

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 Sackowitz</i>	✓	
<i>Councilmember Laudenberger</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the agenda were: under "Engineer's Items," discussion and possible action regarding lettering on the Borough's new water tower; and, under "Correspondence," email from resident Karen Pavlovic regarding the New Jersey Turnpike and a letter from the Community Action Service Center regarding the selection of the Hightstown Police Department as the recipient of this year's Civic Activist Award. Upon motion by Councilman Sikorski, seconded by Councilman Quattrone, the agenda was unanimously approved as amended.

APPROVAL OF MINUTES

Following correction of a minor typographical error, minutes of the June 6, 2005 open and closed sessions were moved by Councilman Quattrone, seconded by Councilman Schneider and approved by all.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, suggested that a receptacle be placed on the counter at Borough Hall for donations toward the Trap-Neuter-Release endeavor. Volunteers are picking up these costs now, she said. Checks should be made payable to the Animal Welfare Committee and donations of pet food would be welcome as well. Councilman Thompson asked if brochures are available, and suggested that a local artist could assist in creating one. Ms. Deal also asked Chief Eufemia if he has heard from the NJDOT regarding a traffic study on Stockton Street. He replied that he has not.

Eugene Sarafin, 600-628 South Main Street, objected to the 7 p.m. meeting start time. He called the Mill redevelopment project “absurd,” and said that too much of the space is used for parking. He again recommended that a parking garage be included in the plan, and that more green space be included. Instead of townhouses along Academy Street, he said, it should be “a buffer area.”

Lawrence Jones, 148-150 Stockton Street, asked if the County will be repainting the lines on Stockton Street. Ms. Roberts said that they will be doing that, but are not doing the work themselves. They went out to bid for the project and have not yet signed a contract. It will be done as soon as possible, she said, and “Hightstown is first on the list.” Mr. Jones noted that there was a lot of speeding on Stockton Street that day.

Bruce Shore, attorney for Old Hights Overlook, LLC, noted that Jeff Forman of Old Hights recently received approval from the Planning Board for the construction of nine townhomes, and it is now necessary to enter into a developer’s agreement. Initially, Mr. Shore said, they were told that they would need to make a COAH contribution. One method would have been to contribute \$35,000 to be used toward fulfillment of the Borough’s affordable housing obligation. More recently, however, they have been informed that the Borough is requesting that one townhome be sold as an affordable unit under COAH, which would “put a tremendous strain on the viability of the project.” As an alternative, he said, Mr. Forman has suggested that the developer’s agreement be approved subject to approval by the Planning Board of the construction of two affordable rental units (subject to COAH controls) in the existing Air Products building at that site. This would count as *four* COAH credits for the Borough, and it would be helpful for the project as well. Mr. Forman has already agreed, he said, to pay for the paving of Cranbury Station Road along the length of his property, which added \$50,000 to \$70,000 in expense to the project, and the looping of the water system will benefit residents of William Street. He requested that the Borough work with Old Hights Overlook in the developer’s agreement so that, rather than requiring that one of the townhouse units be an affordable unit, or requiring a specific dollar amount, it would pave the way for them to seek approval from the Planning Board to construct two rental units under COAH in the existing building.

No one else came forward and the floor was closed

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-20,

AN ORDINANCE APPROPRIATING \$19,500 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF PHOTOCOPIERS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Gallagher reviewed the provisions of this ordinance, explaining that, by appropriating funds from capital surplus for this purchase, the Borough will save interest costs which it would otherwise have incurred through a lease or bonding. In addition, by purchasing the machines outright, next year’s budget will not need to include the lease payments for these machines. Any unused funds will be cancelled by Resolution and will return to capital surplus, she said. She noted that Resolution 2005-147, included on this meeting’s consent agenda, will authorize the actual purchase of two machines.

Mayor Patten opened the public hearing on Ordinance 2005-20.

Eugene Sarafin, 600-628 South Main Street, asked why the ordinance is for a greater amount than the cost of the machines. Ms. Gallagher responded that the ordinance was introduced before negotiations were complete for the purchase. Any excess, she said, will be cancelled.

No one else came forward and the floor was closed.

Ordinance 2005-20 was moved for adoption by Councilman Schneider and seconded by Councilwoman Laudemberger.

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

Ordinance adopted, 6-0.

ORDINANCE 2005-20 AN ORDINANCE APPROPRIATING \$19,500 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF PHOTOCOPIERS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

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

Section 1. The sum of \$19,500.00 is hereby appropriated from General Capital Fund Balance for the purchase of photocopiers for the Borough Clerk's office and Police Department by the Borough of Hightstown, in the County of Mercer, New Jersey.

Section 2. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-21,
BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF WYCKOFF'S MILL ROAD IN AND BY
THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING
\$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$57,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**

Following a review by Ms. Gallagher and Ms. Roberts, Mayor Patten opened the public hearing on Ordinance 2005-21.

Eugene Sarafin, 600-628 South Main Street, expressed support for the Ordinance and said that he would like to see sidewalks extending up North Main Street.

No one else came forward and the floor was closed.

Ordinance 2005-21 was moved for adoption by Councilman Sikorski and seconded by Councilman Quattrone.

Councilman Sackowitz asked the Borough Engineer if the portion of Wyckoff's Mill Road that would be reconstructed is "the disaster area" near the curve, where there have always been drainage problems. Ms. Roberts stated that the Borough will be reconstructing the portion of the road near North Main Street. The drainage issues, she said, were looked at very closely during the Planning Board's review of the Enchantment project.

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

Ordinance adopted, 6-0.

ORDINANCE 2005-21 BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF WYCKOFF'S MILL ROAD IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$230,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$57,000.00 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$230,000, including a \$170,000 grant expected to be received from the New Jersey Department of Transportation Trust Fund, and further including the sum of \$3,000 as the down payment required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the portion of the costs of the improvements to be funded from the above referenced grant. The amount of the down payment appropriated is 5% of the \$60,000 in costs of the improvements which are not to be funded by the above referenced grant. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or from the grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$57,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the reconstruction of Wyckoff's Mill Road, including full roadway reconstruction and widening, along with the installation of curbs and sidewalks and stormwater improvements, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$57,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-22,

BOND ORDINANCE AMENDING BOND ORDINANCE #2001-01, AS AMENDED BY BOND ORDINANCE #2002-15, OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE VARIOUS WATER PLANT AND WATER SYSTEM IMPROVEMENTS

Ms. Gallagher explained that this Ordinance will allow unutilized funding from a prior bond ordinance to be used toward certain water plant and water system improvements. The funds remaining are from the aerator project, where significant savings were achieved by doing the work in-house.

Mayor Patten opened the public hearing on Ordinance 2005-22.

Eugene Sarafin, 600-628 South Main Street, asked for and received clarification from Ms. Roberts regarding the aerator project at the water plant.

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

Ordinance 2005-22 was moved for adoption by Councilman Quattrone and seconded by Councilman Sikorski.

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

Ordinance adopted, 6-0.

ORDINANCE 2005-22 BOND ORDINANCE AMENDING BOND ORDINANCE #2001-01, AS AMENDED BY BOND ORDINANCE #2002-15, OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE VARIOUS WATER PLANT AND WATER SYSTEM IMPROVEMENTS

BE IT ORDAINED by the Borough Council of the Borough of Hightstown, in the County of Mercer, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Item (d) of Section 3(a) of Bond Ordinance #2001-01 of the Borough of Hightstown, finally adopted February 20, 2001, as amended by Bond Ordinance #2002-15 of the Borough of Hightstown, finally adopted August 5, 2002, is hereby amended to read "Aerator upgrade and various water plant and water system improvements, including all work and materials necessary therefor and incidental thereto."

Section 2. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-23,

AN ORDINANCE TO AMEND CHAPTER 4, "GENERAL LICENSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING THE DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS

Ms. Gallagher stated that this ordinance will increase the licensing fee for unsolicited, unsubscribed publications from \$150 per year to \$500 per year. That fee has not increased since at least 1991, she said. In addition, the ordinance places certain restrictions on the method of delivery. The *Trenton Times Weekender* is currently the only such publication licensed by the Borough.

Mayor Patten opened the public hearing on Ordinance 2005-23.

Eugene Sarafin, 600-628 South Main Street, criticized the ordinance, particularly with respect to its impact on campaign literature. Ms. Gallagher pointed out that campaign literature is specifically excluded from the provisions of this Ordinance. Mr. Sarafin suggested that some junk mail would fall under this ordinance, as he has no way of knowing how it gets into his mailbox.

George Sorrono, manager of Westerlea Apartments, said that he finds many copies of the *Weekender* in his garbage dumpster each weekend, and wondered if they are throwing their extra issues there.

Lawrence Jones, 148-150 Stockton Street, expressed support for the ordinance, and suggested that newspapers also be required to place their papers by the doors and not in the yard or the street.

No one else came forward, and the floor was closed.

Ordinance 2005-23 was moved for adoption by Councilman Sikorski and seconded by Councilman Thompson.

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

Ordinance adopted, 6-0.

ORDINANCE 2005-23 AN ORDINANCE TO AMEND CHAPTER 4, "GENERAL LICENSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING THE DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS

WHEREAS Section 4-16 of the *Revised General Ordinances of the Borough of Hightstown* sets forth regulations and licensing requirements of the Borough of Hightstown with respect to unsubscribed and unsolicited publications; and

WHEREAS it is the desire of the Mayor and Council to amend this Section of the Code to increase licensing fees and to establish additional regulations with respect to the delivery of such publications;

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

Section 1. Section 4-16, entitled "Delivery of Unsubscribed and Unsolicited Publications," is hereby amended as set forth on Schedule A, attached (additions underlined, deletions in ~~strikeout text~~)¹.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. 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 4. This Ordinance shall become effective for the licensing period beginning July 1, 2005, subject to final passage and publication in accordance with the law.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-24,

BOND ORDINANCE PROVIDING FOR PEDDIE LAKE DAM IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$166,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$158,300 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher reviewed the provisions of this Ordinance, and Ms. Roberts provided information about the work that is planned. It will include re-pointing of the dam face (repairs to the mortar between the stones), repairs to the railing and sidewalk over the dam, automation of the flood control valve, updating the emergency action plan and conversion of our flood mapping to GIS format. All of the work is in conformance with NJDEP requirements.

Ordinance 2005-24 was moved for introduction by Councilwoman Laudenberger and seconded by Councilman Sackowitz.

Councilman Quattrone asked if we have any choice about doing this work. Ms. Roberts stated, "No. We have to do it." Councilwoman Laudenberger asked about the design of the railing and sidewalk over the dam. Ms. Roberts replied that a prior Council discussed this, and felt it should be similar to that which is across the street, with a decorative metal fence and smaller spaces between the railings.

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

Ordinance introduced, 6-0.

The public hearing and final reading of Ordinance 2005-24 was set for July 5, 2005.

ENGINEER'S ITEMS

RESOLUTION 2005-153, AUTHORIZING CHANGE ORDER NO. 3 AND PAYMENT NO. 7 - CB&I SERVICES, INC.

Ms. Roberts reviewed this Resolution, which would authorize a change order with CB&I Services in the amount of \$4,970 for a 10" valve that is needed in order to fill and test the new water tower and piping. It will also be useful if the need arises to shut down the water main between the water tower and the rest of the Borough. We are about two weeks away from filling the tower, she said.

¹ Included at the end of these 6/20/05 minutes.

After some further discussion, **Resolution 2005-153** was moved by Councilman Schneider and seconded by Councilman Quattrone.

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

Resolution adopted, 6-0.

**RESOLUTION 2005-153 AUTHORIZING CHANGE ORDER NO. 3 AND PAYMENT NO. 7 - 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 Change Orders No. 1 and No. 2 to that contract have subsequently been approved in the amounts of \$402.00 and \$2,849.00 respectively,, bringing the total contract price to \$910,703.00; and

WHEREAS the Borough Engineer has recommended that Change Order No. 3 to this contract be approved in the amount of \$4,970.00, as documented in her correspondence dated June 13, 2005, which is attached hereto and made a part hereof; and

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

WHEREAS the contractor has submitted Payment Request No. 7 for work done in the total amount of \$34,741.00; and

WHEREAS the Borough Engineer has recommended approval of this payment request, and the required certified payrolls have been received;

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

1. Change Order #3 to the contract with CB&I Services, Inc. for the Wyckoff's Mill water storage tower in the amount of Four Thousand Nine Hundred and Seventy (\$4,970.00) Dollars is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 3, the revised contract price is Nine Hundred and Fifteen Thousand Six Hundred and Seventy-Three (\$915,673.00) Dollars.
3. Payment Request No. 7 from Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware in the amount of \$34,741.00 is hereby approved, and the Treasurer is authorized to issue same.

RESOLUTION 2005-154, AWARDING CONTRACT FOR RECONSTRUCTION OF OAK LANE

Ms. Roberts reported that two bids were received for the reconstruction of Oak Lane, and the low bid is in line with her estimate and the Borough's budget for this project. This was bid with alternates to accommodate a request from NJDOT to incorporate a new type of paving called SuperPave, which will be a requirement for all projects next year. The State would pay the difference of up to \$5 per ton, but the price for the SuperPave came in at \$10 per ton higher (620 tons total), so she has recommended that the contract be awarded with the standard asphalt paving. The work will include road reconstruction and curbs and sidewalks on one side of the street.

Resolution 2005-154 was moved by Councilman Quattrone and seconded by Councilman Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2005-154**AWARDING CONTRACT FOR RECONSTRUCTION OF OAK LANE**

WHEREAS, two (2) bids were received on June 17, 2005, for the reconstruction of Oak Lane in the Borough of Hightstown; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the firm's recommendation that the contract be awarded to the low bidder, S. Brothers General Contractors, Inc. of South River, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by S. Brothers General Contractors is in order with respect to legal compliance; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this expenditure;

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

1. The contract for the reconstruction of Oak Lane is hereby awarded to S. Brothers General Contractors, Inc. of South River, New Jersey in the amount of Two Hundred and Twenty Eight Thousand Four Hundred and Thirty (\$228,430.00) Dollars.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with S. Brothers General Contracting, Inc., subject to approval of the Borough Attorney.
3. This contract is awarded subject to the approval of the New Jersey Department of Transportation.

**RESOLUTION 2005-155, AUTHORIZING PURCHASE OF REPLACEMENT BASKET FOR LAKESIDE
SEPTAGE ACCEPTANCE PLANT**

Ms. Roberts stated that the Borough's septage acceptance unit has been in use since 1998, and its teeth have worn to such a degree that we can't keep up with its maintenance. This Resolution will authorize the purchase of a new basket for the unit. Without it, we would need to shut down our septage acceptance operation, because the rocks would be damaging to the rest of the equipment. Each time this equipment has broken down, she said, it has cost \$800 for repairs, and it has broken down twice within the past month. She estimated the life of the new basket at approximately 10 years.

Resolution 2005-155 was moved by Councilman Sackowitz, seconded by Councilwoman Laudenberg.

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

Resolution adopted, 6-0.

RESOLUTION 2005-155**AUTHORIZING PURCHASE OF REPLACEMENT BASKET FOR LAKESIDE
SEPTAGE ACCEPTANCE PLANT**

WHEREAS the Advanced Wastewater Treatment Plant Superintendent has recommended replacement of the basket on the Lakeside Septage Acceptance Plant currently in use there; and

WHEREAS competitive quotations were not solicited as this product is available only through Lakeside Equipment Corporation, the manufacturer of the unit; and

WHEREAS the cost for this unit is \$8,996.00, as detailed on their quotation dated May 13, 2005, which is attached hereto and made a part hereof; and

WHEREAS the Chief Financial Officer has certified that funds for this purchase are available in one or more previously adopted bond ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that purchase from Lakeside Equipment Corporation of Bartlett, Illinois of a replacement basket for the Lakeside Septage Acceptance Plant at a price of \$8,996.00 is hereby approved.

DISCUSSION: DEVELOPER'S CONSTRUCTION AGREEMENT – OLD HIGHTS OVERLOOK, LLC

Mr. Raffetto stated that, in connection with the Planning Board's approval of the Old Hights Overlook development project, it is necessary to enter into a Developer's Agreement with Jeff Forman (Old Hights Overlook, LLC). A draft agreement has been included in the meeting packet, and will need additional language related to a recapture agreement to be entered into between Old Hights Overlook and Robertson Douglas, and with regard to meeting the COAH obligation. Even though the agreement is not in its final form, it is on this agenda to allow discussion with the Borough Engineer, as she will not be available at the next meeting, where it is hoped that the agreement can be presented for final approval.

Councilman Sikorski asked the Borough Attorney to comment regarding Mr. Forman's request, as presented by his attorney, Mr. Shore, during public comment earlier in the meeting, to be permitted to satisfy the COAH requirement by building two affordable rental units within an existing building at that site. Mr. Raffetto stated, "We're very supportive of that possibility," and noted that there is a stronger need for affordable rental units than for affordable housing to purchase. However, if the Planning Board will not approve this, the Borough would be requiring that one of the nine townhouses be subject to COAH requirements.

Councilman Quattrone expressed support for the building of two rental units, noting that affordable rentals "are difficult to come by," and that the Borough would receive two-for-one credit for them for that reason. "It's an excellent way to go," he said. Councilwoman Laudenberger asked what the building that would house the two apartments was previously used for.

At this time, Jeff Forman, who was in attendance, requested and received permission to speak. He said that the entire property is currently zoned Multifamily. He has a use variance to be able to rent the "green building" there and to use his building for a shop, office and storage. He would like that to remain. There is room there, he said, to put in two one-bedroom apartments. He would also like to put in a third apartment for his own use. Mr. Forman said that he does not have the funds to go to the Planning Board right now, and the bank will not provide funding until the agreement is signed and the plans have been registered with the county. He has borrowed all he can, he said, and the required bonds have been posted. "Time is of the essence," he said. He added that there is plenty of parking available there.

Mr. Forman noted that Robertson Douglas is in the process of preparing the required recapture agreement for signature.

Councilman Sikorski asked if adding the two apartments would impact the project's density requirement. Ms. Roberts stated that the density requirement is relative to the townhouses, and this would not affect that.

Councilwoman Laudenberger said that she would like to see two-bedroom apartments in order to accommodate families with children. She asked if there would be a timeline as to what would be built first. Ms. Roberts stated that a timeline will be a part of this developer's agreement. The details will be worked out by Mr. Raffetto and Mr. Shore.

LETTERING ON WATER TOWER (RESOLUTION 2005-158)

Ms. Roberts stated that the interior and exterior of the new water tower are now painted, and the contract specifies that a logo be painted on two sides to read "HIGHTSTOWN." The Borough has been approached by Robertson Douglas, she said, to consider changing this, at their expense, to read "Celebrate Historic Hightstown." She obtained a quote for the added cost to do this, and Robertson Douglas has agreed, in writing, to pay the difference (amounting to over \$12,000.00). This would become a change order to the water tower project. One of the logos will face Enchantment and the other will face Rt. 133. Councilman Sackowitz questioned why the logo was necessary on both sides of the tank, and added, "Wyckoff's Mill people won't be happy if it faces north." Ms. Roberts said that it is not planned to face toward the condos. Ms. Gallagher advised that, if Council wishes to approve this, it should be done by means of a verbal Resolution (to be numbered 2005-158).

The Borough Attorney was asked if there would be any conflict in Councilman Sackowitz voting on this. He replied that it is "always up to the Councilmember."

After further discussion, Councilman Sikorski moved verbal **Resolution 2005-158**, to accept the lettering as proposed and authorize a change order to the contract with CB&I Services as detailed by Ms. Roberts. The motion was seconded by Councilman Quattrone.

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

Resolution adopted, 5-0-1.

RESOLUTION 2005-158 AUTHORIZING CHANGE ORDER #4 - 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 Change Orders No. 1, 2 and 3 to that contract have subsequently been approved in the amounts of \$402.00, \$2,849.00 and \$4,970.00 respectively,, bringing the total contract price to \$915,673.00; and

WHEREAS the Borough Engineer has recommended that Change Order No. 4 to this contract be approved in the amount of \$12,210.00 to provide for a modification to the lettering design on the Wyckoff's Mill water tower; and

WHEREAS Robertson Douglas Group, developer of Enchantment at Hightstown, has agreed to be responsible for the cost of this change order;

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

1. Change Order #4 to the contract with CB&I Services, Inc. for the Wyckoff's Mill water storage tower in the amount of Twelve Thousand Two Hundred and Ten (\$12,210.00) Dollars is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 4, the revised contract price is Nine Hundred and Twenty-Seven Thousand Eight Hundred and Eighty-Three (\$927,883.00) Dollars.
3. This approval is subject to the posting of funds by Robertson Douglas in the amount of \$12,210 to cover this expenditure.

NEW BUSINESS

REQUEST BY HOUSING INSPECTOR FOR PART-TIME ASSISTANCE

Council reviewed a memo from Harry Wetterskog requesting a bilingual part-time assistant for housing inspections. Councilman Quattrone asked if the Borough would be able to advertise specifically for a bilingual person. Mr. Raffetto stated that we could.

Discussion ensued regarding the nature of the position, and whether it should be simply a translator or a person who could be trained to eventually perform the housing inspections.

After some further discussion, Ms. Gallagher was asked to find out from Mr. Wetterskog how long it would take to train this person, and to obtain a job description for the position. Council will revisit this at the next regular meeting.

BUDGETARY RESOLUTIONS

RESOLUTION 2005-156, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

Resolution 2005-156 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 2005-156 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	125,998.00	1,180,406.09	1,306,404.09
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	10,400.00	688,786.01	699,186.01
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
TOTAL	136,398.00	2,715,740.10	2,852,138.10

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.

RESOLUTION 2005-157, AMENDING THE 2005 BUDGET

Ms. Gallagher read aloud and in full Resolution 2005-157, amending the 2005 budget. She stated that the net impact of the changes included in the amendment will be to increase the amount to be raised in taxes by \$3,650.00 (approximately two-tenths of one cent) and provided a summary breakdown of the line items which were changed.

Resolution 2005-157 was moved by Councilwoman Laudenberg and seconded by Councilman Schneider.

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

Resolution adopted, 5-1.

RESOLUTION 2005-157 AMENDING THE 2005 BUDGET
(included at end of these 6/20/05 minutes)

RESOLUTIONS

At the request of Councilman Sikorski, Resolutions 2005-145 and 2005-146 were pulled for separate consideration.

Resolutions 2005-147, 148, 149, 150, 151 and 152 were moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

Resolutions adopted, 6-0.

RESOLUTION 2005-147 AUTHORIZING PURCHASE OF COPIER MACHINES

WHEREAS there exists the need to replace two copier machines owned by the Borough of Hightstown, located in the municipal clerk's office and in the police department; and

WHEREAS the Chief Financial Officer, Treasurer, Deputy Borough Clerk and Police Secretary have conducted a thorough investigation of the Borough's options in this regard and have reviewed proposals from several firms for this equipment, and they have jointly recommended that the Borough purchase two copiers from Prior Nami Business Systems as follows:

Di 2510 F Konica Minolta Digital Copier, as outlined on Quote #510403 dated 5/18/05	\$5,619.00
Di 5510 Minolta Digital Copier, as outlined on Quote #510169 dated 5/12/05	9,990.00
TOTAL	\$15,609.00; and

WHEREAS competitive quotations were solicited and the requirements of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, have been met; and

WHEREAS the Chief Financial Officer has certified that funds for this purchase will be available in adopted Capital Ordinance 2005-20 upon its effective date;

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

1. The purchase of two copiers from Prior Nami Business Systems as detailed herein is hereby approved, and the Borough Administrator is authorized to take whatever steps are necessary to effectuate this purchase.
2. This approval shall not take effect until the publication and effective date of Ordinance 2005-20.

RESOLUTION 2005-148 AUTHORIZING WAIVER OF INTEREST CHARGED – BLOCK 44, LOT 4

WHEREAS Doreen Mullarney, 152 Second Avenue (Block 44, Lot 4) recently refinanced her mortgage; and

WHEREAS during this process, her first quarter 2005 taxes were paid by both the title company and the mortgage company, resulting in an overpayment. The overpayment was applied to the second quarter taxes. At this time, Ms. Mullarney called to inquire about the status of her second quarter taxes and was informed that the account was up to date. Subsequently, the mortgage company, who had since closed out the loan, requested a refund of the overpayment, which resulted in a delinquency on the account and an interest charge (\$11.42 through June 13, 2005); and

WHEREAS Ms. Mullarney has requested a waiver of this interest, as the delinquency on this account occurred for reasons beyond her control;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that interest charged on the tax account for 152 Second Avenue (Block 44, Lot 4) as outlined herein is hereby waived, and the Tax Collector is authorized to adjust the account accordingly.

**RESOLUTION 2005-149 REAFFIRMING BOROUGH'S COMMITMENT TO PARTICIPATION IN
VOLUNTEER TUITION CREDIT PROGRAM**

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer deem it appropriate to enhance the recruitment of volunteer firefighters and emergency medical volunteers in the Borough of Hightstown; and

WHEREAS, P.L. 1998, c. 145 of the State of New Jersey permits municipal governments to allow their firefighters and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government; and

WHEREAS on March 6, 2000, the Mayor and Council adopted Resolution 2000-67, authorizing the Borough's participation in said program, and this governing body wishes to reaffirm the Borough's commitment to same;

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

1. The Borough's commitment to participation in the Volunteer Tuition Credit Program for the volunteer firefighters and emergency medical volunteers in the Borough of Hightstown as set forth in P.L. 1998, c. 145, and as evidenced by the approval on March 6, 2000 of Resolution 2000-67, is hereby reaffirmed.
2. The Borough Administrator shall be delegated the responsibility to administer the program and to maintain files of all documents as may be required under P.L. 1998, c. 145, a copy of which is herewith made a part of this Resolution.
3. A certified copy of this Resolution shall be provided to Hightstown Engine Co. No. 1 and to the Hightstown First Aid Squad.

**RESOLUTION 2005-150 AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-007 –
CMMA, LLC (T/A THEO'S LAKESIDE TAVERN)**

WHEREAS, CMMA, LLC, has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-007, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that CMMA, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

WHEREAS, the Chief of Police has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to CMMA, LLC, doing business as Theo's Lakeside Tavern at 101-103 Main Street:

2005-06 Plenary Retail Consumption License
License #1104-33-003-007
Fee: \$2,400.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2005-151 AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-009 –
EVERGREEN WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUOR)**

WHEREAS, Evergreen Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-33-003-007, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate for the recent transfer of this liquor license, that Evergreen Wines and Liquors, Inc. is in compliance with Chapter 161, Laws of New Jersey 1995; and

WHEREAS, the Chief of Police has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Evergreen Wines and Liquors, Inc. doing business as Hightstown Liquor at 107 Stockton Street:

2005-06 Plenary Retail Distribution License
License #1104-44-002-009
Fee: \$2,400.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

RESOLUTION 2005-152 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 **\$883,781.03** from the following accounts:

Current	\$ 707,469.07
W/S Operating	93,654.70
General Capital	18,661.48
W/S Capital	37,641.58
Animal Control	54.98
Trust Account	958.75
RCA-COAH Escrow	10,725.00
Grant	499.47
Escrow – Subdivision & Site Plan (First Washington Bank)	14,116.00
Total	<u>\$ 883,781.03</u>

Resolution 2005-145 was moved by Councilwoman Laudenberger and seconded by Councilman Quattrone.

Councilman Sikorski stated his opposition to a provision in the proposed agreement with Ms. Gallagher that would allow her to work up to 84 hours per year off-site. He added that this is not a reflection on her performance as Borough Administrator. Councilman Sackowitz said that such a provision is "not unusual."

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

Resolution adopted, 5-1.

RESOLUTION 2005-145 AUTHORIZING AGREEMENT WITH CANDACE B. GALLAGHER AS BOROUGH ADMINISTRATOR

WHEREAS Candace B. Gallagher has served as Borough Administrator since July 1, 2003, and her current term expires June 30, 2005; and

WHEREAS it is the desire of the Mayor and Council to appoint Ms. Gallagher to a succeeding term as Borough Administrator and to authorize an agreement establishing the terms and conditions of her employment as Administrator during this succeeding term;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Candace B. Gallagher as Borough Administrator which is attached hereto and made a part hereof is hereby approved, and the Mayor is authorized to execute same.

EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND
CANDACE B. GALLAGHER as BOROUGH ADMINISTRATOR

WHEREAS, the Mayor and Council of the Borough of Hightstown, County of Mercer, wish to appoint Candace B. Gallagher to serve as Borough Administrator, concurrently with her service to the Borough as Municipal Clerk, Computer Systems Administrator and Registrar of Vital Statistics; and

WHEREAS, this agreement is intended to set forth the terms and conditions of Ms. Gallagher's employment relative to the title of Borough Administrator;

NOW, THEREFORE, it is agreed between the Borough of Hightstown (BOROUGH) and Candace B. Gallagher (GALLAGHER) as follows:

1. GALLAGHER will serve as Borough Administrator for the period July 1, 2005 through June 30, 2006, performing those duties as set forth in Section 2.9 of the *Revised General Ordinances of the Borough of Hightstown*.
2. For her duties as Borough Administrator during the period covered by this agreement, GALLAGHER shall continue to receive a salary of \$25,000 per year.
3. During her service as Borough Administrator, BOROUGH will continue to provide fully-paid dental insurance coverage for GALLAGHER and her spouse through Delta Dental.
4. GALLAGHER'S normal schedule shall be 8:30 a.m. to 4:30 p.m. Monday through Friday; however, her schedule shall be considered flexible and she may from time to time work alternative hours, provided that the needs of the Borough are met. In performing the duties of all of the titles she holds, GALLAGHER shall work a minimum of 35 hours per week (including holidays and other paid leave time).
5. It is recognized by BOROUGH that certain projects require uninterrupted time for their completion, and for this purpose, GALLAGHER shall be permitted to work from home on such projects as the need arises, up to a maximum of 84 hours per calendar year, provided that such hours shall be scheduled in advance and approved by the Mayor, and that she will remain available and accessible to the Borough at all times during normal working hours on those days. Time spent working from home in accordance with this paragraph shall be considered as regular working hours for payroll purposes.
6. In all other respects, the provisions of the Borough of Hightstown *Personnel Policy Manual* shall take precedence.
7. The Borough shall indemnify and hold harmless GALLAGHER from liability or potential liability for actions arising out of acts and omissions relating to the performance of her duties, to the extent permitted by law.

Resolution 2005-146 was moved by Councilman Quattrone and seconded by Councilwoman Laudenberg.

Councilman Sikorski asked how many hours an employee must work to be automatically eligible for full medical benefits. Ms. Gallagher stated that non-union employees must be full-time to qualify, and full-time is defined as 35 hours per week. She added that, during 2004, Mr. Sheenan worked an average of 17.5 hours per week.

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

Resolution adopted, 6-0.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Employment Agreement with Michael Sheenan, which is attached hereto and made a part hereof, is hereby approved and the Mayor and Borough Clerk are authorized to execute same.

EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND MICHAEL SHEENAN

THIS AGREEMENT, entered into as of this 5th day of April, 2005, by and between the Borough of Hightstown, 148 North Main Street, Hightstown, New Jersey, 08520 (hereinafter referred to as "BOROUGH") and Michael Sheenan, currently employed as Public Works Mechanic (hereinafter referred to as "SHEENAN").

WITNESSETH

BOROUGH and SHEENAN agree as follows:

1. The term of this agreement is from April 5, 2005 through April 4, 2006. During this period:
2. SHEENAN shall be continue to be employed by the Borough of Hightstown under the general category of "Public Works Mechanic," performing skilled metal fabrication for the Borough's Public Works, Water and Sewer Departments and such other duties as may be assigned to him by supervisors in those departments.
3. SHEENAN shall continue to provide services on an as-needed basis. It is anticipated that, on average, SHEENAN will work between 15 and 19 ½ hours per week.
4. SHEENAN shall continue to be paid at the rate of \$17.06 per hour through December 31, 2005, and shall receive an increase in pay effective January 1, 2006 consistent with that provided to other non-Union employees effective that date.
5. SHEENAN shall be entitled to single person HMO medical and prescription drug coverage through BOROUGH's current provider(s) and agrees to contribute 50% of the costs of such coverage.
6. In all other respects, the provisions of the *Personnel Policy Manual of the Borough of Hightstown* shall take precedence.

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 – May 2005
- Email from resident Karen Pavlovic regarding the New Jersey Turnpike
- Letter from the Community Action Service Center regarding selection of the Hightstown Police Department as the recipient of this year's Civic Activist Award

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, said that she noticed, on a recent trip to Ohio, that, at regular intervals along the turnpike, there were automated signs showing the driver's speed. "If that can be done on the turnpike," she said, "why not on the streets of Hightstown?" "They collect tolls," Councilman Quattrone replied. Ms. Deal also suggested that the lettering on the water tower read "visit" Historic Hightstown, rather than "celebrate" Historic Hightstown.

Dr. David Abalos, member of the Latino Advisory Committee, reported that Committee members have been working with Latinos living in Hightstown regarding the "ten commandments of being a good neighbor." They have stressed the importance of

obeying all of the Borough's laws, including those involving fire safety, snow removal, and recycling, and have urged them to remain as respectful as possible to all of their neighbors, to keep noise down, to drive within the Borough at speeds of 25 mph or less and *never* to drink and drive. They have made them aware of the issues about overcrowding, and, Dr. Abalos said, "we wanted to assure you that we are making every effort to make sure that we are good neighbors. We are being proactive."

Jeff Forman, 134 William Street, developer of Old Hights Overlook, stated that it is a great idea to replace the railing over the dam with "one that kids can't fall through," and expressed support for the hire of a bilingual assistant for Mr. Wetterskog.

George Sorrono, manager of Deerfield and Westerlea Apartments, asked when the Borough would repair the sidewalks that, he said, have been damaged there by salt thrown onto them by the snowplows. He also said that he has heard that Hightstown currently does not have a street sweeper and asked if the streets are not being swept. He noted that he is keeping the sewer lines free of grease now, and suggested that garbage and recycling cans be placed in that area. He often cleans up cans and cigarette butts, he said. Lastly, he commended Chief Eufemia for the police presence in that neighborhood.

Eugene Sarafin, 600-628 South Main Street, began speaking and cursing, and was told by the Mayor that he was out of order. As various members of the Council and public began leaving the room, the Mayor called a recess.

Approximately 15 minutes later, the meeting resumed.

Mr. Sorrono spoke again to request ticketing by the police of vehicles parked in fire zones and on grass at the apartments. In addition, people are parking in the apartment lot, he said, that are not renters. Chief Eufemia stated that the police do enforce parking in fire zones and informed Mr. Sorrono that property owners have the right to tow vehicles parked on their property. He said that the police department can be helpful in getting non-residents' vehicles moved.

Mr. Forman spoke again to note that William Street is very narrow, and currently cars park on both sides of the street. He expressed concern that a fire truck would not be able to get down the street in the event of a fire. Chief Eufemia stated that, by Borough ordinance, parking on both sides of William Street is legal at this time.

Mr. Forman went on to state that, if he is required to build one of the townhouse units at Old Hights Overlook as an affordable unit with no subsidy from the Borough, he will not be able to "make the project fly." He is willing to build the two affordable apartments, he said, but it would be difficult to make them two-bedroom, and that property is "not equipped for children." Councilman Sackowitz asked about that, and Mr. Forman said that where people would park would be "near where Olsen's trucks are." The whole property is fenced in, he added.

Bob Schneider, Wilson Avenue, said that there should be no parking allowed on Academy Street or Bank Street in conjunction with the Mill redevelopment project.

CLOSED SESSION

The Borough Clerk read aloud **Resolution 2005-144**, authorizing a closed session for the purpose of discussing personnel issues. The Resolution was moved by Councilman Schneider and seconded by Councilman Sackowitz.

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

Resolution adopted, 6-0.

RESOLUTION 2005-144

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 June 20, 2005 at approximately 9:20 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: September 20, 2005, 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 Councilwoman Laudenberger, seconded by Councilman Sikorski and unanimously approved. The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk