilmember McGinty and seconded by Council President Sikorski.

Councilmember Theokas recalled that, in the past, trees have damaged sidewalks and building facades in the downtown area, and he asked that this be taken into account when these trees are planted. Councilmember McGinty stated that the Commission is ensuring that we have an environmental plan. A representative of the Stony Brook Millstone Watershed Association attended the last Commission meeting and provided input regarding the best types of trees to plant. As part of the grant, she said, we would engage an arborist to make sure that those concerns are addressed.

Councilmember Quattrone commended Ms. Jones for "doing what we've encouraged for years." He said that he is certain that Councilmember Theokas's concerns will be addressed.

Mayor Patten stated that he sits on the Board of Directors for the Municipal Land Use Center at the College of New Jersey. One of their initiatives is Sustainable Jersey. Hightstown became the 131<sup>st</sup> town to enroll, and is doing well in accruing points toward certification. That certification will allow us to get a lot more grant funding. He expressed his support for this Resolution.

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

Resolution adopted, 6-0.

## **RESOLUTION 2009-115 EXPRESSING THE FULL SUPPORT OF THE BOROUGH COUNCIL FOR THE APPLICATION BY THE ENVIRONMENTAL COMMISSION OF THE BOROUGH OF HIGHTSTOWN FOR THE SUSTAINABLE JERSEY™ GRANT FUNDED BY WAL-MART TO ACCOMPLISH THE VITAL AND NEEDED TREE-PLANTING INITIATIVE, AS A FURTHER STEP TOWARDS SUSTAINABLE JERSEY™ CERTIFICATION**

**WHEREAS**, the Borough of Hightstown aims to ensure that it is, and will continue to be, a sustainable community, and to that end is energetically participating in the wide range of initiatives and opportunities encompassed within the Sustainable Jersey Program, in which the Borough has already registered; and

**WHEREAS**, the Borough of Hightstown recognizes that it has a critical need for the planting of trees, and that this need is particularly acute along parts of Franklin and Main Streets, and this is one of the most critical environmental deficiencies presently existing in the Borough of Hightstown; and

**WHEREAS**, the Hightstown Environmental Commission has identified the scarcity of trees in the downtown area of the Borough of Hightstown, and specifically along the roadways of Franklin and Main Streets, as an issue warranting immediate attention and remedying by the Borough Council, and that Commission has made this need a key environmental priority over the past two years, but the Borough of Hightstown has been without funds to address this environmental need; and

**WHEREAS**, the Hightstown Environmental Commission, in accord with its mandate from the Hightstown Borough Council, has been working to set in place plans for the planting of trees along the Franklin Street gateway into Hightstown, and along Main Street and in the vicinity of the Hightstown Memorial Library, which plan includes the installation of protective grates to ensure the vitality of the trees and the safety of the community who would trek in very close proximity to the newly planted trees; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart; and

**WHEREAS**, in applying for a Sustainable Jersey Small Grant funded by Wal-Mart, the Borough of Hightstown would accomplish steps towards certification in the Sustainable Jersey Program (with points scored towards certification), at the same time as it accomplishes the goal of ensuring that trees are planted in Hightstown in the areas in which that need is identified; and

**WHEREAS**, the Hightstown Borough Council has set in place a program to ensure the improvement of the curbs, sidewalks and roadways of Franklin Street, the main gateway into the Borough of Hightstown from the New Jersey Turnpike exit, as well as along a portion of Main Street, which serves as major thoroughfares into and through the Downtown Hightstown area; and

**WHEREAS**, in applying for a Sustainable Jersey Small Grant funded by Wal-Mart, the Borough of Hightstown is seeking funding specifically for the environmental segment of that overall plan, and the other segments of the plan (for which separate funding is already in place, including through the New Jersey Department of Transportation) include the restoration of central thoroughfares of our Borough along Franklin and Main Streets, sidewalk and curb restoration, pedestrian access and safety, and structural improvements of roadways, with the overall plan directed towards the goals of increased pedestrian access, historic preservation, street configuration and leveling, and landscaping, but with no funding presently in place for the vital tree-planting component of the project; and

**WHEREAS**, the Hightstown Environmental Commission, in accord with its mandate from the Hightstown Borough Council, has been working to find funding for this specific environmental initiative; and

**WHEREAS**, the Borough of Hightstown is taking every effort to reduce its carbon footprint through environmental initiatives, and through close and careful study, followed by action, to ensure the Borough conducts its daily business and activities of living in the most ecologically- and environmentally-friendly manner; and

**WHEREAS**, the Hightstown Borough Council recognizes that the present application fits squarely within the following categories of actions specifically identified as targeted goals by the Sustainable Jersey certification program: Municipal and Community Carbon Footprint; Tree & Woodlands Management; Community Visioning; and Sustainable Community Plan; and

**WHEREAS**, the Borough of Hightstown seeks to optimize all aspects of the quality of life for its residents, by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Hightstown also strives to save tax dollars, assure clean land, air and water, and improve working and living environments, at the same time as the Borough avails itself of all sources of funding to help it accomplish all of its environmental goals, which includes the planting of trees; and

**WHEREAS**, the Borough of Hightstown seeks to optimize all aspects of the quality of life for its residents, by ensuring that its environmental, economic and social objectives are balanced and mutually supportive;

**THEREFORE**, the Hightstown Borough Council has determined that the Environmental Commission of the Borough of Hightstown should apply for the aforementioned Grant, and that the Borough Council stands behind this application with its full support and enthusiasm for the tree-planting project proposed.

**THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Hightstown, State of New Jersey, authorizes the submission of the application by the Hightstown Environmental Commission for the Sustainable Jersey Grant funded by Wal-Mart.

**RESOLUTION 2009-116, RECOGNIZING THE IMPORTANCE AND GLOBAL IMPACT OF  
ENFORCEMENT OF NEW JERSEY ANTI-IDLING LAW, SO AS TO ENHANCE THE  
OVERALL ENVIRONMENTAL QUALITY IN THE BOROUGH OF HIGHTSTOWN,  
AND FOR THE GOOD OF THE EARTH**

Councilmember McGinty reviewed this Resolution and stated that it is on our agenda at the request of the Environmental Commission. Adopting this Resolution will help us to gain additional points needed for Sustainable Jersey certification. New Jersey has one of the strongest anti-idling laws in the nation, she said. The issue is whether it is enforced at the local level. This Resolution asserts the Borough's position with respect to that law, takes steps toward its enforcement within the Borough and enhances public awareness of the issue.

Resolution 2009-116 was moved by Councilmember McGinty and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

**RESOLUTION 2009-116      RECOGNIZING THE IMPORTANCE AND GLOBAL IMPACT OF  
ENFORCEMENT OF NEW JERSEY ANTI-IDLING LAW, SO AS TO  
ENHANCE THE OVERALL ENVIRONMENTAL QUALITY IN THE BOROUGH  
OF HIGHTSTOWN, AND FOR THE GOOD OF THE EARTH**

**WHEREAS**, the Borough of Hightstown aims to ensure that it is, and will continue to be, a sustainable community, and to that end is energetically participating in the wide range of initiatives and opportunities encompassed within the Sustainable Jersey Program, in which the Borough has already registered; and

**WHEREAS**, the Borough of Hightstown is taking steps to ensure that it will attain certification through the Sustainable Jersey Program, since the Borough Council understands that such certification should benefit the Borough of Hightstown socially, environmentally, and economically; and

**WHEREAS**, the Sustainable Jersey Program seeks to give needed attention on the local level to the problems arising out of emissions from gasoline and diesel-powered vehicles, and to remedy those problems starting at the local level, and the Borough of Hightstown recognizes the merit of that goal, and the Borough's responsibility to be part of the anti-idling campaign; and

**WHEREAS**, scientific research has confirmed as fact that emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

**WHEREAS**, numerous scientific studies have found links between exposure to fine particles and health effects, including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

**WHEREAS**, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

**WHEREAS**, vehicle idling occurs in locations (e.g., school grounds, parking lots, distribution centers, strip malls, construction sites, and business centers) where New Jerseyans can be exposed to concentrated sources of air pollutant emissions; and

**WHEREAS**, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school-age children are asthmatic) and the elderly; and

**WHEREAS**, the New Jersey Department of Environmental Protection has determined that reduction of fine-particle emissions from diesel engines could prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

**WHEREAS**, the New Jersey Department of Environmental Protection has also determined that, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO<sub>2</sub>), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

**WHEREAS**, petroleum-based gasoline and diesel fuel are non-renewable fuels and should be used wisely and not wasted; and

**WHEREAS**, the New Jersey Department of Environmental Protection has determined that idling is not generally beneficial to a vehicle's engine because it wears down engine parts; and

**WHEREAS**, the New Jersey Department of Environmental Protection has determined that idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

**WHEREAS**, current New Jersey law prohibits the idling of vehicles for more than three minutes, and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

**NOW THEREFORE BE IT RESOLVED** that the Borough of Hightstown, County of Mercer, in the State of New Jersey, supports the adoption of a strong anti-idling policy by agencies, schools, businesses, and other organizations within the jurisdiction of the Borough of Hightstown, by:

1. Making the enforcement of existing violations and penalties under New Jersey's existing no-idling law a priority for all municipal Peace Officers, with the Police Department of the Borough of Hightstown instructed to ensure the enforcement of current laws, pursuant to N.J.S.A. 39:3-70.2 and 26:2C-1;
2. Encouraging drivers of any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school-related events, to minimize exposure of children to vehicle emissions, with notice given to the public hereby that police from the Borough of Hightstown will be enforcing the New Jersey anti-idling laws;
3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
4. Promoting the widespread use of emission controls in construction contracts (as recommended by the New Jersey Department of Environmental Protection, such as "Diesel Emission Controls in Construction Projects: Model Contract Specification," developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

## NEW BUSINESS

### THREE MINUTE LIMIT ON PUBLIC COMMENT

Councilmember McGinty reviewed the text of a Resolution she had drafted which would expand the three minute time limit for public comment to five minutes, and she asked that it be added to the next meeting agenda for action by Council. She said that, typically, most speakers do not use the entire three minutes, and it is "embarrassing" when a speaker gets cut off. She recalled that, at one budget meeting, three members of the public were there at the end of the meeting, "and those who stuck it out had comments of substance regarding where council should go in budget discussions, and the speaker was cut off under our rule. That alone is reason to extend it to five minutes or beyond." She noted that the draft Resolution includes a provision wherein, if the first public comment session goes too long, it could be cut off and continued at the end of the meeting. She provided a history of the time used by speakers during public comment at past meetings, noting that very few have gone on for long, and there are usually less than five speakers per comment session. When meetings are long, she said, it is generally due to other items, not public comment, and she added, "As a courtesy to the public and to convey our welcome for [ their input], I ask that this Resolution be considered and passed."

Councilmember Theokas disagreed, noting that Council welcomes input already from the public, and there is ample opportunity for that, given two public comment sessions at each meeting where each speaker can speak for three minutes. In addition, there is no limit on public comment at public hearings. He further noted that all public meetings of other boards and commissions provide the opportunity for public comment as well, and residents can contact members individually by mail, email, phone or personally. "It is inaccurate," he said, "to say that we don't give ample opportunity."

Councilmember Theokas went on to say that an increase from three to five minutes is "arbitrary." "If you showed me stats where we'd receive more info in those two minutes," he said, "I may be inclined. But who's to say five? Why not eight or 20?" Mr. Theokas stated that the length of Council meetings doesn't equate to the quality of those meetings, and he feels that the public would rather have Council focus on "things that are important, like the budget and redevelopment, rather than whether they get an extra two minutes of comment. We do hear from our community and we welcome hearing from them in a number of different ways," he said. "It doesn't warrant a resolution."

Council President Sikorski stated that he was the one who pushed to have a second public comment session added so that audience members would have the opportunity to speak at the end of our meetings. He noted that there are two three-minute opportunities for general comments, and there is no time limit for comments on ordinances. He said that Council is primarily a legislative body, and ordinances are their primary function. He further stated that, in listening to prior comments, many concerns expressed are then referred to the Borough Administrator. "The fact is," he said, "that we have an administrative staff that can look into many of these issues that have been presented." He noted also that another source of public input is through letters.

Council President Sikorski added, "Sometimes people feel that, because we don't respond instantly in dialogue at that moment, that no action has been taken. I have found that many times members have been working behind the scenes doing legwork." The time spent by Council members at meetings, he said, "is the tip of the iceberg," noting that he, personally, spent five hours on the past Friday dealing with Borough issues, and he knows that others too spend a great deal of time in addition to time spent at Council meetings.

Councilmember Quattrone expressed support for extending the time limit to five minutes. "When we do have important issues," he said, "it's nice to let people say it all."

Councilmember Schneider said that he is not against extending the time limit, but has always felt that if a speaker is not quite finished under our existing structure, he or she could be allowed to complete their comments. He said he would like to see this on the next agenda and usually finds public comments useful.

Councilmember Bond stated that, currently, each person has "six minutes to say what they have to say." He said that there are basically three types of comments. Most, he said, are constructive. There are also those where a phone call to the Administrator would have solved the problem in short order. And others comment "just to berate Council for no other reason than to berate." He said that this is a very transparent government, and "if you have something productive to say and are prepared to say it, three minutes is plenty of time." He would like to see things stay as they are.

Mayor Patten asked that the Resolution be placed on the next agenda for further discussion.

## CONSENT AGENDA

Resolutions 2009-118 through 2009-121 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 2009-118 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND PARTIAL RELEASE OF FUNDS REMAINING IN ESCROW – CCL LABEL, INC.**

**WHEREAS**, on May 4, 2007, CCL Label, Inc. posted a cash performance guarantee with the Borough of Hightstown in the amount of \$60,927.00 along with escrow monies relative to improvements at their facility (R&R File No. HPB0308); and

**WHEREAS**, CCL Label has requested the release of said performance bond and escrow; and

**WHEREAS** the Borough Engineer has inspected the project and has recommended the release of the performance bond, subject to the following:

1. Posting of a two-year Maintenance Guarantee in the amount of \$6,092.70;
2. Payment of all outstanding fees and accounts; and
3. Retaining \$400.00 in the escrow account for re-inspection prior to the expiration of the Maintenance Guarantee; and

**WHEREAS**, the Borough Engineer has suggested that, since the improvements have been in place since January 2008, the maintenance bond be made effective as of that date, with an expiration of January 2010;

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

1. The Treasurer is authorized and directed to release to CCL Label their cash performance bond as detailed herein, subject to their posting of a two-year maintenance guarantee in the amount of \$6,092.70.



2. The Treasurer is authorized and directed to release to CCL Label all but \$400.00 of the amounts remaining in their escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them to date for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:
  - a. Doug Ulbrich, CCL Label, Inc.
  - b. Arlene O'Rourke, Treasurer
  - c. Leona Baylor, Planning Board Secretary
  - d. Carmela Roberts, Borough Engineer
  - f. Gary Rosensweig, Planning Board Attorney

**RESOLUTION 2009-119      AMENDING RESOLUTION 2009-58, ADOPTED FEBRUARY 17, 2009,  
ENTITLED "AUTHORIZING AGREEMENT FOR PROFESSIONAL  
ENGINEERING SERVICES – ROBERTS ENGINEERING GROUP, LLC"**

**WHEREAS**, on February 17, 2009 the Hightstown Borough Council adopted Resolution 2009-58, authorizing an agreement with Carmela Roberts, P.E., of Roberts Engineering Group, LLC for professional engineering services associated with the planned replacement of 8,000 LF of water mains on Etra Road, South Main Street, Leshin Lane and Mercer Street (the "Project"), as well as preparation of the loan application for the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for said Project, for a total fee not to exceed \$25,000.00; and

**WHEREAS**, in order to meet the application deadline and provide the necessary detail to assure proper construction, additional work was necessary and the amount of the contract was exceeded by \$11,256.00; and

**WHEREAS**, Ms. Roberts has requested that her contract for this work be increased by \$10,000, for a total not to exceed \$35,000.00; and

**WHEREAS**, the Mayor and Council have reviewed the details of this request and find it reasonable and justified; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this additional expenditure;

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

1. Resolution 2009-58 and the agreement which it authorizes are hereby amended to provide that fees to be paid to Roberts Engineering Group, LLC under said agreement shall not exceed \$35,000.00 without further authorization of Council.
2. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Carmela Roberts, P.E., Borough Engineer
  - b. Arlene O'Rourke, Borough Treasurer
  - c. George Lang, Borough Chief Financial Officer
  - d. Candace Gallagher, Borough Administrator/Clerk
  - e. Frederick C. Raffetto, Esquire, Borough Attorney
4. That a copy of this Resolution be placed on file with the original agreement in the office of the Borough Clerk.

**RESOLUTION 2009-120      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<sup>1</sup>; 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:

	<b>THIS RESOLUTION</b>	<b>PREVIOUS TOTAL</b>	<b>CUMULATIVE TOTAL</b>
Current	170,797.00	1,226,667.00	1,397,464.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	40,950.00	866,352.00	907,302.00
Capital Outlay – W/S	0.00	7,530.00	7,530.00
Debt Service - W/S	0.00	110,908.50	110,908.50
<b>TOTAL</b>	<b>211,747.00</b>	<b>2,211,457.50</b>	<b>2,423,204.50</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 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 2009-121      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 **\$577,371.81** from the following accounts:

Current	\$ 343,760.52
W/S Operating	197,409.08
General Capital	17,529.61
W/S Capital	1,004.15
Trust	2,521.45
Grant	1,070.00
RCA COAH	11,206.00

<sup>1</sup> Schedule is on file in the Borough Clerk's office with original copy of Resolution 2009-120.

Escrow - Subdivision & Site Plan	583.00
Housing Trust	<u>2,288.00</u>
<b>Total</b>	<b>\$ <u>577,371.81</u></b>

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Eugene Sarafin**, 600-628 South Main Street, said that he does not mean to berate Council during public comment. He noted that Councilmember Bond spoke of the transparency of our government while Council President Sikorski stated that much work takes place outside of meetings. He stated that Councilmembers Theokas and Bond do not return his phone calls, and that he put together a lot that Council was "too stupid to understand." "One minute is too much to tell you you're a bunch of a\*\*holes," he said.

**Rob Thibault**, 504 South Main Street, commended Councilmember McGinty for her initiative to expand the time permitted for public comment, which he feels is "critical." He asked Council to make Hightstown sustainable for taxpayers by not increasing the budget. He said that taxes have gone up 52% in the last seven years and there were 18 new pre-foreclosure filings in March and April.

**Torry Watkins**, 68 Meadow Drive, recited the First Amendment and took exception to Council President Sikorski's comment that Council is primarily a legislative body. "People in this room ARE the government," he said, "and ... have come to petition for the redress of grievances. The glory and beauty of our Constitution are that any crackpot has the right to come down here, stand on the steps and make a fool of himself. ... Why not grant a little more time?"

**Esther Velazquez**, 178 Grant Avenue, commended Councilmember McGinty for her work to expand the time limit for public comment and said that she doesn't understand why we would need to set time limits of any sort. "If someone has something of substance to say," she said, "let them say it. If someone wants to be a crackpot, let them. If I want to talk about any issue that has an impact on my community, I should have the opportunity to speak."

**Paul Byrne**, 320 Stockton Street, encouraged Council to increase the time allowed for public comment, and suggested that we look into how other towns handle this. He noted that the Freeholders allow unlimited public comment.

**Frank Rivera**, 110 Broad Street, said that he was "astonished" to hear Council President Sikorski and Councilmember Theokas speak against allowing the public another two minutes to speak, and said that, while their comments "may be technically and logically correct, in that message is imbedded something contrary to public courtesy and welcome." He said that there are six or eight regular attendees at Council meetings. Three to five of them speak, and rarely exceed three minutes. He added that, when he speaks, being aware of the time limit, he first composes notes and believes in brevity, and pointed out that when Councilmembers themselves speak, "no bell rings." "When we speak," he said, "if a bell is going to ring, allow it to ring at five minutes. I guarantee that it will not be abused." He noted that the Resolution drafted by Ms. McGinty includes a "45 minute safety net" in the event that public comment goes on for too long.

**Elizabeth Balcewicz**, 413 Stockton Street, agreed that the time limit for public comment should be expanded. She also stated that, last fall, she was told that if her barn burned down she would not be able to rebuild it, yet on South Main Street, there is a structure going up that is

taller than her barn. Mayor Patten stated that this came before the Planning Board for approvals, and said that he would speak with her after the meeting about it.

**Linda Falkowski**, 153 Mechanic Street, expressed her appreciation to the governing body for the "time and energy that each of you put into coming here," and added, "It sickens me that you'd have to listen to derogatory terms slung at you for no good reason." She went on to say that she had done some research regarding the structure being erected on South Main Street which Ms. Balcewicz spoke of, and the approval was based on letters received by the Borough stating that there had previously been a two-story structure there, but there was no proof of that in the form of pictures or plans. Ms. Falkowski contended that there was never a two-story structure there and expressed concern that letters would be written by anyone saying that there was. She also stated that the owner came before the Borough five years ago and stated that it was just a "dilapidated garage" that would be torn down, but is now looking at running a business there.

No one else came forward and the floor was closed.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Quattrone stated that he is "proud of the way that the town is coming together." He commended Dan Buriak for his work on the grants for the Historic District, saying, "Dan does an excellent job of communicating and getting the right people on our side." Regarding expanding the time limit for public comment, Councilmember Quattrone said, "People have to say what they have to say. I liked when we were allowed to ask the person to go on. But when people are screaming at me and calling me names, five minutes of that is more than I could handle and I would probably leave the room anyway."

Council President Sikorski stated that when the fire on Mechanic Street took place a few years ago, he was the first person on the scene. The family dog came out but the residents would not leave the building until they were ordered to do so. Construction Official George Chin pursued all kinds of issues at that location, he said, and our Health Department inspected it on several occasions to be sure that the building was secure. They investigated a report of rats there but found none. Mr. Chin has been actively pursuing property maintenance issues, Mr. Sikorski said, and those "seem to come to the fore more at this time of year."

Councilmember Bond stated that the time limit on public comment was instituted years ago because "things went on and on." He said that he feels that three minutes is sufficient, and that if Council feels that there should be more time, "why have any limit at all?" "Throw the clock in the garbage," he said. "I'm willing to listen till the cows come home. But after a year, I think people would want a time limit. I will not vote for anything that has a time limit."

Councilmember McGinty spoke regarding several issues:

- She said that she also would be in favor of no time limit at all for public comment, and that she drafted the Resolution with a five minute limit in order to get it onto the agenda. She said that she would be happy to draft a second resolution for consideration at the next meeting with no limit.
- She reported that the Environmental Commission "seems very focused and active this year" and sponsored a Borough-wide cleanup on April 25. There was a good turnout and over 400 pounds of trash were collected. This is a semi-annual event and she encouraged

all to get involved in the undertaking. The Environmental Commission will also be sponsoring a movie about trees on June 1 at the Hightstown Library.

- There will be a Walkability Assessment on Thursday, May 28, where the West Windsor Bicycle & Pedestrian Alliance will be working with the Downtown Hightstown group to take measurements and plot walkways and curbs throughout the Borough. Volunteers are needed and will be trained in advance. More information is available on the Downtown Hightstown website.
- The PAWS Walk will take place on the coming weekend.
- The Solid Waste / Pay To Throw Subcommittee met for the first time during the past week. A number of people have addressed this issue during budget sessions, and they, as well as members of the Environmental Commission, may be interested in participating, she said.
- Changes to our COAH ordinance need to be put off, she said, until the matter can be discussed with our attorney.
- She stated that it was wonderful to have the Mercer County Freeholders hold their meeting at Borough Hall, and commented that some of the matters commented on at that meeting relating to parks in the Borough surprised her. She said that she has great interest in the skatepark proposal but "it is separate from the Borough's interests." She said that she does not know how taxpayers and residents feel about this issue because "It hasn't been an agenda item." She asked that, if issues are to be raised at the county level relating to the park or its funding, or if there is some action to be taken by the Borough or its representatives with regard to the skatepark, the matter first be discussed by Council.

Councilmember Theokas reported that the EDC met but did not have a quorum. Ongoing meetings have been scheduled for the third Tuesday of each month.

Mayor Patten stated that he and members of Council "continually hear public concerns." He thanked all for their comments, both positive and negative, and added, "the positives do outweigh the negatives." However, he added, he, Ms. Gallagher and department supervisors have received information from residents about things that have gone on for weeks or months without anyone knowing about it. "It is important," he said, "that any concerns be brought to us so that we can take action on it. We do take action." Mayor Patten reported that the Borough-wide garage sale was held on the past Saturday, and once again brought in people from out of town who look forward to this event. "Our town ... still a destination," he said, "and is getting better and better." He noted that coming events will include the PAWS Walk, the Memorial Day Parade, the Fishing Derby, the Community Fair, the Triathlon and 5K runs. People are coming here from all over the area, he said, and our Greenway, parks, lake, tree-lined streets and Peddie School are all attractions. People are buying homes here, he added, after driving through. "There is much to be proud of," he said, "and our elected officials are conscientious."

## EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2009-117, authorizing a closed session for the purpose of discussing contract negotiations. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

**RESOLUTION 2009-117 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 May 4, 2009 at approximately 8:35 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** (*Interlocal EMS Services*)

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: August 4, 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, adjournment was moved by Councilmember Theokas, seconded by Councilmember Schneider and unanimously approved. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk