

## OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:15 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 led by Councilman Ron Sackowitz and was followed by the roll call.

### ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember Laudenberger</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sackowitz</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; George Lang, Chief Financial Officer; Carmela Santaniello, Borough Engineer; James M. Eufemia, Chief of Police; Randall Gotteman, Borough Planner; Gary Rosensweig, Planning Board Attorney; and Frederick Raffetto, Esq., Borough Attorney.

### APPROVAL OF AGENDA

Council President Schneider moved that the agenda be approved with the addition of a discussion under "New Business" to set additional budget meeting dates. His motion was seconded by Councilwoman Laudenberger and the agenda was unanimously approved as amended.

### APPROVAL OF MINUTES

Upon motion by Councilman Sikorski, seconded by Council President Schneider, the minutes for the open and closed sessions of **February 22, 2005** were unanimously **approved as submitted**.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Phyllis Deal**, 305 Stockton Street, noted that she worked for many years with the Mercer County Human Relations Board. The fear felt by our Latino population, she said, has created situations which denied them services, including government services, that they have been in need of. She commended Mayor Patten and Police Chief James Eufemia for meeting recently with a large group of Latino residents to provide "basic daily life information." "They serve as ambassadors for the community they represent," she said, adding that, if people are here illegally, that must be

addressed, but the “Gestapo tactics of 2 a.m. visits and threats to take their children away” are heightening their fear. “I’d hate to see xenophobic and isolationist thinking build a wall of hate and mistrust around our town,” she said.

**Maria Juega**, head of the Latin American Legal Defense and Education Fund, spoke to support Resolution 2005-66, noting that both Princetons have struggled with this issue. Local police have a history of cooperating with federal enforcement agencies, and for good reasons, she said; however, in this situation, it does not make sense. The immigrant community, particularly those who are undocumented, are naturally afraid of any conduct with the local police. The involvement of the police with immigration authorities, and being seen together, fuels that mistrust. This fear, she said, is unsafe for the community as a whole because crimes will go unreported. “Involvement of the local police with immigration,” she said, “is not a good thing.”

**Louise Sandberg**, a Princeton resident and member of the Latin American Legal Defense and Education Fund, stated that there is a growing concern in Princeton about gang activity. Because of the fear of going to the police, an assault there was not reported for more than a week. Latinos are targets, she said, and as gang activity increases, others are threatened, including schoolchildren.

**Gina Charsky**, 158 Broad Street, said that she has learned that Custom Bandag bought the building next door to them and plans to demolish it and expand their business. She asked about the approval process for this, and if she would be notified. Mayor Patten stated that this would come before the Planning Board, and Ms. Roberts added that, when Planning Board approval is required, the applicant must notify all property owners within 200 feet. Ms. Charsky went on to say that the traffic and noise in that area continues to be a problem, and is getting worse. She asked for a greater police presence and more ticketing.

**Eugene Sarafin**, 600-628 South Main Street, suggested that, instead of adopting Resolution 2005-66, the Borough address the issue of communications between the police department and the community, whether Hispanic or other immigrants, and their fear. He recommended that an Immigrant Conference Board be established with a legal right to act as their agent to file charges with the police and act in their stead. It should consist of Hispanic citizens and others, he said. “We want people to live here safely,” he said, “and that includes exploitation by employers.” He noted that the revised version of the Resolution has changed considerably from the original.

**Bruce Conord**, 175 South Street, stated that he was pleased to see the revisions made to Resolution 2005-66. He reiterated points made by previous speakers and said, “just the fact that we have had this discussion has solved a lot of the problem.” In speaking with some members of Council prior to this meeting, he said, it was suggested that it is not Council’s place to tell the Federal government what to do, as we are a small community. However, he went on to say, this is an opportunity for Hightstown, “like the mouse that roared,” to point out that it is we who have to live with the consequences of the laws that those in Washington institute. If the laws are not working, he said, it creates a problem for us and we have the right to say something. Mr. Conord closed by asking Council to pass this Resolution. “It will send a message to Washington,” he said, “that we’re the kind of people that care about our community.”

**Chris Emigholtz**, 138 South Street, urged Council to support Resolution 2005-66. Its critics, he said, claim that it encourages the breaking of law. “I don’t support that,” he said, “but I do support public safety, a key component of this.” Mr. Emigholtz said that he would not want to see fear of our police lead to our town not being aware of a potential problem. This Resolution, he said, can alleviate that fear and increase our awareness of what is going on in our community.

No one else came forward and the floor was closed.

## 2005 BUDGET

Ms. Gallagher provided handouts and reviewed the proposed 2005 budget in some detail. She reviewed items which added to the tax rate (totaling over \$593,000), including \$250,000 which was received last year in Extraordinary Aid and which we are not permitted to anticipate in this year's budget. Other increases were seen in salaries and wages, debt service, pension and social security costs, insurance, and utilities. In addition, \$35,000 was added to the capital improvement fund this year (as opposed to \$100 last year), and there was \$43,800 less current surplus available for use. These items taken alone, she said, would increase our tax rate by 28 cents. However, she then spoke of items which *offset* that increase (totaling nearly \$273,000), including an increase of almost \$147,000 in the revenue anticipated for the lease of space on the Borough's water tower which results from the Borough's approval during 2004 of an advance buyout by AT&T of their lease payments for the next 15 years. Also notable were a reduction of \$27,500 in the amount budgeted for tipping fees (a direct result of the Pay-As-You-Throw program for grass clippings and an enhanced monitoring effort with respect to tipping of household garbage) and a reduction of \$8,500 in the amount budgeted for street lighting costs, a result of the conversion of our lighting to sodium vapor lights and to the "conversion rate" with JCP&L.

The proposed 2005 budget would call for a 17-cent increase in municipal taxes, without Extraordinary Aid. The Borough will apply again this year, she said, and would hope to receive at least as much as was granted last year (\$250,000). If the same amount is received, the tax increase would be six cents. She noted that last year, in addition to Extraordinary Aid, the Borough received \$50,000 in Municipal Homeland Security Assistance Aid, and we have recently been notified that we will receive the same amount this year.

Councilman Thompson stated that it is "with reservation and disappointment" that he would vote to introduce this budget. "We all worked extremely hard," he said, "but we continue to tinker at the margins. We continue to put the future of Hightstown in jeopardy by relying on Extraordinary Aid."

Councilman Sackowitz noted that the Borough has a lot of bonds out, and "our bond rating is not great." "We don't want to mortgage away our town's future," he said. "We need to stop nipping around and try to put a little money away every once in awhile instead."

Ms. Gallagher responded to agree that the Borough does need to reduce its reliance on Extraordinary Aid, and that it is important to build surplus. Extraordinary Aid, she said, is meant to be just that – assistance to get us through extraordinary circumstances. "It is not meant to be a crutch for the town," she said. She added that, in determining which towns will receive Extraordinary Aid, the State takes into consideration how much surplus is available to them. Hightstown, she said, has used virtually its entire surplus for the past few years in order to keep taxes as low as possible. She stated that new development about to take place should allow the Borough to gradually "wean itself" from that aid over the next few years, and eventually to begin once again to build surplus.

Councilman Sikorski said that, by his calculations, a 17-cent increase in the Borough's tax rate would cost him an additional \$266 per year. The projected 19-cent school budget increase would add another \$298.30. And if the NJ Saver program is eliminated as Gov. Codey has proposed, it will cost him an additional \$800. "Seniors over 65 will get some relief," he said, "but not as much as last year." "We don't address structural changes," he said, and suggested that Council look at the possibility of reductions in force "before we have a deadline to meet."

Councilman Quattrone stated that, true to his predictions, the Borough is once again in the position that it was in last year at this time. He said that he will be watching with interest what happens in Hopewell and Princeton, each of which is considering a reduction in manpower, and added "I think the Borough will be looking down that road."

Councilwoman Laudenberger stated that “it was a given that we’d be in the same place this year, and we will be until the three properties in the Borough (Enchantment, the Mill and Minute Maid) are up and running and we realize some revenue from them.” We need to rely on the State right now, she said. “I hope that they understand and will be more than generous again this year.”

Mayor Patten recalled that, when meeting last year with State officials, the Borough made it clear that we *want* to be “on our own two feet.” “So much is happening,” he said, “and we just keep moving forward.” He said that State officials recognize what the Borough has been accomplishing and are excited for us. He thanked Ms. Gallagher for the information she has provided throughout the budget process.

**Resolution 2005-76** was then moved by Councilwoman Laudenberger, seconded by Councilman Sackowitz.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider and Thompson voted yes.  
Councilman Sikorski voted no.

**Resolution adopted, 5-0-1.**

The public hearing on the introduced budget was set for April 18, 2005.

**RESOLUTION 2005-76                      INTRODUCING THE 2005 BUDGET**  
*(See end of these 3/7/05 minutes)*

## **REDEVELOPMENT OF THE MILL PROPERTY**

**RESOLUTION 2005-62, RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, NAMING A CONDITIONAL REDEVELOPER FOR THE BANK STREET REDEVELOPMENT PROJECT IN SUB-AREA I (BANK STREET) AND AUTHORIZING EXECUTION OF A CONDITIONAL REDEVELOPER’S AGREEMENT IN CONNECTION THEREWITH**

Mr. Raffetto provided an overview of the mill redevelopment process to date, from its beginning in 2003 when Council asked the Planning Board to determine whether certain areas in the Borough were in need of redevelopment, through adoption of a redevelopment plan which concentrates on the Bank Street sub-area, meetings of the subcommittee which was appointed and execution last summer of a Memo of Understanding with Greystone Capital Partners. While Greystone has agreed to fund certain activities, he said, the Borough is under no obligation to name them as Redeveloper. Mr. Raffetto went on to say that monies placed by Greystone in escrow up to this point have been substantial, over \$100,000, and we continue to meet with them in good faith with the hope that we’ll reach a mutually agreeable plan for the property. At this point, Greystone has asked the Borough to consider designating them as “conditional redeveloper” of the Bank Street sub-area, and a resolution and draft agreement for same is included in Council’s meeting packets. This would give Greystone leverage with potential lenders and tenants which they do not have now, Mr. Raffetto said. We have worked with them for two years, he said, and they’re spending thousands of dollars with no assurances whatsoever. Mr. Raffetto then reviewed the provisions of the proposed agreement, which sets certain time lines: agreement on the final concept plan by April 15; submission by Greystone of any additional financial data requested by the Borough by May 15; a detailed parking and circulation plan submitted by May 30; and approval of the final redeveloper’s agreement by July 15.

Councilman Thompson asked why no plan has been selected so far. Mr. Raffetto stated that this is complicated. The original plan would have required a PILOT which was a contribution that the Borough was unwilling to make. We have asked Greystone to reconsider this, and the second plan is financially much better for the Borough, however, some committee members are still not entirely comfortable with the uses and layout of that plan, and further work is needed

there. He said that he feels confident that we'll be able to work out the details of the final plan. The goals of the conditional redeveloper's agreement, he said, are to have the parties continue to work together in good faith to work out a plan financially beneficial to both entities.

Councilman Thompson asked if Greystone has been unable to submit a plan which mirrors the original presentation. Councilwoman Laudenberger responded to say that Greystone's original presentation was one that Council and the Planning Board "tweaked quite a bit." Greystone, in good faith, has worked diligently on this, she said, and "no one will go forward with a plan that we're not all comfortable with." "I haven't given up on the dream," she said, "and I won't." She encouraged Council to approve the Conditional Redeveloper's agreement.

Mayor Patten noted that the initial plan presented by Greystone was merely a *conceptual* plan.

Councilman Thompson expressed concern about Greystone's "fiscal ability to deliver." Mr. Raffetto said that our financial consultants have reviewed the financial data, and they have been satisfied – there haven't been any "red flags." The plan chosen will affect the finances, he said, and the subcommittee continues to meet. He added that it may be necessary to reconsider some of the components in the original plan. Councilman Thompson asked if *any* developer would be able to do the "dream plan."

Councilman Sikorski stated that he feels "very comfortable with the financial consultants' advice." "I feel that they're looking out for the best interest of the Borough," he said. By naming Greystone as conditional developer tonight, they won't be able to sell rights to any other developer. It is evidence of good faith that they have been paying for all of this, and the "picture has to be modified by the reality of the situation." Elements in the original plan will still be there. He expressed support for the Resolution to designate Greystone as conditional redeveloper.

**Resolution 2005-62** was then moved by Councilwoman Laudenberger and seconded by Councilman Sikorski. Discussion continued.

Council President Schneider noted that this agreement refers to "Greystone Mill, LLC," as opposed to "Greystone Capital Partners" and asked if this could be a problem. Mr. Raffetto stated that we have been aware of Greystone Mill since October, and our financial consultants are comfortable with this.

Councilman Thompson asked who would approve the final plan. Mr. Raffetto stated that the Planning Board will be approving the site plans, but Greystone won't submit to the Planning Board unless the plans are acceptable to both the subcommittee and the Redevelopment Agency (which is the Borough Council).

Council President Schneider asked what would happen if Greystone comes forward with the final plan by the April 15 deadline and the Borough is not in agreement with it. Mr. Raffetto stated that, if the time frames are not complied with to the Borough's satisfaction, we can terminate the agreement. He added that we do have an obligation to operate in good faith with them. Council President Schneider stated that he read through the agreement and it is "actually very much to our protection."

The roll was then called on Resolution 2005-62.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY NAMING A CONDITIONAL REDEVELOPER FOR THE BANK STREET REDEVELOPMENT PROJECT IN SUB-AREA I (BANK STREET) AND AUTHORIZING EXECUTION OF A CONDITIONAL REDEVELOPER AGREEMENT IN CONNECTION THEREWITH**

**WHEREAS**, the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Local Redevelopment and Housing Law of the State, N.J.S.A. 40A:12A-1 et seq. (the "Act"), to determine whether certain parcels of land within the Borough constitute an area in need of redevelopment; and

**WHEREAS**, on December 1, 2003, the Borough Council duly adopted resolution numbered 2003-319, designating the area commonly known as Block 54, Lots 6-10, 13, 14.01, 16.01 and 23; Block 40, Lots 14-28; Block 33, Lots 1-30 and 32-36; Block 30, Lots 1-13; Block 28, Lots 56 and 57; Block 21, Lots 1-14 and 26 on the official tax map of the Borough as an "area in need of redevelopment" under the provisions of the Act (the "Study Area"); and

**WHEREAS**, the Borough Planner prepared a redevelopment plan (the "Redevelopment Plan") for the Study Area dated August 2, 2004 and amended August 24, 2004; and

**WHEREAS**, on September 7, 2004, the Borough Council adopted an ordinance numbered 2004-20 approving and adopting the Redevelopment Plan, based on the recommendations of the Planning Board; and

**WHEREAS**, on September 7, 2004, the Borough Council adopted a resolution numbered 2004-244 pursuant to Section 4 of the Act (N.J.S.A. 40A:12A-4), pursuant to which the Borough determined to act as the "Redevelopment Entity" (as such term is defined at N.J.S.A. 40A:12A-3) for the Study Area including Sub-Area I (Bank Street) and to exercise the powers contained in the Act to facilitate the development of the Study Area including Sub-Area I (Bank Street); and

**WHEREAS**, on August 2, 2004, the Borough adopted a resolution numbered 2004-183 authorizing the execution of a memorandum of understanding (the "MOU") with the Redeveloper for, among other things, the provision of funds to pay the reasonable costs incurred by the Borough relating to Sub-Area I (Bank Street); and

**WHEREAS**, the Mayor and members of the Borough's Redevelopment Subcommittee as well as the Borough's professionals have, since the execution of the MOU, conducted significant due diligence on the Redeveloper and the proposed plans for the redevelopment of Sub-Area I (Bank Street) and have determined to recommend to the Borough Council that, in order to commence negotiations on a redevelopment agreement, Greystone Mill, L.L.C. be designated the "conditional redeveloper" for Sub-Area I (Bank Street); and

**WHEREAS**, the Borough has determined that, in light of such recommendation and in order to commence negotiations so as to further the development of Sub-Area I (Bank Street) as contemplated under the Redevelopment Plan in the most timely and efficient manner, it is in the best interests of the Borough to designate Greystone Mill, L.L.C. as the conditional redeveloper (the "Conditional Redeveloper") pending the negotiation of a redevelopment agreement (the "Redevelopment Agreement"); and

**WHEREAS**, the Borough and the Conditional Redeveloper desire to enter into a Conditional Redeveloper's Agreement for the purpose of setting forth in greater detail their respective undertakings, rights and obligations;

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

1. That Greystone Mill, L.L.C. is hereby designated as the Conditional Redeveloper of Sub-Area I (Bank Street), pending the negotiation of a Redevelopment Agreement with the Borough.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest a Conditional Redeveloper's Agreement in substantially the same form as on file with the Clerk's office with such changes, omissions or amendments as deemed appropriate by the Borough Attorney.
3. That a copy of this Resolution shall be provided to each of the following:
  - a. Greystone Mill, L.L.C.
  - b. Thomas M. Letizia, Esq.

- c. Frederick C. Raffetto, Esq.
- d. Edward J. McManimon III, Esq.
- e. Joseph P. Baumann, Jr., Esq.
- f. Gary S. Rosensweig, Esq.
- g. Randall Gottesman, P.P.
- h. Carmela Roberts, P.E.
- i. George Lang, Chief Financial Officer
- j. Candace Gallagher, Borough Administrator

## ENGINEER'S ITEMS

### 2005 GRANT APPLICATIONS

Ms. Roberts stated that applications for this year's Transportation Trust and Safe Streets to Schools grants are due on April 15. Last year, we received Transportation Trust funding for the reconstruction of Oak Lane and had also requested milling and overlay on Wilson, Chamberlin and Westerlea, and reconstruction of Clinton and Cole. If Council would like to reconsider the two that were not awarded last year, she could put the application together quickly.

Regarding the Safe Streets to Schools grant, Ms. Roberts said that we requested funds last year for Summit Street, Leshin Lane and Morrison Avenue. She recommended that this year, the Borough apply for funding for Summit Street, as there are more walkers there. The other streets are not as likely to receive funding, she said.

Ms. Roberts also advised Council that there is a Centers of Place grant with the same deadline. The subcommittee working on the Mercer Street revitalization project has suggested that the Borough apply for funding for a pedestrian signal and flashing light at crosswalks on Route 33. The Borough would be responsible for the costs of the design work, which Ms. Roberts roughly estimated at between \$10,000 and \$15,000 for two crosswalks. Council President Schneider asked if one crosswalk would be half as expensive in design fees, and she stated that it would not, as some work is identical.

Councilman Quattrone expressed concern about the safety of children walking along Morrison Avenue where there is no sidewalk. Ms. Roberts explained that DOT rates applications based on the volume of foot traffic. She again recommended that the Borough apply for funding for Summit Street.

After discussion, the consensus of Council was to reapply for Transportation Trust funding for milling and overlay on Wilson, Chamberlin and Westerlea, and for the reconstruction of Clinton and Cole; to apply for Safe Streets to Schools funds for Summit Street; and to apply for the Centers of Place funding for pedestrian warning lights at two crosswalks on Route 33.

### RESOLUTIONS

Ms. Roberts reviewed each Resolution included on the agenda under "Engineer's Items." With respect to Resolution 2005-79, which would authorize consulting services by Omni Engineering, Councilman Sackowitz asked if the money appropriated therein would be sufficient. Ms. Roberts replied that it is reasonable at this time; however, if the permit process becomes difficult, we may need to revisit this. Mr. Sackowitz said that he has worked with OMNI, and they are "the best experts in the State."

**Resolution 2005-77** was moved by Council President Schneider, seconded by Councilwoman Laudenberg.

**Roll Call:** Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION 2005-77                    AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT WITH CB&I SERVICES, INC.  
(WYCKOFF'S MILL WATER STORAGE TOWER, R&R FILE NO. H1212)**

**WHEREAS** on June 7, 2004 the Borough of Hightstown awarded a contract for the construction of an elevated water storage tank to Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware, in the amount of Nine Hundred and Seven Thousand Four Hundred and Fifty-Two (\$907,452.00) Dollars; and

**WHEREAS**, the Borough Engineer has recommended that Change Order No. 1 to this contract be approved in the amount of \$402.00 to provide for a change in material for the chart recorder enclosure which will be placed inside the water tank; and

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

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

1. Change Order #1 to the contract with CB&I Services, Inc. for the Wyckoff's Mill water storage tower in the amount of Four Hundred and Two (\$402.00) Dollars is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is Nine Hundred and Seven Thousand Eight Hundred and Fifty-Four (\$907,854.00) Dollars.

**Resolution 2005-78** was moved by Councilman Quattrone, seconded by Council President Schneider.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION 2005-78                    AWARDING CONTRACT FOR MAGNESIUM HYDROXIDE - ARIES CHEMICAL, INC.**

**WHEREAS**, two (2) bids were received on February 18, 2005, for the provision of magnesium hydroxide for the approximate two-year period running through December 31, 2006; and

**WHEREAS**, the Borough Engineer has recommended the award of the contract to the low bidder, Aries Chemical, Inc. of Beaver Falls, New York; and

**WHEREAS**, the Borough Attorney has reviewed the bid documents submitted by Aries Chemical and has found them to be in order; and

**WHEREAS**, the Chief Financial Officer has certified the extent to which funding for this expenditure is available in the 2005 budget;

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

1. The contract for provision of magnesium hydroxide for the approximate two-year period running through December 31, 2006, is hereby awarded to Aries Chemical, Inc. of Beaver Falls, New York, for the unit price of \$1.467/gallon and a total amount not to exceed Seventy-One Thousand Eight Hundred and Eighty-Three (\$71,883.00) Dollars.
2. The Mayor and Clerk are hereby authorized to execute an agreement with Aries Chemical, Inc., subject to approval of the Borough Attorney.
3. Performance under this contract beyond December 31, 2005 is contingent upon provision of adequate funds in the Borough's 2006 budget.



**Resolution 2005-79** was moved by Councilwoman Laudenberger, seconded by Council President Schneider.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION 2005-79                    AUTHORIZING PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES RELATED TO  
NJPDES PERMIT RENEWAL – TRC OMNI ENVIRONMENTAL CORPORATION**

**WHEREAS** the need exists for professional environmental consulting services relative to renewal of the Borough's NJPDES permit; and

**WHEREAS** the Borough Engineer and the Superintendent of the Advanced Wastewater Treatment Plant have recommended that the Borough engage TRC Omni Environmental Corporation of Princeton, New Jersey to provide such services for a total fee not to exceed \$5,000.00, as set forth in the firm's proposal dated February 22, 2005, which proposal is attached hereto and made a part hereof; and

**WHEREAS** the Chief Financial Officer has certified the extent to which funding is available for this expenditure;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the proposal by TRC Omni Environmental Corporation of Princeton, New Jersey, which proposal is attached hereto and made a part hereof, for a total amount not to exceed \$5,000.00 is hereby accepted, and the Borough Administrator is authorized to execute same and to arrange forthwith for the required services.

Ms. Roberts requested a voice vote on another item that was intended to be on this agenda – authorization for advertisement and receipt of bids for Phase I of the Greenways project. Councilman Sikorski questioned the procedure with respect to introducing elements that were not on the agenda. Mr. Raffetto stated that it would be appropriate to amend the agenda to include this item.

Council President Schneider moved that the agenda be amended to include a verbal Resolution (to be reduced to writing and numbered as Resolution 2005-88) to authorize the receipt of bids for Phase I of the Greenways project. The motion was seconded by Councilwoman Laudenberger. A roll call vote was taken, with unanimous approval.

Verbal Resolution 2005-88, to authorize advertisement and receipt of bids for Phase I of the Greenways project, was then moved by Councilwoman Laudenberger, seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION 2005-88                    AUTHORIZING RECEIPT OF BIDS – GREENWAYS PHASE I**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Van Cleef Engineering Associates is hereby authorized to prepare specifications and advertise for bids for the following projects:

**Greenways Project – Phase I**

and that the Borough Clerk is authorized to receive same following proper advertisement.

## RESOLUTION 2005-66

At Mayor Patten's request, Resolution 2005-66 was addressed at this time, as many people in the audience were awaiting action on this.

### RESOLUTION 2005-66, RESOLUTION REGARDING THE ACTIONS WITHIN HIGHTSTOWN BOROUGH BY THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Chief Eufemia stated, "This Resolution has undergone many changes as a result of input from every facet of our community and elsewhere. From my part in law enforcement, maintaining the trust of the whole community and having the community have confidence in the police department is most important. We can't have people afraid to tell us when they are victims of a crime. It creates problems for everyone."

Councilman Sackowitz recommended certain additional changes to the language of the Resolution, and distributed copies of same.

Councilman Quattrone commended Mr. Sackowitz for his work on this Resolution, and expressed his support for the Resolution with his revisions.

Council President Schneider stated that he was "thrilled with Ron's changes," and said that the Resolution "has undergone a dramatic change from where it had been in its language and its implications." He noted that the Resolution does nothing to change our current laws.

Councilwoman Laudemberger thanked Chief Eufemia for putting forward this Resolution and said that it was "an excellent starting point." With his input, she said, many became more aware of the problem, and of the difference between ICE and our own police department. She was pleased that the Resolution has been modified with the input of many to become one that all could support.

Councilman Thompson stated that there has been some discussion regarding whether Hightstown should get involved in Federal policy. He noted that, with Councilman Sackowitz's changes, President George Bush was added to the distribution list for this Resolution. The President, he said, has referred to terrorists "disliking us because they hate our freedom." "I disagree," Councilman Thompson said. "As citizens and as a local government, we have to be cautious of when our freedoms can be challenged. That is our role."

At this time, Councilman Sikorski moved Resolution 2005-66, to include the changes proposed at this meeting by Councilman Sackowitz. His motion was seconded by Councilwoman Laudemberger.

**Roll Call:** Councilmembers Laudemberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

The unanimous adoption of Resolution 2005-66 was met with applause from members of the public.

### RESOLUTION 2005-66      RESOLUTION REGARDING ACTIONS WITHIN HIGHTSTOWN BOROUGH BY THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

**WHEREAS**, the Borough of Hightstown is comprised of immigrants from throughout the world who contribute to Hightstown's social vigor, cultural richness, and economic vitality; and

**WHEREAS**, the Borough of Hightstown has been a town that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, national origin, or immigration status; and

**WHEREAS**, the Borough of Hightstown and its law enforcement agency have made combating ethnic and racial profiling a priority; and

**WHEREAS**, the Borough of Hightstown Police Department has made it a priority to gain the trust and confidence of the entire community as part of its law enforcement and public service mission and as part of its community policing program; and

**WHEREAS**, by identifying themselves as "Police," U.S. Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") officers have created the erroneous appearance that they are a part of, or associated with the Hightstown Borough Police, thereby substantially putting at risk the trust and confidence of the immigrant community which the Borough and its Police Department have cultivated for the past several years; and

**WHEREAS**, the fear and concern brought about by these actions could lead to a loss of trust and confidence of the immigrant community in the Borough police threatens the health, safety, and welfare of the entire Hightstown community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Hightstown strongly encourage ICE to engage in conduct that does not create needless mistrust and fear of the Hightstown Borough Police Department and other municipal agencies which are committed to help, rather than harm, productive and valuable members of our community; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Hightstown will commit itself and the resources of the Borough of Hightstown to restoring the trust Hightstown Borough residents have in the municipal government and police department, so that all Hightstown residents and visitors, including all immigrants, can have the confidence to contact and interact with local police without fear of immigration consequences; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Hightstown strongly encourage the President of the United States and the U.S. Congress to continue to pass rational and just immigration laws that will provide undocumented immigrants with the opportunity to legalize their status based on the sponsorship of their family members and employers; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to the President of the United States, United States Senators Frank Lautenberg and Jon Corzine and Congressman Christopher Smith.

## **ORDINANCES**

### **PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-08,**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Mr. Lang explained that, while our 2005 budget is "way under cap," adopting this ordinance will preserve our "cap bank" and provide flexibility in future years. The adoption of this ordinance will not impact this year's budget, he said. He added that the 2005 budget is approximately \$300,000 under cap.

Mayor Patten opened the public hearing on Ordinance 2005-08.

**Eugene Sarafin**, 600-628 South Main Street, expressed support for the Ordinance.

No one else came forward and the public hearing was closed.

Council President Schneider expressed his agreement with Councilwoman Laudenberger's comments at the prior meeting that the need to adopt an Ordinance for this purpose, given that nearly every town is likely to do so, is "extraordinarily stupid," and urged Council, nevertheless, to vote yes.

**Ordinance 2005-08** was moved for adoption by Councilman Sikorski, seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

**ORDINANCE 2005-08**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2005 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$33,579.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2005 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased 3.5%, amounting to \$117,529.97, and that the CY 2005 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-09,**

**AN ORDINANCE TO AMEND SECTION 2-55.2 OF THE *REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHTSTOWN*, REGARDING FEES TO BE CHARGED FOR COPIES OF DOCUMENTS  
REQUESTED THROUGH THE MUNICIPAL PROSECUTOR FOR MUNICIPAL COURT DISCOVERY**

Following a review by Mr. Raffetto, Mayor Patten opened the public hearing on Ordinance 2005-09.

**Eugene Sarafin**, 600-628 South Main Street, noted his presence at the hearing.

No one else came forward and the public hearing was closed.

**Ordinance 2005-09** was moved for adoption by Councilman Thompson and seconded by Councilman Sackowitz.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

**ORDINANCE 2005-09**

**AN ORDINANCE TO AMEND SECTION 2-55.2 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*, REGARDING FEES TO BE CHARGED FOR COPIES OF DOCUMENTS REQUESTED THROUGH THE MUNICIPAL PROSECUTOR FOR MUNICIPAL COURT DISCOVERY**

**WHEREAS** discovery requests in matters pending in the Municipal Court are submitted through the Municipal Prosecutor; and

**WHEREAS** it is necessary to amend the fees that may be charged for the copies provided, consistent with the New Jersey Open Public Records Act, *N.J.S.A. 47:1A-1, et seq.*; and

**WHEREAS** it is the recommendation of the Borough Attorney that fees for police accident reports be amended as well;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Hightstown that Section 2-55.2, "Fees for Copies," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (insertions underlined, deletions in ~~strikeout text~~):

Section 1. Paragraph (d) of is hereby amended as follows:

- d. Municipal court discovery and Police accident reports, five (\$5.00) dollars if mailed or faxed; one (\$1.00) dollar per page if picked up personally. The fee charged for any Discovery, including DWI matters, shall be twenty (\$20.00) dollars. There is no charge to Senior Citizens.
- (1) All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.
- (2) The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:
  - i. \$.75 per page for each of the first 10 pages photocopied
  - ii. \$.50 per page for each of the next 10 pages photocopied
  - iii. \$.25 per page for each of the pages photocopied thereafter
  - iv. Actual postage for any discovery or accident report sent by mail
  - v. \$.25 for the envelope for any discovery or accident report sent by mail
  - vi. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.
  - vii. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.
  - viii. For any item that cannot be photocopied on the Borough's copy machine or for any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
- (3) Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.

(4) There shall be no charge to persons over the age of 65 for discoveries or police accident reports.

Section 3. Existing paragraph (m), regarding fees to be charged for duplication video tapes, is hereby deleted in its entirety.

Section 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 5. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

## PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-10,

### AN ORDINANCE TO AMEND CHAPTER 18, "WATER AND SEWER," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN TO ESTABLISH RATES FOR THE ACCEPTANCE AND PROCESSING OF CERTAIN FATS AND GREASES FROM COMMERCIAL ENTITIES

Ms. Gallagher and Ms. Roberts provided a brief review of Ordinance 2005-10. It was noted that the grease is introduced directly into the digester, and results in increased production of methane. This should bring in an additional \$35,000 to \$60,000 per year in revenue, Ms. Gallagher said.

Mayor Patten opened the public hearing on Ordinance 2005-10.

**Eugene Sarafin**, 600-628 South Main Street, asked Councilman Sackowitz if accepting grease at the AWWTP is a good idea. Mr. Sackowitz replied, "I think so. It's all organic." Mr. Sarafin expressed support for the Ordinance.

**Ordinance 2005-10** was moved for adoption by Councilman Sikorski and seconded by Councilman Sackowitz.

Councilman Thompson commended AWWTP Superintendent Biff Searing for "leveraging his infrastructure to derive revenue," and he encouraged other departments to follow suit.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

### ORDINANCE 2005-10      AN ORDINANCE TO AMEND CHAPTER 18, "WATER AND SEWER," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN TO ESTABLISH RATES FOR THE ACCEPTANCE AND PROCESSING OF CERTAIN FATS AND GREASES FROM COMMERCIAL ENTITIES

**WHEREAS**, the Borough's Water and Sewer Committee has recommended that rates be established for the acceptance and processing of certain fats and greases from commercial entities;

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

Section 1. Subsection 19-2.3(c) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended by the insertion of new paragraphs (e) and (f) as follows (additions underlined; deletions in ~~strikeout text~~):

e. <u>For processing of fats and grease derived solely from animal, and/or vegetable sources</u>	
<u>delivered via tank truck by commercial entities</u>	\$100 per
<u>BY APPOINTMENT ONLY:</u>	<u>1,000 gallons</u>

f. No petroleum oil or grease from mineral sources will be accepted at the Advanced Wastewater Treatment Plant.

Section 2. Existing paragraph (e) is hereby renumbered as paragraph (g).

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 4. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with the law.

**INTRODUCTION AND FIRST READING: ORDINANCE 2005-11,  
AMENDING VARIOUS SECTIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH  
OF HIGHTSTOWN IN ACCORDANCE WITH STORMWATER REGULATIONS RECENTLY  
ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Ms. Gallagher provided a brief review of Ordinance 2005-11, and Ms. Roberts noted that adoption of these provisions is a requirement of our NJDEP Stormwater permit. The ordinance was moved for introduction by Councilman Sikorski and seconded by Councilman Thompson.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Sikorski and Thompson voted yes. Council President Schneider voted no.

**Ordinance introduced, 5-1.**

The public hearing and final reading for Ordinance 2005-11 was set for March 21, 2005.

## **RESOLUTIONS**

**RESOLUTION 2005-73, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR AUCTION SERVICES WITH  
MAX SPANN AUCTION CO. FOR THE SALE OF SURPLUS MUNICIPAL LAND**

Ms. Gallagher stated that this Resolution appears on the agenda because it had been postponed to this meeting; however, all of the required information is not yet in place to proceed with this. She requested that it be again postponed.

Motion was made by Councilman Sikorski and seconded by Councilman Quattrone to postpone action on this Resolution to the meeting of March 21. A roll call vote was taken, and the motion was unanimously carried.

**RESOLUTION 2005-87, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE EAST WINDSOR  
REGIONAL SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER (SRO)**

Resolution 2005-87 was moved by Councilwoman Laudenberger, seconded by Councilman Sackowitz. Discussion ensued.

Councilman Sikorski stated that any costs associated with this should be borne by the school district. It was noted that this Resolution does not address the funding issues, and is in fact contingent upon the Borough and the school district approving a funding agreement to be separately negotiated. "When it comes down to dollars," Councilwoman Laudenberger said, "that's how I'll vote."

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider and Thompson voted yes.  
Councilman Sikorski voted no.

**Resolution adopted, 5-1.**

**RESOLUTION 2005-87      AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE EAST WINDSOR REGIONAL SCHOOL DISTRICT BOARD OF EDUCATION FOR A SCHOOL RESOURCE OFFICER (SRO)**

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Hightstown to enter into an Interlocal Services Agreement with the Board of Education of the East Windsor Regional School District (the "Board of Education") for the placement of a Borough Police Officer at the Hightstown High School (the "High School"); and

**WHEREAS**, the said Borough Police Officer shall be known as a "School Resource Officer" (SRO), and shall be considered to be on-duty with the Hightstown Borough Police Department while the Officer is providing service at the High School; and

**WHEREAS**, both the Borough and the Board of Education believe that the presence of the SRO within the High School shall be beneficial in protecting the health, safety and welfare of the student population as well as the employees and other individuals who work at, or are otherwise present at, the High School; and

**WHEREAS**, the terms and conditions governing the placement of the SRO within the High School are set forth in the attached Interlocal Services Agreement; and

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., authorizes the approval of Interlocal Service Agreements by Resolution of each governing body; and

**WHEREAS**, as set forth in more detail in the attached Interlocal Services Agreement, the Borough and the Board of Education have jointly submitted an application for funding to the State of New Jersey SHARE (Sharing Available Resources Efficiently) program for assistance in funding the costs associated with the SRO; and

**WHEREAS**, to the extent that funding is not available from the New Jersey SHARE Program, then the Borough and the Board of Education intend to engage in negotiations concerning the responsibility of each of the parties to provide funding for said costs, and to enter into a funding agreement concerning the same; and

**WHEREAS**, if additional funding is required and if no subsequent funding agreement is reached between the parties, then the attached Interlocal Services Agreement shall be of no further force or effect; and

**WHEREAS**, the Borough Council of the Borough of Hightstown now wishes to authorize the Borough to enter into the attached Interlocal Services Agreement.

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

1. The attached Interlocal Services Agreement with the East Windsor Regional School District Board of Education for the placement of a School Resource Officer at Hightstown High School is hereby approved and the Mayor and Municipal Clerk are authorized and directed to execute same.
2. This agreement shall become effective upon the adoption of a similar Resolution authorizing same by the East Windsor Regional School District Board of Education.
3. A certified copy of this Resolution shall be provided to the following:
  - b. SHARE program, New Jersey Department of Community Affairs
  - c. Frederick C. Raffetto, Esq., Borough Attorney
  - d. James E. Eufemia, Chief of Police
  - e. Ronald Bolandi, Superintendent of Schools, East Windsor Regional School District
  - f. David Shafter, Business Administrator, East Windsor Regional School District
  - g. David Coates, Esq., Turp, Coates, Essl & Driggers



## BUDGETARY RESOLUTIONS

### RESOLUTION 2005-80, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

Resolution 2005-80 was moved by Councilman Sikorski and seconded by Councilwoman Laudenberg.

**Roll Call:** Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

### RESOLUTION 2005-80 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2005 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 2005 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	124,445.00	168,352.50	<b>292,797.50</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	252,118.00	<b>252,118.00</b>
Water/Sewer	68,400.00	69,100.00	<b>137,500.00</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	594,430.00	<b>594,430.00</b>
<b>TOTAL</b>	<b>192,845.00</b>	<b>1,084,000.50</b>	<b>1,276,845.50</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 2005 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.

## CONSENT AGENDA

At the request of Council President Schneider, **Resolution 2005-84** was removed from the consent agenda for separate consideration.

**Resolutions 2005-81, 82, 83, 85 and 86** were moved by Councilman Sikorski and seconded by Councilman Thompson.

**Roll Call:** Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolutions adopted, 6-0.**

**RESOLUTION 2005-81                      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 Mayor, the appropriate Councilmember and the Treasurer in the amount of **\$1,246,998.40** from the following accounts:

Current	\$ 996,299.98
W/S Operating	69,134.35
General Capital	3,716.25
W/S Capital	139,374.58
Animal Control	540.40
Trust	1,841.83
Grant	1,689.60
RCA-COAH	19,422.00
Escrow – Subdivision & Site Plan (First Washington Bank)	14,979.41
<b>Total</b>	<b><u>\$ 1,246,998.40</u></b>

**RESOLUTION 2005-82                      AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-150 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 May 11, 2005; and

**WHEREAS**, the group has submitted application number RA-150 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-150 to Better Beginnings Day Care Center for their merchandise raffle to be held on May 11, 2005.

**RESOLUTION 2005-83                      AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE ANTIQUES**

**WHEREAS**, an application for a license to hold an auction at 9 a.m. on Saturday, April 9, 2005 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

**WHEREAS**, the application has been reviewed and approved by the Chief of Police; and

**WHEREAS**, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held at 9 a.m. on Saturday, April 9, 2005 at 278 Monmouth Street.

**RESOLUTION 2005-85****AUTHORIZING ISSUANCE OF TAXICAB DRIVER'S LICENSE - ROSA MORA**

**WHEREAS**, an application for issuance of a taxicab driver's license, which application complies with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Rosa Mora, 118 Manlove Avenue, Hightstown, New Jersey; and

**WHEREAS** said application has been reviewed by the Hightstown Borough Police Department and approved by the Chief of Police;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a 2005 taxicab driver's license to Rosa Mora, 118 Manlove Avenue, Hightstown, New Jersey.

**RESOLUTION 2005-86****AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – DILWORTH PAXSON LLP (STATE V. JEFFREY PARRA)**

**WHEREAS**, there exists the need for legal services relative to a pending municipal appeal entitled State v. Jeffrey Parra, bearing Docket No. 16501 and Appeal No. 36-2003, which is currently before the Appellate Division of the Superior Court of New Jersey; and

**WHEREAS**, the law firm of Dilworth Paxson LLP previously represented the Borough of Hightstown in this matter, and has offered to continue work on this case at the rate of \$110.00 per hour; and

**WHEREAS**, the Mayor has recommended that the firm of Dilworth Paxson LLP be retained for this purpose, in view of their prior involvement and knowledge relative to this matter; and

**WHEREAS** the Chief Financial Officer has certified the extent to which funding is available for this expenditure;

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Dilworth Paxson, LLP for legal services relative to State v. Jeffrey Parra as outlined herein.
2. Total amounts expended under this contract shall not exceed \$3,000.00 without further authorization from Council.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the firm of Dilworth Paxson LLP are attorneys authorized by law to practice a recognized profession.
4. Performance under this contract is subject to the provision of adequate funds in the Borough's 2005 budget.
5. A copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
6. A notice of this action shall be printed once in the official newspaper as required by law.

With respect to **Resolution 2005-84**, Council President Schneider stressed its importance. "We are in a situation," he said, "where this is personal to us ... the rules of the game have not been written in our favor. As a built-out community, in spite of some relief facing us ... we keep ending up on the losing end of this stick. Opposition to the property tax reform convention is detrimental to us specifically." That convention, he said, represents the "best realistic light at the end of the tunnel. I'm not in favor of developing and turning every tract and blade of grass into a high-rise tower in order to get taxes under control. I hate to hear that people have to leave Hightstown due to the taxes, especially those on fixed incomes who can't keep pace with tax increases which, in spite of our best efforts, are coming our way. We need to take every opportunity with to push this, call our legislators and urge support from our surrounding community." He asked that members of the public to do the same.

**Resolution 2005-84** was then moved by Councilman Schneider and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Schneider, Sikorski and Thompson voted yes.  
Councilman Sackowitz abstained

**Resolution adopted, 5-0-1.**

**RESOLUTION 2005-84                      RESOLUTION TO EXPRESS THE CONTINUED SUPPORT OF THE HIGHTSTOWN BOROUGH COUNCIL FOR A PROPERTY TAX REFORM CONVENTION**

**WHEREAS**, during 2004, the Hightstown Borough Council expressed its support for a Property Tax Reform Convention through the adoption of Resolution 2004-75 on March 1, 2004 and Resolution 2004-325 on December 20, 2004; and

**WHEREAS**, A-5269, which would authorize a special convention for property tax reform, and ACR-25, which would allow the convention to propose statutory changes, both need to pass both Houses before the Summer recess in June; and

**WHEREAS**, the 2005 Hightstown Borough Council wishes to formally express and restate its strong support for this initiative and urge passage of this legislation;

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

1. The Mayor and Council firmly restate their continued support for a property tax reform convention as previously expressed in Resolution 2004-75, adopted March 1, 2004, and Resolution 2004-325, adopted December 20, 2004 (copies attached).
2. The Mayor and Council once again call upon our State Senator, Ellen Karcher, and our Representatives in the General Assembly, Michael Panter and Robert Morgan, to support, with voice and vote, legislation that would empower the people to express their will concerning the convening of such a convention, and urge the passage of A-5269 and ACR-25 prior to the summer recess.
3. The Borough Clerk is hereby directed to forward copies of this Resolution to Senator Ellen Karcher, Assembly Members Michael Panter and Robert Morgan, Acting Governor Richard Codey and to the New Jersey State League of Municipalities.

## **NEW BUSINESS**

### **BUDGET MEETING DATES**

It was discussed and agreed that Ms. Gallagher will email Council with proposed budget meeting dates in April.

## **COUNCIL COMMENTS AND COMMITTEE REPORTS**

Councilman Sikorski noted that he has been in contact with Mr. Wetterskog regarding operations in the construction office.

Councilman Quattrone stated that he has been working with Public Works, and commended that department on their snow removal efforts this year. "They did a superb job," he said, "and saved as much money as possible." He also reported that the Parks Commission is planning a field trip on May 15.

Councilwoman Laudenberger reported that she met that night with members of the committee working on Phase III of the downtown revitalization (Mercer Street between Rogers and Academy). She further noted that the Community Action Service Center's Annual Health Fair will take place on Saturday, March 19, and Better Beginning's Gala is scheduled for April 9. Lastly, she offered the Police Report for February, noting that the increase in activity reported is the result of a new method of documentation that is more accurate.

Councilman Thompson noted that Saturday's Health Fair will include a 5K run, and he challenged any member of the governing body to beat him. If they can, he said, he will donate \$100 to the Center.

Chief Eufemia noted that 5K is equivalent to 3.2 miles. He urged all to attend the Health Fair, and said that the Police Department will be participating at the event. Chief Eufemia also thanked all from the community and Council who provided input for Resolution 2005-66. "It will go a long way to maintain the trust we have with all segments of the community," he said, "and increase their confidence in our police department."

Mayor Patten commended the Borough Council and stated that it has been a good model of how government should work.

## CORRESPONDENCE

The following items of correspondence were noted for the record, included in the meeting packets and placed on file in the Borough Clerk's office:

- Tax/Water/Sewer Collector's Reports – February 2005

## PUBLIC COMMENT II

Mayor Patten opened the floor to public comment.

**Torry Watkins**, 68 Meadow Drive, commended the Mayor and Council for their political and moral support for the property tax reform convention. He noted "with alarm," however, a mailing from the Superintendent of Schools stating that the convention is not a good idea and would not lower taxes or benefit the community. "It would be appropriate for him to hear from you and those in the audience," he said, "and the papers should be reporting this also." He suggested that Mr. Bolandi "choose between the taxpayers and the teachers' union."

**Eugene Sarafin**, 600-628 South Main Street, agreed with Mr. Watkins and suggested that "if the NJEA desires that we don't have property tax reform, go out and convince the school district to choose who to lay off when their budget is defeated. Over half of what the State gives to schools," he said, "goes to Abbott districts. We end up with absurd tax rates." Mr. Sarafin said that, as a small community, we can't survive when expenses continue to rise. He said that he does not advocate merging identities or giving up political control, but rather merging services. "Become a condo," he said.

**Bettie Witherspoon**, Roosevelt resident and head of Better Beginnings Day Care Center, said that she lives in Roosevelt in their original affordable housing, and recommends it highly "because people are invested in the property that they live in." She could not afford to live in Hightstown, she said. She thanked the Mayor and Council for their years of support for Better Beginnings. As a contractual obligation to the federal and state governments which provide funding, she said, "we serve the poorest of the working poor." They are proud and determined, she said, and often work two or three jobs to provide for their families. Mayor Patten thanked Ms. Witherspoon for her commitment, and said that she has made a difference in our community.

**Maurice Hageman**, 231 Rogers Avenue, referred to the property tax reform convention and cautioned Council to "review carefully the verbiage of what you're approving." He also noted that he is hard of hearing and asked Council members to "speak up, please."

No one else came forward and the floor was closed.

Upon motion by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk