

## SPECIAL MEETING - 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; and George Lang, Chief Financial Officer.

### APPROVAL OF AGENDA

Councilmember McGinty requested the addition of a second public comment session as well as Council Comments and Committee Reports toward the end of this meeting.

Ms. Gallagher requested the addition of a closed session at the end of the meeting to discuss personnel items.

Council President Sikorski requested the removal of two items from the agenda – the introduction and first reading of Ordinance 2009-14 (amending the Borough Code with respect to the powers and duties of the Parks and Recreation Commission), and Resolution 2009-173, which would express the support of the governing body for the upcoming Triathlon event. He stated that these two items were added on Thursday afternoon, and he feels that agendas should be finalized by the Wednesday prior to each meeting so that Council has the opportunity to “review items properly and exercise due diligence.” These items, he said, could be considered at the regular meeting scheduled for August 3.

Councilmember McGinty stated that these items were placed on the agenda for discussion to determine whether action should be taken.

Councilmember Bond agreed in principle with Council President Sikorski regarding agenda changes, but noted that Ordinance 2009-14 is a fairly simple ordinance and would still require a public hearing and final reading at the next meeting, so he sees no harm in proceeding with its introduction at this meeting.

After further discussion, it appeared that the consensus of the majority of Council was to proceed with the introduction of Ordinance 2009-14 and leave that on the agenda.

With respect to Resolution 2009-173, Councilmember McGinty stated that this Resolution was added as the result of concerns she had expressed at the last meeting, at which time she “urged council to pay attention and take further action.” “We could put this off,” she said, “but what does that mean for the Parks and Recreation Commission? As of their meeting last week, they’re preparing for the Triathlon, and the third weekly swim is scheduled for this Friday. I have raised the question of jurisdiction. They’re working hard and doing a good job on this. Council does have a duty of some involvement. If it is not in our Code that they have this authority, then we are running these swims and the Triathlon. The resolution acknowledges that and gives support to the volunteers that are putting this in place and doing the work.” She said that this is a “very important issue ... that needs to be addressed *now*.”

Councilmember Theokas agreed with Council President Sikorski on this issue, and said that he is not sure whether the Borough needs to endorse anything. He would like to hear from the Borough Attorney on that issue. He stated that this meeting was intended to be a special meeting for the purpose of holding a budget hearing, and that he is “fundamentally opposed” to taking action on this, adding “it is bad business to do it this way.”

Mayor Patten stated that he has asked the Borough Attorney about the need to take action, and Mr. Raffetto, he said, did state that, given that Peddie Lake is contiguous to Memorial Park, it could be considered as part of the park, which would give the Commission the authority to conduct events on the lake. Councilmember Theokas stated again that he would like to hear directly from Mr. Raffetto on this.

Councilmember Bond agreed with Councilmember Theokas and Council President Sikorski that there should be a “lockdown time where the agenda is set and you can’t change it ... except for emergencies.” These are not emergencies, he said, but he also does not feel that they are “that big a deal.”

A straw vote was taken regarding whether to include Resolution 173 on this agenda. The only two Councilmembers who were in favor of including it were Councilmembers McGinty and Bond.

Councilmember Schneider then moved for approval of the agenda as amended to remove Resolution 2009-173, to include a second Public Comment session, to include Council comments, and to add an executive session for the purpose of discussing personnel. His motion was seconded by Councilmember Theokas and approved by all.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Richard Pratt**, 214 Stockton Street, read aloud a letter he had prepared regarding the skatepark, which was distributed to Council. The entire text of his letter is included at the end of these July 20 minutes.

**Eugene Sarafin**, 600-628 South Main Street, began his comments by informing the Borough Clerk that he could “tell her to shove that timer up her a\*\*.” He went on to express his outrage over being limited to three minutes for public comment and told Council that they had “manure for brains,” and began to insult each Councilmember in turn. As Mr. Sarafin’s angry comments continued, Council President Sikorski rose and left the room, followed by Councilmember Bond

and then Mayor Patten. Shortly, they returned and the Mayor informed Mr. Sarafin that he was out of order. As Mr. Sarafin left the podium to return to his seat, heated words were exchanged between him and some members of the public in attendance. Mayor Patten informed Mr. Sarafin and Mr. Hahn that they were out of order, and said that he would not hesitate to call the police to have anyone out of order removed from the room.

**Darek Hahn**, 102 Manlove Avenue, apologized for his outburst, which he said was in response to Mr. Sarafin's verbal attack on his wife. He acknowledged and agreed with the procedures necessary to conduct an orderly meeting. Mr. Hahn, who serves as Chair of the Borough's Parks and Recreation Commission, stated that, until any action is taken by Council, "we'll keep going as we have been and hope that Council will give us the pat on the back." He expressed his appreciation for the time and work put into this by Councilmember McGinty, and added, "a lot of our volunteers were made to look like fools. I hope we'll get this resolved in two weeks."

**Stacey Judge**, 307 Morrison Avenue, spoke as a member of the Parks and Recreation Commission and of the skatepark committee. She said that it "pained her greatly" to read the stories in the press about the skatepark and the Triathlon. "Rick and I have worked for close to three years on that," she said. "We came to Council three years ago, and all were supportive. To suddenly have the question of whether we even want this feels like three years of work pulled out from under us." She said that "lots of volunteer hours, blood, sweat and tears" have gone into the project, including the strong involvement of the kids who would be using the park eventually. They have volunteered their time as well. She noted that, when kids visit a skatepark, they spend money in that town and in towns along the way. She asked Council to "look at the big picture," and said that she hopes this will not have a negative impact on the volunteer effort or donations.

No one else came forward and the floor was closed.

## BUDGET 2009

### PUBLIC HEARING: RESOLUTION 2009-163, AMENDING THE 2009 BUDGET

Ms. Gallagher reviewed the changes included in Resolution 163, amending the introduced budget. She explained that action had already been taken on this amendment, so no further action by Council would be necessary. The public hearing must be held according to statute.

Mayor Patten opened the floor for the public hearing on Resolution 2009-163.

**Eugene Sarafin**, 600-628 South Main Street, asked why the reduction in EMS expenses did not equate to the \$78,000 savings that had been discussed. Ms. Gallagher stated that the reduction represents prorated savings, as the changes did not take place until July.

No one else came forward and the floor was closed.

Mr. Lang stated that we still have not received word about Extraordinary Aid. Once we do, we can amend our budget accordingly and adopt it.

### RESOLUTION 2009-172

Resolution 2009-172 was moved by Councilmember Theokas and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

**RESOLUTION 2009-172                      AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS  
PRIOR TO ADOPTION OF THE 2009 BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2009 temporary budget; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

**WHEREAS**, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2009 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	18,680.00	2,646,679.00	<b>2,665,359.00</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	53,870.00	<b>53,870.00</b>
Water/Sewer	26,952.00	1,258,433.00	<b>1,285,385.00</b>
Capital Outlay – W/S	0.00	50,000.00	<b>50,000.00</b>
Debt Service - W/S	0.00	110,908.50	<b>110,908.50</b>
<b>TOTAL</b>	<b>45,632.00</b>	<b>4,111,290.50</b>	<b>4,156,922.50</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.

## **ORDINANCES**

**INTRODUCTION AND FIRST READING: ORDINANCE 2009-13,  
BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF  
\$50,000 FOR PEDDIE LAKE DAM IMPROVEMENTS IN AND BY THE  
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY  
AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE  
BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

Following a brief review by Ms. Gallagher, Ordinance 2009-13 was moved for introduction by Councilmember Schneider and seconded by Councilmember Bond.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-13 was scheduled for August 3, 2009.

## INTRODUCTION AND FIRST READING: ORDINANCE 2009-14, AN ORDINANCE TO AMEND SECTION 2-31.5 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING THE POWERS AND DUTIES OF THE BOARD OF RECREATION COMMISSIONERS

Following a brief review by Ms. Gallagher, Ordinance 2009-14 was moved for introduction by Councilmember Schneider and seconded by Councilmember Quattrone.

Council President Sikorski stated that Peddie Lake plays an important role in the history of our community, and serves as a landmark. He expressed concern that by enacting this ordinance the Borough could be giving up the potential for obtaining future grants or for work with the Stony Brook – Millstone Watershed Association. He said that he would like those questions answered before taking further action.

Councilmember Schneider stated that if Peddie Lake is considered to be a part of Memorial Park now, as Mr. Raffetto had indicated it may be, we should keep it that way; however, he said, he is okay with introducing the ordinance at this time.

Councilmember McGinty stated that the Parks and Recreation Commission has promulgated rules and regulations that include Peddie Lake. They feel that it is within their jurisdiction, but our Borough Code does not indicate that, she said. "The bigger picture," she said, "is that we have these swims going on and the Triathlon. Can we take action to put into place the authority whereby the Parks and Recreation Commission can do this?" She added that it is her understanding that this would not affect our dealings with the Watershed or with any other group.

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

Ordinance introduced, 5-1.

The public hearing and final reading for Ordinance 2009-14 was scheduled for August 3, 2009.

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Jennifer Peppe**, 102 Mill Run East, stated that, as a result of the revaluation, her taxes have increased by 28 percent since last year, and said "it is disheartening to feel that you chose to live in a place you love that became bit of an albatross due to the taxes. If you're a teacher, where can you afford to live?"

**Eugene Sarafin**, 600-628 South Main Street, stated that he had nothing to say.

**Susan Bluth**, 42 Dennis Court, spoke as a Wyckoff's Mill homeowner and on behalf of the Wyckoff's Mill Homeowners Association to express disappointment that Council "didn't listen" to them in the spring with respect to the revaluation. She said that there would be a "mass exodus" from that development, which, she said, is seeing a 27% increase in property taxes after the revaluation. She said that Council could have delayed that increase, or phased it in.

**Torry Watkins**, 68 Meadow Drive, commended Council President Sikorski for his position with respect to Peddie Lake and said that it would be "prudent to limit jurisdiction on the part of the Parks and Recreation Commission," and that it is "never wise to give a quasi-independent body carte blanche to take over the jurisdiction of any public area." He also wondered how Peddie Lake got its name, since "they don't own it."

**Darek Hahn**, 102 Manlove Avenue, clarified that the Parks and Recreation Commission is not seeking full jurisdiction over the lake, but only with regard to activities there. "We don't want to deal with fixing the dam or anything like that," he said.

No one else came forward and the floor was closed.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Quattrone praised the members of the Parks and Recreation Commission for their volunteer efforts. "They are doing a fantastic job," he said, "and they never stop. ... They're always coming up with something new and a new way to do it. I don't want to put that fire out." He noted that work would begin the next day on Morrison Avenue, and the road will be closed. He asked all for their patience in dealing with the repairs to come. Lastly, he thanked Public Works Superintendent Larry Blake for taking time prior to the Council meeting to meet with him, Ms. Gallagher and two other members of Council at the dam to explain the work that is needed there.

Council President Sikorski thanked Ms. Gallagher for her professionalism in dealing with abusive language used against her, and said that he has "always found her to be a highly professional person" and that public personnel "should not be ridiculed and made to feel inferior when they are doing an excellent job." Ms. Gallagher thanked Mr. Sikorski for his comments.

Councilmember Bond stated that the Solid Waste Committee met and determined that, when garbage is placed for collection at the wrong time or in excess amounts, the person to call is Donna Syx at the Public Works office. He asked that anyone who sees violations report them to Ms. Syx.

Councilmember McGinty again commended the members of the Parks and Recreation Commission for the work that they are doing, and thanked the skatepark committee for the work that it has done and will be doing. She welcomed the privatization of that committee, as indicated by Mr. Pratt during public comment, and thanked them for addressing that. She also thanked the volunteers involved in the Farmer's Market, and repeated a prior request that the Borough maintain a standing committee to address COAH issues as they arise.

Councilmember Theokas reported that the Borough's Economic Development Committee will meet on the following evening.

Mayor Patten stated that he received an estimated tax bill for the third quarter that was \$775 greater than the prior quarter, and he asked Chief Financial Officer George Lang to explain the calculations used in that billing.

Mr. Lang explained that increases in the third quarter billing are the result of a number of factors:

1. If a property's assessment increased by a greater percentage than other properties, that proportional increase in valuation will be reflected in the third quarter bill. In the Mayor's case, he said, 20% of the tax increase he saw was due to the estimated tax increase, and the remaining 80% was due to the revaluation. In some cases, he said, a property's taxes will actually go down as a result of the revaluation, even though their assessed value went up. It depends on how that property's assessment changed relative to the changes in assessment of other properties in the Borough.
2. The third quarter billing is an estimated billing based on the Borough's introduced budget. If the Borough is awarded Extraordinary Aid, the fourth quarter billings will be lower, reflecting that change.
3. The third quarter billing also includes an adjustment for underbilling for the first and second quarters, and, for that reason, is generally higher than the succeeding fourth quarter billing. It is inaccurate to simply multiply the increase from the second to the third quarter by four to determine the total tax increase for a given property.

Mayor Patten noted that only 25% of the taxes collected by the Borough are municipal taxes. We must also collect taxes on behalf of the school and the county, which comprise 56% and 19% of the taxes, respectively. "The Borough is doing a fantastic job keeping expenses down and trying to find revenues," he said, "but look at the 75% we have no control over." He cited the need for a State Constitutional Convention to find another way to fund public education other than through property taxes, and urged the public to speak out about that to our legislators.

With respect to the revaluation, Mr. Patten said that, when properties such as the Wyckoff's Mill condominiums saw a larger relative increase in their assessments, it indicates that they had been underassessed in the years leading up to the revaluation, and therefore had not been paying their full share of taxes during that time.

## EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2009-174, authorizing a closed session for the purpose of discussing personnel. The Resolution was moved by Councilmember Theokas and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

### RESOLUTION 2009-174

### 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 July 20, 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:

**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: October 20, 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 Quattrone and unanimously approved. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk