

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:07 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
Mayor Patten	✓	
Councilmember Laudenberger	✓	
Councilmember Quattrone	✓	
Councilmember Sackowitz	✓	
Councilmember Schneider	✓	
Councilmember Sikorski	✓	
Councilmember Thompson	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Deleted from the agenda was Resolution 2005-98, which would authorize a professional services agreement with Community Grants and Planning for administration of the Borough's Small Cities Public Facilities grant for the Bank Street redevelopment area. At the request of Councilwoman Laudenberger, a discussion was added to the agenda under New Business regarding our existing taxi ordinance. The agenda was moved as so amended by Councilman Sikorski, seconded by Councilman Quattrone, and approved by all.

APPROVAL OF MINUTES

Minutes of the **March 7, 2005** open session were moved by Councilman Sikorski, seconded by Councilman Schneider and unanimously approved as submitted.

Clerk's note: At this point in the meeting, the agenda called for a presentation by the ARC of Mercer County and the presentation of a Mayor's Proclamation. This was held later in the meeting, following "Ordinances."

PUBLIC COMMENT

Mayor Patten opened the floor to public comment.

Eugene Sarafin, 600-628 South Main Street, recalled the last 40 years in Hightstown. He came here in 1965, he said, when Mayor Turp had police officers in the Council chambers during meetings "to intimidate" certain people. Mayors Aughenbaugh and Caster did so also, he said. "Today," he added, "I don't feel intimidated. The power to speak is more intimidating than the power to arrest." "The town seems to be progressing," he said. Mr. Sarafin went on to comment

regarding the "Schiavo madness" and "Republican excrement Bush, talking of changing social security." "Modern Republicans think he's a madman," he said.

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL 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 reviewed the provisions of this ordinance, noting that the Borough is required to adopt these provisions as part of their Stormwater permit from the DEP. Mayor Patten opened the public hearing on Ordinance 2005-11.

Torry Watkins, 68 Meadow Drive, expressed support for the "intent of the ordinance," and pointed out a "laxity on the part of the Borough" during the last leaf collection in his neighborhood in early December. The Borough's equipment, he said, "deposited a residue of leaves on all the catch basins, and the gratings were totally covered with leaves." The leaves got wet and froze, he said, and remained there for the next two months, only "melting" recently into the storm drains. "The Borough is in violation of its own ordinance," he said, and suggested that it is time to begin requiring that leaves be bagged rather than raked to the curb. All towns in Middlesex County and several in Mercer County require leaves to be collected in tall paper bags, he said. This is more of a burden on the homeowner, but would "free up an enormous resource in Public Works." He urged the Borough to "get into the 21st century with leaf collection."

Eugene Sarafin, 600-628 South Main Street, stated "we knew this was coming, and we haven't seen the end of it yet." He called "asinine" the provision in the ordinance calling for enforcement by the police department. Someone in the inspection field should be responsible for enforcement of these provisions, he said.

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

Ordinance 2005-11 was moved for adoption by Councilman Sikorski, seconded by Councilman Quattrone.

Councilman Sikorski commented that, on North Main Street, there is a problem similar to that encountered by Mr. Watkins on Meadow Drive. The County provides no advance notification that they are coming to pick up leaves, and wherever cars are parked that day, the leaves do not get removed. He would like to see this better coordinated with the county so that police could place signs on days that leaf collection on county roads would take place.

The roll was then called on the adoption of Ordinance 2005-11.

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

Ordinance adopted, 5-1.

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**

WHEREAS, Statewide Basic Requirements established by the New Jersey Department of Environmental Protection with regard to their Municipal Stormwater Regulation Program require that municipalities adopt certain ordinances with respect to pet waste, litter, improper waste disposal, wildlife feeding, yard waste and illicit connections; and

WHEREAS, it is the desire of the Mayor and Council to amend the Borough Code in accordance with said Statewide Basic Requirements, so as to protect public health, safety and welfare;

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

Section 1. Subsection 2.4 of Chapter 18, "Recycling," of the *Revised General Ordinances of the Borough of Hightstown*, is hereby amended as follows (insertions underlined, deletions in ~~strikeout text~~):

1. The title of the subsection shall read "Procedures for Placement of Leaves, Weeds, Shrubbery Clippings, Limbs, Branches and Other Garden Waste; Collection to be Made by Borough Public Works Department."
2. There are hereby inserted new paragraphs (a) and (b), as follows:
 - a. Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
 1. Containerized – means placement in a trash can, bucket, bag or other vessel, such as to prevent the contents from spilling or blowing out into the street and coming into contact with stormwater.
 2. Person – means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 3. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
 - b. Except as provided in subsections 18-2.4(c) and (d) below, the owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place leaves or grass clippings, unless they are containerized, in the street. If leaves or clippings that are not containerized are placed in the street, the party responsible for placement of said leaves or grass clippings must remove them from the street or said party shall be deemed in violation of this ordinance.
3. Existing paragraph (a) is hereby renumbered as paragraph (c) and amended as follows:
 - c. During the period from September 1 through December 31 of each year, leaves shall be placed in piles along the curbline of the street in accordance with the provisions of paragraph 18-2.4(d). The piles shall not exceed five (5) feet in width from the curbline. The Superintendent of Public Works may require that leaves be bagged and shall provide the public with notice of such requirement.
4. There is hereby inserted new paragraph (d), as follows:
 - d. Sweeping, raking, blowing or otherwise placing leaves that are not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of leaves at the curb or along the street at any other time or in any other manner is a violation of this ordinance, and the party responsible for placement of the leaves must remove them from the street or said party shall be deemed in violation of this ordinance.

5. Existing succeeding paragraphs are hereby renumbered (e) through (h), accordingly.

Section 2. Subsection 6.1 of Chapter 14, "Property Maintenance," of the *Revised General Ordinances of the Borough of Hightstown*, is hereby amended as follows (insertions underlined, deletions in ~~strikeout text~~):

14-6.1 Littering Prohibited.

- a. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than a litter receptacle, or having done so, to allow such litter to remain.
- b. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

Section 3. There is hereby established NEW Chapter 21, "Storm Sewer System," of the *Revised General Ordinances of the Borough of Hightstown*, as follows:

21-1. Purpose. The purpose of this ordinance is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Hightstown, and to prohibit illicit connections to same, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

21-2. Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Hightstown or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Domestic sewage - waste and wastewater from humans or household operations.
- d. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Hightstown, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- e. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- f. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A
- g. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

- h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

21-3. Prohibited Conduct.

- a. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Hightstown any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).
- b. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Hightstown is prohibited, except as set forth in subsection 21-4 below. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

21-4. Exceptions to Prohibition.

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

21-5. Enforcement. The provisions of this Chapter shall be enforced by the Hightstown Borough Police Department and the Superintendent of Public Works or his designee(s).

21-6. Penalties. Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to penalties as stated in Chapter I, Section 1-5.

Section 4. Subsection 3-4 of the *Revised General Ordinances of the Borough of Hightstown*, formerly "Reserved," is hereby amended in its entirety as follows:

3-4. Feeding of Wildlife Prohibited.

- a. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
 - a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
 - b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - c. Wildlife – all animals that are neither human nor domesticated.
- b. Prohibited Conduct. No person shall feed, in any public park or on any other property owned or operated by the Borough of Hightstown, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).
- c. Enforcement.
 - (1) The provisions of this Chapter shall be enforced by the Hightstown Borough Police Department.
 - (2) Any person found to be in violation of this Chapter shall be ordered to cease the feeding immediately.
- d. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to penalties as stated in Chapter I, Section 1-5.

Section 5. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 6. 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 7. This Ordinance shall take effect upon final passage and publication in accordance with the law.

**INTRODUCTION AND FIRST READING: ORDINANCE 2005-12,
AUTHORIZING THE LEASE OF A BOROUGH-OWNED AMBULANCE TO
ST. FRANCIS MEDICAL CENTER**

Following a review of by Mr. Raffetto and Ms. Gallagher, Ordinance 2005-12 was moved for introduction by Councilman Schneider, seconded by Councilman Quattrone.

Councilman Quattrone asked if the First Aid Squad would be able to use the ambulance to be leased to Saint Francis in the event that the Squad's own ambulance is out of service. The Mayor stated that this could be discussed by the subcommittee. "All is moving in the right direction," Councilman Quattrone said. He thanked Ms. Gallagher for her work on this, and said that he "doesn't want the Squad to get stepped on." Mayor Patten noted that the ambulance to be

leased to Saint Francis is owned by the Borough, while the other, newer ambulance is owned by the First Aid Squad itself.

The roll was then called on the introduction of Ordinance 2005-12.

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

Ordinance introduced, 6-0.

The public hearing and final reading of Ordinance 2005-12 was scheduled for April 4, 2005.

PRESENTATION

THE ARC OF MERCER COUNTY

Mayor Patten introduced Steve Cook, Chairman of the Arc of Mercer County. Mr. Cook provided an overview of the organization. The Arc is an association committed to empowering the lives of all people with mental retardation or developmental disability (known collectively as cognitive disability) through opportunities to set and realize their goals. On any given day, The Arc Mercer serves more than 1,000 people who have cognitive disability or who are family members and/or caregivers of those with a disability, through one of their many programs or services. The organization is dedicated to reducing the incidence and limiting the consequences of mental retardation and developmental disability through prevention, education and advocacy. They provide programs for those who need them and opportunities to work and live in the larger community. The Arc Mercer is the local chapter of The Arc, which is one of the nation's largest mental health organizations, and the state organization, The Arc of New Jersey.

Mr. Cook presented a brief video about the organization, and requested the support of the community "in time and resources." He provided a brochure of the services that the ARC can provide, for a fee, to the Borough. Mr. Cook also presented the Mayor and Council with a large gift basket created by one of the disabled persons that they work with.

MAYOR'S PROCLAMATION: MENTAL RETARDATION AWARENESS MONTH – MARCH 2005

Mayor Patten read aloud a Mayor's Proclamation declaring the month of March as Mental Retardation Awareness Month. The proclamation will be on display at Borough Hall for the remainder of the month and will then be forwarded to the ARC.

Proclamation

Whereas, mental retardation is a condition which affects more than 200,000 New Jersey children and adults and their families; and,

Whereas, public awareness and education enhance a community's understanding of the issues affecting people with mental retardation; and

Whereas, individuals with mental retardation can be vital and vibrant members of our communities, improving the quality of life for all of us; and

Whereas, March has been designated National Mental Retardation Awareness Month, with more than 120,000 members and 1,000 chapters of The Arc, across the nation, undertaking public awareness, educational, and fundraising initiatives; and

Whereas, The Arc of Mercer, Inc., celebrating 55 years of service, is committed to continuing to Empower Lives Through Opportunity by providing services and support to individuals with cognitive disabilities and their families;

Now, therefore, Be It Proclaimed that I, Mayor Robert Patten, do hereby proclaim March 2005, as

Mental Retardation Awareness Month

in the Borough of Hightstown, and urge that the citizens of Hightstown give full support to the efforts empowering people with mental retardation to live full and productive lives of inclusion in our communities.

RESOLUTIONS

BUDGETARY RESOLUTIONS

Resolution 2005-89 was moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2005-89 AUTHORIZING A TRANSFER OF FUNDS IN THE 2004 BUDGET

WHEREAS, N.J.S.A 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the succeeding fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2004 CURRENT budget are hereby authorized:

Appropriation	Category	FROM:	TO:
Municipal Clerk	Other Expenses	51.65	
Office Supplies/Paper Products	Other Expenses	1,181.87	
Financial Administration	Other Expenses	1,000.00	
Collection of Taxes	Other Expenses	934.00	
Data Processing/Info Tech	Other Expenses		3,167.52
TOTAL		3,167.52	3,167.52

Resolution 2005-90 was moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2005-90 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	150,640.61	292,797.50	443,438.11
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	164,722.00	137,500.00	302,222.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
TOTAL	315,362.61	1,276,845.50	1,592,208.11

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

Council reviewed the Resolutions included on the consent agenda. Regarding Resolution 2005-93, ratifying the Mayor's appointments of Deputy Court Administrator and Municipal Prosecutor, Councilman Sikorski commented that, "when things are presented for ratification, it would be nice to have a little background on both candidates." Mayor Patten pointed out that these are re-appointments. Mr. Yostembski has served the Borough as prosecutor for many years and has done "an extraordinary job," he said, and Ms. Ledger has worked as Deputy Court Administrator for approximately two years.

Resolutions 2005-91, 92, 93, 94, 95, 96, 97, 99 and 101 were then moved by Councilwoman Laudenberger and seconded by Councilman Quattrone.

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

Resolutions adopted, 6-0.

RESOLUTION 2005-91 AUTHORIZING PAYMENT NO. 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 on March 7, 2005, Change Order No. 1 to that contract was approved in the amount of \$402.00, bringing the total contract price to Nine Hundred and Seven Thousand Eight Hundred and Fifty-Four (\$907,854.00) Dollars; and

WHEREAS the contractor has submitted Payment Request No. 4 for work done in the total amount of \$122,936.98; 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 that Payment Request No. 4 from Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware in the amount of \$122,936.98 is hereby approved, and the Treasurer is authorized to issue same.

RESOLUTION 2005-92**AUTHORIZING SUBMISSION OF TREATMENT WORKS APPROVAL APPLICATION AND
STATEMENTS OF CONSENT (OLD HIGHTS OVERLOOK)**

WHEREAS, as part of the Planning Board's approval for the Old Hights Overlook subdivision, a sewer main on Williams Street must be extended in a southerly direction, through an easement, to Perry L. Drew Place, and along Perry L. Drew Place to the west and to the east; and

WHEREAS, NJDEP requires that a Treatment Works Approval Permit Application be submitted for this project; and

WHEREAS, as the Borough of Hightstown will be the ultimate owner of the sanitary sewer main, the permit application must be submitted indicating the Borough of Hightstown as the applicant/owner, and will require a Resolution from the governing body authorizing its submission;

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

1. The Mayor and Council consent to the extension of the sewer main on Williams Street as described herein and to the submission of a Treatment Works Approval Permit Application to NJDEP for same.
2. The Mayor is hereby authorized and directed to sign the Treatment Works Approval Permit Application as referenced herein.

RESOLUTION 2005-93**RATIFYING AND CONFIRMING MAYOR'S APPOINTMENTS
(BOROUGH PROSECUTOR AND DEPUTY COURT ADMINISTRATOR)**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following Mayor's appointments are hereby ratified and confirmed:

Position	Appointee	Term	Expiration Date
Borough Prosecutor	Robert Yostembski, Jr.	1 year	March 2, 2006
Deputy Municipal Court Administrator	Jennifer Ledger	1 year	March 7, 2006

; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to:

- a. Nanci Maclean, Municipal Court Administrator
- b. Jennifer Ledger, Deputy Municipal Court Administrator
- c. Robert Yostembski, Jr., Borough Prosecutor
- d. Marvin VanHise, Municipal Court Judge
- e. James Eufemia, Chief of Police
- f. Arlene O'Rourke, Treasurer

RESOLUTION 2005-94**AMENDING RESOLUTION 2005-55, ADOPTED FEBRUARY 7, 2005, ENTITLED "AUTHORIZING
REFUND OF TAX OVERPAYMENTS"**

WHEREAS, on February 7, 2005, the Borough Council approved Resolution 2005-55, which authorized the refund to First American Real Estate Tax Service, Dallas, TX, of three tax overpayments which had been received by the Borough for the first quarter of 2005; and

WHEREAS, the Tax Collector has since been informed that the request she received from First American for the refund of one of the overpayments (for 142 Mill Run East, Block 2.01, Lot 1, C0094) was made in error, and she has requested that Resolution 2005-94 be amended to remove the authorization for said refund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2005-94 is hereby amended to remove the authorization for the refund of \$878.99 to First American Real Estate Tax Service for property located at 142 Mill Run East (Block 2.01, Lot 1, C0094).

RESOLUTION 2005-95**AUTHORIZING WAIVER OF INTEREST ON CERTAIN TAX, WATER AND SEWER PAYMENTS
DELAYED IN TRANSIT BY THE U.S. POST OFFICE**

WHEREAS Resolution 2005-14, adopted on January 1, 2005, provides that interest shall be charged for the non-payment of taxes or assessments on any installment which is not made before or within the tenth (10th) calendar day following the date upon which same become payable; and

WHEREAS certain payments which were due on February 10, 2005 were mailed to the Borough in a timely fashion but were not delivered by the U.S. Post Office prior to that date, specifically:

- A property tax payment from Laura and Vern Stubaus, 11 Hagemount Avenue (Block 7, Lot 83), was mailed on February 5, 2005 but was not delivered to the Borough by the post office until February 14, 2005. Total interest charged was \$4.69; and
- Tax, water and sewer payments from the First Baptist Church, 125 South Main Street (Block 28, Lot 48) were paid with checks dated January 27, 2005. Subsequently, the Post Office notified the Church that their mail had not been able to be delivered and had been shredded. Amounts due were then hand-delivered to the tax office on March 7, 2005. Total interest charged was:

▪ Taxes	\$38.71
▪ Water	1.30
▪ Sewer	<u>1.99</u>
TOTAL	<u>\$42.00</u>

;and

WHEREAS each payer has requested that the interest charges on these payments be waived;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that interest charges for Laura and Vern Stubaus, 11 Hagemount Avenue (Block 7, Lot 83) and for the First Baptist Church, 125 South Main Street (Block 28, Lot 48), as set forth herein, are hereby waived and the Tax Collector is authorized to adjust said accounts accordingly; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to Mr. and Mrs. Stubaus and to the First Baptist Church.

RESOLUTION 2005-96**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 **\$991,112.25** from the following accounts:

Current	\$ 840,031.59
W/S Operating	90,732.66
General Capital	461.84
W/S Capital	31,794.00
Animal Control	235.00
Trust	360.00
Grant	9,070.16
Law Enforcement Trust	350.00
RCA-COAH	16,250.00
Escrow – Subdivision & Site Plan (First Washington Bank)	1,827.00
Total	<u>\$ 991,112.25</u>

RESOLUTION 2005-97**REQUESTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO INSTALL POST-MOUNTED PEDESTRIAN WARNING FLASHERS AT CROSS WALKS ON FRANKLIN STREET AND MERCER STREET (N.J.S.H. ROUTE 33)**

WHEREAS, the Borough of Hightstown undertook revitalization of its downtown in 2002 in order to provide a more inviting place for pedestrians and to stimulate economic activity in the Borough; and

WHEREAS, the Revitalization included improvements to crosswalks at the intersection of N.J.S.H. Route 33 and Broad Street near the Library and bus stop, and also at N.J.S.H. Route 33 and South Main Street near several commercial businesses and restaurants; and

WHEREAS, the Borough of Hightstown has seen a marked increase in pedestrian activity in the downtown and at these crosswalks since the Revitalization: and

WHEREAS, the high volume of traffic on N.J.S.H. Route 33 makes crossing the highway at these crosswalks dangerous, and vehicular traffic does not stop for the pedestrians in the crosswalks: and

WHEREAS, installation of post-mounted pedestrian warning flashers at these locations will increase safety for pedestrians:

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

1. The Mayor and Council request that the New Jersey Department of Transportation design and install post-mounted pedestrian warning flashers at two crosswalks on N.J.S.H. Route 33 at Broad Street and South Main Street.
2. A copy of this resolution shall be forwarded to the New Jersey Department of Transportation.

RESOLUTION 2005-99**AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF SEPTIC WASTE WATER AND/OR GRAY WATER – BIG MIKE, INC.**

WHEREAS, Big Mike, Inc. of Somerset, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water and/or gray water; and

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant and the Borough Engineer, and they have submitted a signed agreement along with the required Certificate of Insurance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Big Mike, Inc. for acceptance and processing of septic waste water and/or gray water, which agreement is attached hereto and incorporated herein, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

RESOLUTION 2005-101**AUTHORIZING ISSUANCE OF TAXICAB DRIVER'S LICENSE - TEOFILLO 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 Teofilo Mora, 175 Mechanic Street, 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 Teofilo Mora, 175 Mechanic Street, Hightstown, New Jersey.

NEW BUSINESS

TAXI ORDINANCE

Councilwoman Laudenberger distributed to Council copies of the Borough's existing taxi ordinance. She said that, given that much of our population is now Latino and many of them are dependent on taxis for transportation, it would be good to review our existing ordinance and make any needed changes. Ms. Gallagher had already begun gathering information about this and had asked Chief Eufemia for his comments on the existing ordinance, she said. Councilwoman Laudenberger said that she is interested in learning what is going on elsewhere so that "no one gets gouged in our community." Council President Schneider asked Mr. Raffetto to what extent the State of New Jersey governs taxicab operation. Mr. Raffetto stated that he will review this and also will obtain sample ordinances from other towns through the League of Municipalities.

Council expressed their unanimous support for reviewing our existing ordinance and finding out what is done in other towns. Councilman Quattrone stated that taxis in Trenton were recently inspected, and all of them failed inspection.

PUBLIC COMMENT II

Mayor Patten opened the floor to public comment.

Eugene Sarafin, 600-628 South Main Street, suggested that the plan for the rug mill property could be improved by tearing down the existing building and constructing three mid-rise buildings with a parking garage and more open space, with trees, grass and pathways. "It would be an asset to Hightstown," he said, adding "The mill is not an asset. It's an ugly building."

No one else came forward and the floor was closed.

Upon motion by Councilwoman Laudenberger, seconded by Councilman Sikorski and unanimously approved, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk