

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>Arrived following roll call @ 7:10 P.M.</i>	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

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

APPROVAL OF AGENDA

The agenda was moved as submitted by Councilman Sikorski, seconded by Councilman Quattrone and approved by all.

APPROVAL OF MINUTES

The minutes of the December 5, 2005 open and closed sessions were moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, reported that she will be moving to Maine soon and requested that Council "get all the things done in the next two months that she has asked for in the last 30 years," including installing a traffic light on Stockton Street and purchasing a speed radar sign.

Eugene Sarafin, 600-628 South Main Street, criticized the actions of the Bush administration, Representative Christopher Smith, and the Republican party in general.

Mike Vanderbeck, 342-344 Stockton Street, commended the Mayor and Council for their support of competition in the cable television industry, adding that he had a bad experience during the past week with Comcast service. Regarding a

recommendation from the Chief of Police to institute "No Parking" on a portion of Rogers Avenue, he asked Council to consider the fact that parking there helps to calm traffic. "Do you really want to accommodate trucks on that road?" he asked. "Why make it easier for them?"

Torry Watkins, 68 Meadow Drive, echoed Mr. Vanderbeck's comments regarding Rogers Avenue, and recommended that the Borough encourage parking there as a traffic calming measure as well as an accommodation to those who want to park there.

Mr. Sarafin returned to the dais to speak again and the Mayor noted that he had already used his allotted three minutes. He asked him to reserve his further comments until the second public comment session. Mr. Raffetto noted that the approved meeting agenda provides that "any person wishing to address the Mayor and Council ... will be allowed a *maximum of three minutes* for his or her comments."

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-38, AN ORDINANCE PROVIDING FOR THE CREATION OF AN ECONOMIC DEVELOPMENT COMMITTEE IN AND FOR THE BOROUGH OF HIGHTSTOWN, AND AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, NEW JERSEY" ACCORDINGLY

Following a review by Mr. Raffetto, Mayor Patten opened the public hearing on Ordinance 2005-38.

Eugene Sarafin, 600-628 South Main Street, referred to the Ordinance as "total bulls**t," and said that the "smartest economic development" would be to close down the Borough. He said that there will be "outsiders" on the committee and its members will "look out for their own interests" and added, "no one asks the citizens what *they* want."

Mike Vanderbeck, 342-344 Stockton Street, stated, "there are constructive voices and those that aren't. Hopefully, this will offer constructive voices a forum to get things done." As proprietor of the Slowdown Café, Mr. Vanderbeck said that he hears a lot of comments about the town. One woman recently said, "It's such a charming town. It's a shame it doesn't get up enough 'head of steam.'" "With your help and an Economic Development Committee," Mr. Vanderbeck said, "we can do that." He added that there is a difference between a *vested* interest and a *conflict* of interest. "We want to see the downtown really thrive," he said.

Torry Watkins, 68 Meadow Drive, stated that this is a "fine idea whose time has come" and urged Council to adopt the Ordinance.

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

Ordinance 2005-38 was moved for adoption by Councilman Quattrone and seconded by Councilman Thompson. Councilman Thompson commented that "our government needs feedback from those vested in the community, whether business owners or residents." He added that this will "formalize our voice" in the surrounding economic development.

Mayor Patten noted that the County is interested in what the Borough is doing with this.

Councilman Sikorski stated that he hopes that the membership of this committee will include cultural and artistic elements and not only business people.

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

Ordinance adopted, 6-0.

NEW BUSINESS

VERIZON APPLICATION FOR MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM

Mr. Raffetto reviewed the statutory process that governs applications for municipal consent such as that which was filed with the Borough by Verizon on December 13. One requirement, he said, is that a public hearing must be held between 60 and 90 days from the filing, with certain notification requirements. If granted, the Ordinance must be approved by the Board of Public Utilities. He recommended that the Borough's Cable Television Advisory Committee be reconstituted and said that, in other towns, those committees are very involved in the process.

CONSENT AGENDA

Resolutions 2005-253, 254, 256, 257, 258, 259, 260, 261, 262, 263, and 264 were moved by Councilman Sikorski and seconded by Council President Schneider.

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

Resolutions adopted, 6-0.

RESOLUTION 2005-253 AUTHORIZING PAYMENT NO. 10 AND FINAL – 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 four change orders to that contract have subsequently been approved in the amounts of \$402.00, \$2,849.00, \$4,970.00 and \$12,210.00 respectively, bringing the total contract price to Nine Hundred and Twenty-Seven Thousand Eight Hundred and Eighty-Three (\$927,883.00) Dollars; and

WHEREAS the contractor has submitted Payment Request No. 10 and Final for work done in the total amount of \$18,557.00; and

WHEREAS the Borough Engineer has received the required certified payrolls and maintenance bond, and has recommended acceptance of the project and release of final payment to the Contractor; and

WHEREAS the Borough Attorney has reviewed the closeout documents submitted by the Contractor and has found them to be in order;

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

1. Payment Request #10 and Final from CB&I Services, Inc. in the total amount of \$18,557.00 is hereby approved and the Treasurer is authorized to issue payment for same.

2. The Wyckoff's Mill Water Storage Tower project is hereby accepted.
3. The Borough Clerk is authorized and directed to release the Contractor's performance guarantee in the amount of \$907,452.00.

RESOLUTION 2005-254 AUTHORIZING MAYOR TO SIGN DAM RESTORATION LOAN AGREEMENT

WHEREAS on October 4, 2004, the Hightstown Borough Council adopted Resolution 2004-270, authorizing an application for a low-interest loan through the NJDEP's Dam Safety Loan Program to fund the rehabilitation of the Peddie Lake Dam; and

WHEREAS said loan has been approved in the amount of \$156,250.00;

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

1. Mayor Robert Patten or the successor to the office of Mayor is hereby authorized (a) to execute a loan agreement with the State for a loan in an amount not more than \$156,250.00, and (b) to execute any amendments thereto.
2. The Borough of Hightstown Council hereby authorizes and agrees to complete the dam restoration project and reimburse the State in accordance with the terms and conditions of the loan agreement.
3. The Borough of Hightstown agrees to comply with all applicable federal, State and municipal laws, rules, and regulations in its performance pursuant to this agreement.

RESOLUTION 2005-256 AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,998,979.97** from the following accounts:

Current	\$ 1,863,774.94
W/S Operating	99,546.77
General Capital	7,600.00
W/S Capital	12,000.64
Animal Control	265.00
Trust	10,842.62
RCA COAH – Escrow	900.00
Grant	3,930.00
Escrow – Subdivision & Site Plan (First Washington Bank)	120.00
Total	<u>\$ 1,998,979.97</u>

**RESOLUTION 2005-257 AUTHORIZING INTERLOCAL AGREEMENT FOR LEASE OF
MOBILE DATA COMPUTER SYSTEM UNITS**

WHEREAS the Borough of Hightstown has participated since 1998 in an Interlocal Services Agreement with the Township of South Brunswick for the lease of four Mobile Data Computer System units used in the Borough's police vehicles and dispatch center, together with appurtenant hardware and antenna, which agreement expires on December 31, 2005; and

WHEREAS, the Chief of Police has recommended that the Borough enter into a renewed Interlocal Agreement with South Brunswick for the lease of this equipment for the five-year period running from January 1, 2006, through December 31, 2010, at a cost of \$3,000.00 per year per unit, which agreement is attached hereto and made a part hereof, in accordance with the provisions of the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*;

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

1. The Interlocal Services Agreement with the Township of South Brunswick for the lease of four Mobile Data Computer System units, which agreement is attached hereto and made a part of this resolution¹, is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4, in the amount of Three Thousand (\$3,000.00) Dollars per unit per year, and the Mayor and Borough Clerk are authorized to execute same.
2. It is the intention of the Mayor and Council to provide sufficient funding for this expenditure in the Borough's 2006 budget.
3. Continuation of this agreement beyond December 31, 2006, is contingent upon appropriation of sufficient funds in the budgets of succeeding years.

RESOLUTION 2005-258 AUTHORIZING INTERLOCAL AGREEMENT FOR ANIMAL CONTROL SERVICES

WHEREAS, the existing Interlocal Service Agreement with the Township of East Windsor for the provision of Animal Control Services will expire on December 31, 2005; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Animal Control Services to the Borough by the Township of East Windsor, which agreement is attached hereto and made a part hereof; and

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

WHEREAS, it is the intention of the Mayor and Council that funds for this expenditure be provided for as needed in the 2006 budget;

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

1. The attached Interlocal Service Agreement² with the Township of East Windsor for Animal Control Services for the period January 1, 2006 through December 31, 2006, is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for same.
3. Approval of this agreement is subject to the provision of adequate funds in the 2006 budget.

RESOLUTION 2005-259 AUTHORIZING INTERLOCAL AGREEMENT FOR HEALTH SERVICES

WHEREAS since 2001, the Borough has participated in an Interlocal Agreement with West Windsor Township for the provision of Health Services, which agreement expires on December 31, 2005; and

WHEREAS the Board of Health has recommended that the Borough enter into a succeeding interlocal agreement with West Windsor for these services for the two-year period ending December 31, 2007, which agreement is attached hereto and made a part hereof; and

¹ Agreement is on file with original Resolution in the office of the Borough Clerk.

² Agreement is on file with original Resolution in the office of the Borough Clerk.

WHEREAS the Borough's net cost for 2006 under this agreement is \$21,701.00; and

WHEREAS it is the intention of the Mayor and Council to provide sufficient funding for this expenditure in the 2006 budget;

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

1. The Interlocal Agreement with the Township of West Windsor for Health Services for the period January 1, 2006 through December 31, 2007, which agreement is attached hereto and made a part hereof³, is hereby approved, and the Mayor and Clerk are authorized to execute same.
2. Approval of this agreement is subject to appropriation of sufficient funds in the 2006 and 2007 budgets.

RESOLUTION 2005-260 AUTHORIZING EMPLOYMENT AGREEMENT WITH ROBERT HARY (HEALTH OFFICER)

WHEREAS, Robert Hary, 71 Hunt Road, Freehold, New Jersey, has served as Health Officer for the Borough of Hightstown since January 1, 2000; and

WHEREAS, Mr. Hary is a duly licensed health officer possessing the necessary licenses to fulfill the requirements of the statutes and regulations concerning the provision of such services; and

WHEREAS, Mr. Hary is currently employed by the Township of West Windsor as its Health Officer; and

WHEREAS, on December 19, 2005, the Borough Council approved Resolution 2005-259, authorizing an interlocal agreement for health services with West Windsor Township for the period January 1, 2006 through December 31, 2007; and

WHEREAS, it is the desire of the Mayor and Council to continue to employ Robert Hary as Health Officer, simultaneous with that agreement; and

WHEREAS, by the terms of the agreement, the Mr. Hary's salary as Health Officer will be as follows:

2006	\$10,805.00	
2007	\$11,129.00;	and

WHEREAS, it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2006 budget;

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

1. The employment agreement with Robert Hary for the period January 1, 2006 through December 31, 2007, which agreement is attached hereto and made a part hereof⁴, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. Performance under this agreement is subject to the appropriation of sufficient funds in the 2006 and 2007 budgets.

RESOLUTION 2005-261 AUTHORIZING REFUND OF TAX OVERPAYMENT DUE TO VETERAN'S DEDUCTION

WHEREAS Joseph Bouley, 346 Stockton Street (Block 9, Lot 22) applied for a veteran's deduction during 2004 and was qualified; and

WHEREAS when the 2005 deduction was applied to his account, it resulted in an overpayment of \$250.00; and

WHEREAS the Tax Collector has requested permission to refund to Mr. Bouley the amount of the overpayment;

³ Agreement is on file with original Resolution in the office of the Borough Clerk.

⁴ Agreement is on file with original Resolution in the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized to issue a refund to Joseph Bouley, 346 Stockton Street (Block 9, Lot 22) in the amount of \$250.00, representing an overpayment on his account as set forth herein.

RESOLUTION 2005-262 AUTHORIZING A TRANSFER OF FUNDS IN THE 2005 BUDGET

WHEREAS, N.J.S.A 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2005 budget are hereby authorized:

CURRENT BUDGET:	<i>From:</i>	<i>To:</i>
Administrative & Executive – Salaries		442.00
Financial Administration – Salaries	4,467.00	
Legal Services & Costs – Salaries		5.00
Legal Services & Costs – Other Expenses	1,000.00	
Planning & Zoning – Other Expenses		1,000.00
Board of Health – Salaries		1,600.00
Electricity – Other Expenses	800.00	
Street Lighting – Other Expenses		800.00
Uniform Construction Code – Salaries		1,537.00
Housing Code Enforcement – Salaries		883.00
Totals:	\$ 6,267.00	\$ 6,267.00

RESOLUTION 2005-263 RESOLUTION TO SUPPORT COMPETITION IN PROVIDING CABLE TELEVISION SERVICE

WHEREAS, cable television companies have enjoyed a monopoly on providing cable television service for more than 30 years while working to deny customers the ability to choose new services and decide who they want to get their cable services from; and

WHEREAS, cable prices have increased 38% in the last five years; and

WHEREAS, consumers win with lower prices, better services and newer technologies when companies compete; and

WHEREAS, the Mayor and Council of the Borough of Hightstown believe that it is in the best interest of New Jersey residents to make it easier for companies to compete for our cable TV business;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Hightstown Borough supports competition in providing cable service to all residents of New Jersey and urges the New Jersey State Legislature to pass legislation to make it easier for companies to compete for our business; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to New Jersey State Legislators and to Richard Codey, Acting Governor of the State of New Jersey.

RESOLUTION 2005-264 AUTHORIZING CREDIT TO WATER-SEWER ACCOUNT

WHEREAS Darek Hahn, 102 Manlove Avenue, experienced a water leak as a result of a broken soaker hose, and has requested a credit for the applicable sewer charges; and

WHEREAS Section 19-2.8(d) of the *Revised General Ordinances of the Borough of Hightstown* provides that sewer charges may be waived if a licensed plumber provides written verification that the water which leaked did not enter the sewer system; and

WHEREAS Mr. Hahn has submitted a letter from Vincent B. Spiezio, III, a licensed plumber, indicating that 4,000 gallons of water did not enter the Borough's sewer system as a result of this leak; and

WHEREAS the Water-Sewer Collector has determined that the amount charged for sewer on 4,000 gallons of water is \$20.60; and

WHEREAS the Water-Sewer Committee has reviewed Mr. Hahn's request and has recommended that his account be credited in this amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Water-Sewer Collector is hereby authorized to credit the water-sewer account of Darek Hahn, 102 Manlove Avenue (Account No. 715-0) for \$20.60, as set forth herein.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, said that some research has indicated that increased competition in the cable industry will lead to "all kinds of increased overhead costs." That, she said, would affect everyone regardless of which company they use, and she suggested that Council investigate the opposing viewpoint as well. With respect to the interlocal agreement for animal control services, Ms. Deal stated that the facility to which we take our stray animals "to be killed" does not take good care of them.

Eugene Sarafin, 600-628 South Main Street, stated, regarding public comment, that "the law says that you have to allow a certain amount of time." He cautioned that "you'd better not go beyond three minutes ... that's selective speech. I'll sue." "There is no case law," he added, "and I want to make case law." He said that the same thing happened at a recent Board of Health meeting which he attended. Regarding Verizon's application for municipal consent, Mr. Sarafin said that Comcast is "not our friend." He is very happy with the several services he receives from Verizon, he said and encouraged Council to "let them in."

Mr. Raffetto clarified that the Open Public Meetings Act does require that, at every meeting, the governing body must set aside a certain portion of the meeting for public comment. However, it provides that Council may limit and restrict that time in its discretion. "Many do what we do," he said, "limiting each person to a defined period of time so that each is on equal footing with the other." He added that by doing so, Council eliminates the possibility of being "selective." The agenda, he said, now states that each person is limited to a maximum of three minutes. "If you approve that agenda, and stick to that," he said, "you're in compliance."

Kevin Wallis, addressed the governing body as a representative of Saint Francis Medical Center, which currently provides emergency medical services to the Borough. He thanked them for that opportunity and said that they have tried to be an integral part of the community. Noting that the 2006 contract for EMS services would be discussed later in this meeting in closed session, and that they have submitted a proposal to continue their services during 2006, Mr. Wallis said "we want to say that we really love being here, and the town has been very helpful. We'd like to continue to be here if at all possible." He thanked the police department, Mayor and Administrator for their work with St. Francis.

Curtis Crowell, 152 Broad Street, noted that the Hightstown Library was one of the first to provide Internet access, originally through a free link provided by Comcast. That was very successful, he said. People were signing up for 30 minute time slots, including several Ecuadorians. He prepared a press release on behalf of the Library about the service and sent it to Comcast for their advance review. They advised him, he said, that sending out the press release would jeopardize their free connection. Mr. Crowell expressed his strong support for bringing in Verizon.

Rob Thibault, 504 South Main Street, noted that "this is the last public meeting for some members of Council." He thanked Councilwoman Laudenberger and Councilman Sackowitz for their work, noting that they "have the best interest of the town and its citizens at heart."

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

EXECUTIVE SESSION

Resolution 2005-255, authorizing a closed session for the purpose of discussing personnel and contract negotiations, was moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2005-255 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 December 19, 2005 at approximately 7:40 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 Contract Negotiations – Emergency Medical Services

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: March 19, 2006 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 8:25 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk