

## 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. He asked that, during the flag salute, all consider and appreciate the undertaking by our allied forces at Normandy on D-Day 61 years ago, June 6, 1944.

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

The Agenda was amended to include, under "Correspondence," a letter from the Department of Community Affairs regarding the award to the Borough of a \$5,000 grant through their Domestic Violence Training Program. Deleted from the agenda was a discussion which had been slated under "New Business" regarding the condition of the sidewalk at 158 Academy Street. At the request of Mayor Patten, the report by the Borough Attorney regarding overcrowding issues was moved up to be held just prior to the first public comment session. The agenda was moved as so amended by Councilman Sikorski, seconded by Councilman Quattrone and approved by all.

### APPROVAL OF MINUTES

Minutes of the May 16, 2005 open session were moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved as submitted.

### REPORT BY BOROUGH ATTORNEY REGARDING OVERCROWDING ISSUES

Borough Attorney Frederick Raffetto presented an in-depth report regarding overcrowding issues, the full text of which is included in its entirety at the end of these minutes. He included several examples of cases where it had been determined by the courts that, in cases regarding housing issues, "family" cannot be defined as strictly related by blood or adoption. He noted that he, Mayor Patten, Ms. Gallagher, Councilman Sikorski, Harry Wetterskog and Chief Eufemia met recently

with officials of Freehold Borough in Monmouth County, which is experiencing a number of problems related to an influx of residents there, primarily Latino. It appears, he said, that the problems they are experiencing are much more severe than ours. They see an influx of 400 to 500 day laborers each day. They had attempted to improve things by establishing a "muster zone" where day workers could wait for work, but this got out of hand and they closed it. As a result, they are now involved in a lawsuit brought by advocacy groups. The issues that they said are most problematic for them are things such as public drinking, public urination, littering, etc., and they have established a "Quality of Life Team" to deal with these. That is much more of an issue for them than landlord/tenant problems. A good dialogue was begun, he said, and "this is an evolving process."

Mr. Raffetto suggested that some things Hightstown can do regarding overcrowding and illegal boarding houses would be:

- When issuing a Certificate of Occupancy in the transfer of a title, it could be noted on the C.O. how many individuals are legally permitted to reside in the premises.
- Upon reasonable suspicion of illegal boarding house activity or overcrowding, our Code Enforcement Official could knock on the door and ask for consent to search the premises. This can be done in a non-threatening manner, he said, and is done in Freehold along with an interpreter. It is important that the individuals living there understand that they will not be deported as a result of the search, and that it is limited to housing violations. If consent were denied, a search warrant could be sought.

Mr. Raffetto noted that the Borough must be sensitive to taking any kind of action under the law that would target anyone of a particular race or ethnicity, as litigation could result. However, we *can* assure that our housing codes are properly adhered to, and he said that he would be happy to work with Mr. Wetterskog on this. He expressed confidence that Mr. Wetterskog is doing all that he can. "He is very knowledgeable," Mr. Raffetto said, "and has attended many seminars on these issues."

Mr. Wetterskog then addressed the Mayor and Council in this regard. He said that 90% of the complaints he receives are regarding overoccupancy; however, "not many homes here wouldn't qualify for 10 or 15 people living there." The problem is *not* overoccupancy, he said, but the renting of rooms. Mr. Wetterskog noted that, about 5 years ago, some apartments at Deerfield and Westerlea had up to 13 people living in them. He worked with Council and the Planning Board to develop a rental registration and licensing ordinance which requires that every rental property is licensed and inspected and allows him entry upon 24-hours notice. He has worked with the new owners of the apartments, and things have improved tremendously. "We've solved 90% of the problem," he said. He went on to say that, when he receives a complaint, he sends a certified letter to the landlord and if the problem is not resolved, issues a court summons. Generally, he receives a response to his letter within 48 hours. In the case of the home at 409 North Main Street, Mr. Wetterskog said that the owner responded within 24 hours and informed him that those living in the house were family members and that they were not renting rooms. Regarding complaints of a large number of cars at that property, he said that he and others have been watching, including at early morning hours, and they have never seen more than 7 or 8 cars there.

With respect to property maintenance issues at the old Wyckoff house, Mr. Wetterskog stated that this was the first property he visited 19 years ago, and much has been done since then. At one time, there were three "rat-infested" barns in back. It took four years to get that cleaned up, he said, but volunteers took down two of the barns and cleaned up the yard. With respect to the problem with the front porch there, a contractor took it down and rebuilt it "to where it was adequate." The owner has been cited for having no handrail going up the steps, and his attorney has been working hard to get assistance for him through volunteer efforts and grants to make repairs, paint, etc.

Mr. Wetterskog said that he has seen a drastic improvement in property maintenance in Hightstown. He has worked with Borough officials on a program which provides \$800,000 in funding through a regional contribution agreement with Manalapan for repairs to qualified units (up to \$20,000 per unit). Some homeowners were hesitant to participate for fear that their homes would be condemned, but he has worked with them and 20 units have been completed so far. He said that he sends out citations for property maintenance issues at least twice a year, and currently there are between 15 and 20 citations out. "We won't get 100% compliance," he said, adding that this is only one phase of the work done by his small office.

Mr. Wetterskog suggested that if one sees someone doing something illegal, such as urinating in public, they should contact the police department immediately. He echoed the Borough Attorney's warning regarding any targeting of Latino groups. "60 to 65% of the workforce is Latino," he said. "Without them, you wouldn't have houses being built or restaurants to eat in. We all need to make a few adjustments." He closed his comments by saying that anyone with a complaint is welcome to visit his office.

Mayor Patten thanked Mr. Wetterskog for his "commitment and dedication to Hightstown." "For 19 years," the Mayor said, "he has been serving the Borough and providing excellent enforcement of our state and local codes." Councilwoman Laudenberger thanked Mr. Wetterskog as well, saying that she stops into his office often, and he is always "gracious, open and welcoming." She was pleased that he had the opportunity at this meeting to "let everyone know how much really goes on in his office and how detail-oriented he is in serving the community." Councilman Sikorski agreed, saying, "Harry is doing an excellent job." Many times, he said, when people are bothered by something, they "let things fester." Our officials are receptive to the community, he said, but individuals may not always be satisfied with their response. "We who bear the burden of heavy taxation would not want the burden of a large lawsuit which could result if we are not careful," he said.

Council President Schneider asked where the floor space requirements used by the Borough for determining occupancy levels came from. Mr. Raffetto stated that the Borough code is consistent with the New Jersey State Housing Code in that respect – we've enacted theirs. Mr. Schneider asked if any towns use different numbers. Mr. Wetterskog stated that some towns use more restrictive numbers from outdated Codes, but that would not hold up in court. The numbers we use are reasonable, he said. He again stressed that the problem is not overoccupancy, but rentals. He noted that, currently, the Borough has surveillance on about 10 homes that are suspected of renting rooms. If a suspected rooming/boarding house is reported to the State, he said, the State will look to him for proof.

## **PUBLIC COMMENT I**

The Mayor opened the floor for public comment.

**Phyllis Deal**, 305 Stockton Street, said that she did not receive a sample ballot for the primary election. Ms. Gallagher stated that a few other residents did not receive theirs either, and the county has been made aware of the problem. Information on polling places is available in her office, she said, and she will be in at 5:30 a.m. on Election Day morning to answer any questions and address any problems that may arise.

**Pete Klapsogearge**, 418 N. Main Street, wished to clarify that the porch on the Wyckoff house "fell off." He acknowledged that some work is now being done there. Regarding overoccupancy and rentals, Mr. Klapsogearge said that the Borough Code and BOCA each define "family" as related by blood. He suggested that the cars parked at 409 N. Main Street be observed at midnight or very early in the morning. He noted also that there is an air conditioner in the attic window there, which would indicate that it is being used as a living space. "Lots needs to be looked into," he said. "If this is allowed, you have a single family dwelling becoming a multi person unit. The zoning gets lost." He added that this is "not about 'Latinos.'"

**Doug Ely**, 317 Stockton Street, stated that examples used earlier by the Borough Attorney deal with summer rentals and are not relevant to Hightstown. He said that some homes are sending six to nine children into our schools without contributing their fair share and that this problem should be “nipped in the bud.”

**Susan Muza**, 160 Second Avenue, objected to a reference by the Borough Attorney to these issues as a “minor problem.” By the standards mentioned earlier, she said, she could have 24 to 30 people living in her home as long as everyone uses the same kitchen and living room. There must be some kind of legislation which prohibits this, she said. It is unsafe and unhealthy, and, presumably, all would be using the same bathroom. “I don’t want this to become a major issue prior to us having to do something,” she said.

**J. P. Gibbons**, 602 N. Main Street, North Main Street, provided photographs showing that grass at the North Preserve development which is under construction is “three to four feet tall.” He asked that the developer be required to mow it.

**George Sorrono**, new manager of Deerfield and Westlea Apartments, stated that he is a Latino Vietnam veteran, and he has “zero tolerance for overcrowding.” “We do have overcrowding of Latinos,” he said, “and we are the problem. We use them to work in our businesses for cheap labor.” He said that Mr. Wetterskog is “the best,” and is there for him every time he calls.

**Fernando Salles**, 500 N. Main Street, said, “we are interested in the quality of life in Hightstown, and we want to make sure things don’t deteriorate to Freehold’s level.” He went on to say that he is Latino himself, and believes strongly in diversity. “The diversity of opinion in this room,” he said, “is very important for the future of Hightstown.” He commended those who are raising these issues and stressed the need for all to work together.

**Eugene Sarafin**, 600-628 South Main Street, commended the Borough Attorney for his report, and agreed with Mr. Sorrono that “we *are* the problem.” “We bring them here for cheap labor,” he said. “We don’t make an effort to know them. They are intelligent, and work hard. We are a nation of immigrants.... look at your heritage.”

Mr. Sarafin went on to criticize the police department because there had been two afternoon thefts in town during the past week. He further stated that our officers should be known by the public.

No one else came forward and the Mayor closed the floor.

Mr. Raffetto suggested that the Borough follow Freehold’s lead, and aggressively pursue consent searches from the beginning. “If we feel that there is an illegal boarding/rooming house,” he said, “we can contact the State immediately.” Freehold uses a hotline for this, he said. He suggested that the Borough may also want to consider “beefing up and going after property maintenance issues.” Any complaints that can be resolved through our police department, such as vehicles which are parked illegally, should be, he said. Finally, Mr. Raffetto apologized if he “came off as feeling that this is a minor issue.” He said that he was referring it to as minor in relation to the problems in Freehold Borough.

## **ORDINANCES**

**FINAL READING: ORDINANCE 2005-14,**

**AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO  
ESTABLISH NEW CHAPTER 25, “STORMWATER CONTROL”**

Ms. Roberts reviewed this Ordinance, noting that the Borough is required to adopt this in order to be in compliance with NJDEP’s new stormwater management rules. The Planning Board has reviewed and approved this Ordinance, she said. Council President Schneider asked if aspects of the Ordinance could be changed. Ms. Roberts stated that it could be changed only so long as it remains in compliance with State regulations, which, she said, are “pretty rigid. You would not

likely want to be more stringent, as it would be less attractive for redevelopment.” She added that we are /ess stringent than the State regarding groundwater recharge, which is permitted because we are a designated Town Center. This will not impact our well, she said.

**Ordinance 2005-14** was moved for adoption by Councilman Sikorski and seconded by Councilman Quattrone.

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

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

**ORDINANCE 2005-14                    AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN TO ESTABLISH NEW CHAPTER 25, “STORMWATER CONTROL”**

**WHEREAS** Statewide Basic Requirements established by the New Jersey Department of Environmental Protection with regard to their Municipal Stormwater Regulation Program require that municipalities prepare and adopt a Stormwater Management Plan and a Stormwater Control Ordinance; and

**WHEREAS** the Hightstown Planning Board has adopted a Stormwater Management Plan as an element of the Master Plan, and the Mayor and Council wish to adopt a Stormwater Control Ordinance to implement said plan;

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

Section 1. There is hereby established NEW Chapter 25, “Stormwater Control,” of the *Revised General Ordinances of the Borough of Hightstown*, to read as set forth in Appendix A, attached<sup>1</sup>.

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 take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act, subject to final passage and publication as provided by law.

**FINAL READING: ORDINANCE 2005-15,**

**AN ORDINANCE TO AMEND SECTION 26-9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING CHECKLISTS FOR SUBDIVISIONS AND SITE PLAN APPROVAL**

Ms. Roberts noted that this Ordinance has also been reviewed and approved by the Planning Board. This will update the Stormwater requirements in our checklists in accordance with new regulations.

**Ordinance 2005-15** was moved for adoption by Councilman Quattrone and seconded by Councilwoman Laudenberger.

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

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<sup>1</sup> Included at the end of these 6/6/05 minutes.

Ordinance adopted, 5-0-1.

**ORDINANCE 2005-15                    AN ORDINANCE TO AMEND SECTION 26-9 OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF HIGHTSTOWN REGARDING CHECKLISTS FOR SUBDIVISIONS  
AND SITE PLAN APPROVAL**

WHEREAS, certain changes to the Borough's ordinances governing checklists for minor subdivisions and site plans are necessary in order to be consistent with the Borough's newly created Stormwater Control Ordinance, and the Mayor and Council wish to amend those ordinances accordingly;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, as follows:

Section 1. Section 9.1(a) of Chapter 26, regarding checklists for major subdivisions, is hereby amended as follows:

1. Under "Major Subdivision," Items 14, 15 and 16 are deleted and new item 14 is inserted, to read as follows:
  14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:
    - a. Topographic base map
    - b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown
    - c. Project Description and Site Plan
    - d. Land Use Planning & Source Control Plan
    - e. Stormwater Management Facilities Map
    - f. Hydrologic and Hydraulic Calculations
    - g. Maintenance & Repair Plan

2. Under "Major Subdivision," existing items #17 through #25 are hereby renumbered as #15 through #23, accordingly.

Section 2. Section 9.2(a) of Chapter 26, regarding checklists for site plan approval, is hereby amended as follows:

1. Items 28, 29 and 30 are deleted and new item 28 is inserted, to read as follows:
  14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:
    - a. Topographic base map
    - b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown
    - c. Project Description and Site Plan
    - d. Land Use Planning & Source Control Plan
    - e. Stormwater Management Facilities Map
    - f. Hydrologic and Hydraulic Calculations
    - g. Maintenance & Repair Plan

2. Existing items #31 through #38 are hereby renumbered as #29 through #36, accordingly.

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

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

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

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-16,  
AMENDING SECTION 26-10, "MANDATORY DEVELOPMENT FEES," OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

Ms. Gallagher explained that the new COAH regulations allow for an increase in the fees charged to developers. This ordinance would amend those fees to the maximum allowed under the new regulations – 1% of equalized assessed value for residential development and 2% for commercial development. This ordinance, she said, has been recommended by our planning consultant, Randy Gottesman, and has been reviewed and approved by the Planning Board.

Mayor Patten opened the public hearing on Ordinance 2005-16.

**Eugene Sarafin**, 600-628 South Main Street, asked what the fees collected are used for. Mr. Raffetto stated that they are placed in a mandatory trust fund account that can be used only for affordable housing purposes. A small percentage may be designated toward administrative expenses. COAH monitors this account and approves all expenditures. Mr. Sarafin asked if this will affect Enchantment or the Mill redevelopment. Mr. Raffetto stated that we negotiated separately with Enchantment in this regard, and there is also a requirement built into the redevelopment plan for the Mill. He will be looking at that and will review any inconsistency there. This will apply also, he said, to small scale, residential and non-residential development.

No one else came forward and the hearing was closed.

**Ordinance 2005-16** was moved for adoption by Councilman Sikorski and seconded by Councilwoman Laudenberg.

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

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

**ORDINANCE 2005-16                      AMENDING SECTION 26-10, "MANDATORY DEVELOPMENT FEES," OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

**WHEREAS** on November 15, 2004, the Hightstown Borough Council adopted Ordinance 2004-28, which established a requirement for the payment of development fees subject to COAH approval; and

**WHEREAS** new COAH regulations allow for an increase in the fee which may be charged by a municipality and it is the desire of the Mayor and Council to amend the Borough Code to provide for an increase in fees to be charged, in accordance with said regulations;

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

Section 1. Subsection 26-10.3, "Residential Development Fees," is hereby amended as follows (deletions in ~~strikeout text~~, additions underlined):

**Subsection 26-10.3. Residential Development Fees.**

- a. Within all residential districts of the Borough of Hightstown, developers shall pay a development fee of ~~one-half of one percent (1/2 of 1%)~~ one-half of one percent (1/2 of 1%) of the equalized assessed value of the residential development, provided no increased density is permitted.

b. If a "d" variance is granted pursuant to N.J.S.A. 40:55d-70(5), then the additional residential units realized (above that which is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of ~~one-half of one percent (1/2 of 1%)~~. However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

Section 2. Subsection 26-10.4, "Non-Residential Development Fees," is hereby amended as follows (deletions in ~~strikeout text~~, additions underlined):

**Subsection 26-10.4. Non-Residential Development Fees.**

a. Developers within the Borough of Hightstown shall pay a fee of ~~one~~ two percent (2%) of the equalized assessed value for nonresidential development in the Borough of Hightstown.

b. If a "d" variance is granted pursuant to NJSA 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of ~~one two~~ percent (2%). However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two year period preceding the filing of the "d" variance application. The development fee may be based on either the equalized assessed value for nonresidential development or the appraised value utilized on the document for construction, whichever is greater.

Section 3. This ordinance shall become effective immediately upon final passage and publication in accordance with the law, but not before approval is received from COAH.

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

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-17,**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE  
DEDICATION OF CERTAIN EASEMENTS FROM ENCHANTMENT AT HIGHTSTOWN, LLC**

Following a brief review by Mr. Raffetto and Ms. Roberts, Mayor Patten opened the public hearing on Ordinance 2005-17.

**Eugene Sarafin**, 600-628 South Main Street, asked how the street names in Enchantment were chosen. Ms. Gallagher stated that the Borough had solicited suggestions for street names about two years ago in an effort headed by then-Councilman Richard Harlan Pratt, and the suggestions were "voted" on by the public through surveys in the *Crier* and on the Borough's website. Top vote getters were submitted to Enchantment, and these were the names that were selected.

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

**Ordinance 2005-17** was moved for adoption by Councilman Quattrone and seconded by Councilman Sikorski.

Council President Schneider asked if the \$10 consideration noted in the easements is the "new standard." Mr. Raffetto stated that it represents "nominal consideration."

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

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



**AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE DEDICATION OF CERTAIN EASEMENTS FROM ENCHANTMENT AT HIGHTSTOWN, L.L.C.**

**WHEREAS**, in connection with the development of a new residential community within the Borough of Hightstown known as the "Enchantment at Hightstown," it is necessary for the developer, Enchantment at Hightstown, L.L.C., to dedicate certain easements to the Borough of Hightstown; and

**WHEREAS**, these easements are in the nature of "Utilities and Access" Easements (relating to Ashton Lane, Barton Drive, Brakeman Court, Ely Court, Hight Boulevard and Norton Avenue) and "Conservation" Easements, which were required by the Borough's Planning Board as a condition to granting development approvals; and

**WHEREAS**, the New Jersey "Local Lands and Buildings Law," *N.J.S.A. 40A:12-1, et seq.*, authorizes any municipality to acquire any interest in land, including easements, following the adoption of an Ordinance authorizing same; and

**WHEREAS**, copies of the proposed Easement documents are attached hereto and made a part hereof<sup>2</sup>.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That, subject to the review and approval of the Borough Engineer, the Borough Attorney and the Planning Board Attorney, the Borough of Hightstown is hereby authorized to accept the dedication of the aforementioned Easements which are in the nature of "Utilities and Access" Easements (relating to Ashton Lane, Barton Drive, Brakeman Court, Ely Court, Hight Boulevard and Norton Avenue) and "Conservation" Easements, in connection with the development of a new community within the Borough known as the "Enchantment at Hightstown."
2. That the Mayor is authorized to execute and the Borough Clerk and/or Borough Attorney is hereby authorized to attest the attached Easement documents on behalf of the Borough of Hightstown, in the form attached hereto or with such revisions as deemed necessary by the Borough Engineer, the Borough Attorney and the Planning Board Attorney.
3. That following full execution of the Easement documents, the Borough Attorney is hereby authorized and directed to arrange for the recordation of the Easement documents in the office of the Mercer County Clerk.
4. That the provisions of this Ordinance shall be severable. 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 the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-18,****AMENDING CHAPTER 28, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN TO ELIMINATE THE FLOOR AREA RATIO REQUIREMENTS IN THE AA ZONE**

Ms. Roberts reviewed the provisions of this Ordinance and noted that it has been reviewed and approved by the Planning Board. This will not change the size of the houses or their coverage on the property, she said, and will allow for individuals buying there to put in an upstairs loft or sunroom.

Mayor Patten opened the public hearing on Ordinance 2005-18.

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<sup>2</sup> Easement documents are on permanent file in the Borough Clerk's office with the original copy of this Ordinance.

**Eugene Sarafin**, 600-628 South Main Street, spoke against the ordinance and said that the Borough would be creating "a future slum with two stories."

**J. P. Gibbons**, 602 N. Main Street, expressed support for the Ordinance.

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

**Ordinance 2005-18** was moved for adoption by Councilman Sikorski and seconded by Councilwoman Laudenberger.

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

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

**ORDINANCE 2005-18                    AMENDING CHAPTER 28, "ZONING," OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF HIGHTSTOWN TO ELIMINATE THE FLOOR AREA RATIO  
REQUIREMENT IN THE AA ZONE**

**WHEREAS** the Borough Engineer has recommended that the Borough Code be amended to remove a floor/area ratio (FAR) requirement in the AA zone; and

**WHEREAS** this requirement does not currently exist in any other zone;

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

Section 1. Chapter 28, "Zoning," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to delete "Floor/Area Ratio 0.50" in subsection 28-3.11(g), "Area and Yard Requirements for Individual Residential Lots in an Active Adult Age-Restricted Housing Development."

Section 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency.

Section 3. This ordinance shall take effect upon its passage and publication as provided by law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-19,  
AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES  
OF THE BOROUGH OF HIGHTSTOWN**

Ms. Gallagher reviewed the provisions of this Ordinance, noting that some ranges were adjusted as needed to accommodate the 3½ percent salary increase previously granted to Borough employees effective January 1, 2005.

Mayor Patten opened the public hearing on Ordinance 2005-19.

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

No one else came forward and the hearing was closed.

**Ordinance 2005-19** was moved for adoption by Councilwoman Laudenberger and seconded by Councilman Quattrone.

Councilman Quattrone stated that he voted "no" on the introduction of this Ordinance. He reviewed the Ordinance in the meantime with Ms. Gallagher and will vote to adopt this Ordinance with the understanding that a new salary ordinance will be crafted for 2006 that will be more up to date.

Councilman Sikorski reiterated his original objection to granting a 3.5% salary increase.

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

**Ordinance adopted, 4-1-1.**

**ORDINANCE 2005-19                    AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN**

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

**Section 1.** The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Planning Board Attorney	\$2,000.00	\$2,000.00
Borough Attorney	\$20,000.00	\$25,000.00
Borough Administrator	\$18,000.00	\$25,000.00
Borough Clerk	\$40,000.00	\$69,000.00
Deputy Borough Clerk	\$28,000.00	\$38,000.00
Treasurer	\$40,000.00	\$65,000.00
Assistant Treasurer (full-time)	\$36,000.00	\$43,000.00
Tax/Water/Sewer Collector	\$38,000.00	\$46,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$15,000.00
Tax Assessor	\$7,500.00	\$9,500.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$3,500.00
Municipal Magistrate	\$25,000.00	\$34,000.00
Municipal Court Administrator	\$40,000.00	\$65,000.00
Deputy Municipal Court Administrator	\$28,000.00	\$38,000.00
Zoning Officer	\$8,000.00	\$20,000.00
Administrative Assistant/Secretary	\$22,000.00	\$41,000.00
Planning Board Secretary	\$1,000.00	\$4,000.00
Technical Assistant	\$28,000.00	\$38,000.00
Construction Code Official	\$20,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	\$6,000.00
Building Subcode Official	\$3,500.00	\$8,000.00
Superintendent of Public Works	\$50,000.00	\$80,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$65,000.00
Superintendent of Water Plant	\$5,000.00	\$8,000.00
Water Plant Operator	\$40,000.00	\$60,000.00
Superintendent of AWWTP	\$50,000.00	\$75,000.00
Lab Manager - AWWTP	\$35,000.00	\$50,000.00
Chief of Police	\$65,000.00	\$95,000.00
Secretary to Board of Health	\$500.00	\$1,000.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$26,000.00
Building Inspector	\$5,000.00	\$9,000.00
Fire Inspector	\$2,000.00	\$6,000.00
Housing Inspector	\$10,000.00	\$20,000.00
Health Officer	\$8,000.00	\$12,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Part-time clerical	\$9.00	\$25.00
Assistant Treasurer (part-time)	\$12.00	\$25.00
Payroll Clerk	\$10.00	\$15.00
Violations Clerk (part-time)	\$10.00	\$14.00
Disposition Clerk (part-time)	\$12.50	\$21.00
Special Officer – Municipal Court	\$25.00	\$30.00
Public Health Nurse	\$25.00	\$35.00
School Crossing Guard	\$16.00	\$21.00
Radio Dispatcher	\$8.00	\$21.00
Administrative Assistant/Secretary	\$12.00	\$22.00
Administrative Assistant – Floater	\$13.50	\$16.00
Public Works Assistant Superintendent	\$20.00	\$30.00
Public Works Foreman	\$16.00	\$25.00
Public Works Equipment Operator	\$14.00	\$20.00
Public Works Heavy Equipment Operator	\$14.00	\$20.00
Public Works Driver/Laborer	\$10.00	\$19.00
Public Works Laborer	\$8.00	\$16.00
Public Works Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$10.00	\$20.00
Public Works Driver/Laborer/Mechanic	\$10.00	\$20.00
Seasonal/Temporary Labor	\$8.00	\$16.00
AWWTP Maintenance Mechanic/Metal Fabricator	\$16.00	\$20.00
AWWTP Maintenance	\$15.00	\$20.00
AWWTP Shift Supervisor/Operator	\$15.00	\$20.00
AWWTP Operator Trainee (up to 1 year exp)	\$12.00	\$14.00
AWWTP Operator – Class I (min. 1 year exp)	\$13.25	\$15.00
AWWTP Operator – Class II (min. 2 years exp)	\$14.25	\$16.00
AWWTP Operator – Class III (min. 3 years exp)	\$15.50	\$17.00
AWWTP Operator – Class IV (min. 4 years exp)	\$16.50	\$18.00
Recreation Director (part-time)	\$20.00	\$30.00
Assistant Recreation Director (part-time)	\$8.00	\$13.00
Junior Recreation Counselor (part-time)	\$6.25	\$10.00
Housing Inspector	\$18.00	\$30.00
Fire Official	\$18.00	\$30.00
Electric Subcode Official	\$18.00	\$ 32.00
Plumbing Subcode Official	\$18.00	\$ 32.00

Section 3. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on a per-session basis, is:

	RANGING FROM:	TO:
Acting Judge	\$150.00	\$250.00
Prosecutor	\$150.00	\$210.00
Public Defender	\$100.00	\$150.00
Court Interpreter	\$50.00	\$75.00
Municipal Court Administrator – Alcohol Educ Rehab Sessions	\$150.00	\$200.00
Deputy Court Administrator – Alcohol Educ Rehab Sessions	\$100.00	\$150.00

**Section 4.** Supplemental Longevity Pay for regular full-time employees except police shall be as follows:

After five (5) years of service	\$650.00
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After ten (10) years of service	\$1,000.00
After fifteen (15) years of service	\$1,350.00
After twenty (20) years of service	\$1,700.00
After twenty-five (25) years of service	\$2,100.00

**Section 5.** All full-time employees who have waived health benefits coverage shall receive a supplemental stipend in the amount of \$2,150 per year.

**Section 6.** This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be retroactive to January 1, 2005.

**Section 7.** The salary ranges established in this ordinance supercede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

## INTRODUCTION AND FIRST READING: ORDINANCE 2005-20,

### AN ORDINANCE APPROPRIATING \$19,500 FOR THE PURCHASE OF PHOTOCOPIERS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Gallagher stated that this ordinance would appropriate existing capital funds for the purchase of two photocopiers for use in the Borough Clerk's office and the police department. This funding method has been recommended by the Chief Financial Officer and will save the Borough up to \$1,000 per machine over the cost of leasing or bonding for the purchase. In addition, the Borough will save \$7,400 in the 2006 budget by eliminating the need to budget for lease payments.

**Ordinance 2005-20** was moved for introduction by Councilman Sikorski and seconded by Councilman Quattrone.

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

### **Ordinance introduced, 5-0-1.**

The public hearing and final reading on this Ordinance was scheduled for June 20, 2005.

## INTRODUCTION AND FIRST 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 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$57,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review by Ms. Gallagher and Ms. Roberts, Ordinance 2005-21 was moved by Councilwoman Laudenberger and seconded by Councilman Schneider.

Council President Schneider asked if there was any discussion of a contribution by Enchantment toward the work on this road. Ms. Roberts stated that Enchantment is rebuilding and realigning another portion of the road. Councilman Sikorski asked if the developer could have been required to pay for this portion as well. Ms. Roberts replied that the Borough negotiated "as hard as we could" with Enchantment, and we were able to get a Greenway, boardwalk and recreational area there.

Councilman Sikorski stated that this will be a "good project for Hightstown." He added that any bond issue costs significantly more than the amount actually bonded.

Councilman Quattrone asked if this work will include curbs and sidewalks. Ms. Roberts replied that it will, on one side of the road only (due to its narrow width). Mr. Quattrone asked if the work would be done after Enchantment is finished in order to reduce wear and tear on the new surface from their construction vehicles. "That is the plan," replied Ms. Roberts.

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

**Ordinance introduced, 5-0-1.**

The public hearing and final reading on this Ordinance was scheduled for June 20, 2005.

**INTRODUCTION AND FIRST READING: ORDINANCE 2005-22,**  
BOND ORDINANCE AMENDING 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  
IMPROVEMENTS

Following a brief review by Ms. Gallagher, Ordinance 2005-22 was moved for introduction by Councilman Sikorski and seconded by Councilman Quattrone.

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

**Ordinance introduced, 5-0-1.**

The public hearing and final reading on this Ordinance was scheduled for June 20, 2005.

**INTRODUCTION AND FIRST 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 reviewed the provisions of this Ordinance, noting that it would increase the licensing fee for unsubscribed, unsolicited publications (currently, the *Trenton Times Weekender* is the only such licensed publication) to \$500 per year. That fee, currently set at \$150 per year, has been in effect since 1991 or prior, she said. It will also clarify certain language in the Ordinance and establish additional restrictions with respect to the method of delivery of such publications. In crafting this Ordinance, Ms. Gallagher said, she reviewed similar ordinances from many other towns.

**Ordinance 2005-23** was moved by Councilwoman Laudenberger and seconded by Councilman Thompson.

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

**Ordinance introduced, 5-0-1.**

The public hearing and final reading on this Ordinance was scheduled for June 20, 2005.

## UNFINISHED BUSINESS

### UPDATE BY BOROUGH ATTORNEY REGARDING REDEVELOPMENT OF THE MILL PROPERTY

Mr. Raffetto reviewed the redevelopment process to date, and submissions made by Greystone Mill, LLC, the conditional redeveloper. The subcommittee has reviewed their last submission, he said, and has requested changes. They anticipate that new information will be provided by the upcoming Wednesday. The traffic impact study has been received but not yet reviewed. That report is likely to change, the Mayor pointed out.

Councilman Sikorski stated that July 15 is the deadline for acceptance and approval of the redeveloper's agreement. He said that all information relative to that should be available to Councilmembers no later than July 5 or, if the deadline date is extended by mutual agreement of the parties, that Council should have the information at least 10 days beforehand. Mayor Patten asked if the Council, as Redevelopment Agency, can hold a special meeting. Mr. Raffetto said that they could and said that he anticipates that this will be a "lengthy process."

## NEW BUSINESS

### RECOMMENDATIONS FROM THE ANIMAL WELFARE COMMITTEE REGARDING CAT LICENSING

Mayor Patten reported that the Animal Welfare Committee has recommended that the Borough continue licensing cats with no limitation on the number of cats which may be licensed. Ms. Gallagher stated that in 2004-05, 147 cats were licensed as opposed to 128 during the prior year.

### REQUEST BY PROPERTY OWNER FOR VACATION OF EVERGREEN AVENUE

Ms. Gallagher reported that Dr. Paul Talmazan, 565 South Main Street, would like to acquire part or all of the "paper street" known as Evergreen Avenue, and has requested that it be vacated. Ms. Roberts stated that this was a planned street that does not exist except on paper and that there is no purpose in retaining it. It was originally intended to connect to Meadow Drive, but there is now a house in the way of that.

Mr. Raffetto said that the process involved in disposing of this property would depend in part upon how the property was acquired by the Borough in the first place. To vacate the property will require a legal description, the adoption of an ordinance and its recording at the County Clerk's office. He said that towns often require that funds to cover these expenses be posted in escrow by the party who has requested the vacation.

Councilman Quattrone asked Ms. Roberts if another water tower was planned for that location. She stated that this would be a tough location for that, since the houses there are so close together. A better place, she said, would be just to the south, on property owned by the Peddie School. Councilman Thompson suggested that the property could be made into a park.

After further discussion, it was generally agreed that the Borough would proceed and that Borough professionals would provide estimates to Ms. Gallagher, who will then request that funds be placed in escrow by Dr. Talmazan to cover the costs of this process.

## BUDGETARY RESOLUTIONS

**Resolution 2005-137** was moved by Councilman Quattrone and seconded by Councilman Schneider.

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

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

**RESOLUTION 2005-137      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	65,080.00	1,115,326.09	<b>1,180,406.09</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	252,118.00	<b>252,118.00</b>
Water/Sewer	49,784.40	639,001.61	<b>688,786.01</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	594,430.00	<b>594,430.00</b>
<b>TOTAL</b>	<b>114,864.40</b>	<b>2,600,875.70</b>	<b>2,715,740.10</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof<sup>3</sup>.
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 2005-138** was moved by Councilman Sikorski and seconded by Councilman Schneider.

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

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

**RESOLUTION 2005-138      RESOLUTION AMENDING THE 2005 TEMPORARY CAPITAL BUDGET**

**WHEREAS**, the Borough of Hightstown adopted Resolution 2005-26 on January 18, 2005, constituting the 2005 Temporary Capital Budget; and

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<sup>3</sup> Included at the end of these 6/6/05 minutes.



**WHEREAS**, it is necessary to amend the Temporary Capital Budget to provide for certain additional projects;

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

1. The 2005 Temporary Capital Budget of the Borough of Hightstown is hereby constituted by addition of the following projects:

<u>Project</u>	<u>Est. Costs</u>	<u>Budget Approp.</u>	<u>Capital Imp. Fund</u>	<u>Grant Funding Applied</u>	<u>General Serial Bonds</u>
Reconstruction of Oak Lane	285,000.00		2,750.00	230,000.00	52,250.00
Greenways, Phase II	300,000.00		2,500.00	250,000.00	47,500.00
Mercer Street Revitalization	450,000.00		22,500.00		427,500.00
<b>TOTAL</b>	<b>1,035,000.00</b>		<b>27,750.00</b>	<b>480,000.00</b>	<b>527,250.00</b>

2. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

## CONSENT AGENDA

**Resolutions 2005-139, 140, 141, 142 and 143** were moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

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

### **RESOLUTION 2005-139      AUTHORIZING INTERLOCAL AGREEMENT FOR CONTRIBUTION OF THE MATCHING LOCAL SHARE FOR BUS SERVICES**

**WHEREAS**, the Borough of Hightstown is desirous of entering into a renewed interlocal agreement with the Township of East Windsor for the purpose of providing public transportation services for its citizens; and

**WHEREAS**, the term of said agreement shall be from July 1, 2005 through June 30, 2006; and

**WHEREAS**, the Borough's share of the cost of this service, by the terms of the agreement, is \$2,180.00; 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 that the Mayor and Borough Clerk are hereby authorized and directed to execute the document entitled "Interlocal Agreement for Contribution of the Matching Local Share for Bus Services," a true copy of which is appended hereto and incorporated herein by reference<sup>4</sup>.

### **RESOLUTION 2005-140      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;

<sup>4</sup> Agreement is on permanent file in the Borough Clerk's office with the original copy of this Resolution.

**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 **\$288,821.07** from the following accounts:

Current	\$ 174,024.30
W/S Operating	54,106.53
General Capital	23,111.72
W/S Capital	10,165.13
Animal Control	160.40
Trust Account	4,010.00
RCA-COAH Escrow	17,115.58
Grant	383.17
Escrow – Subdivision & Site Plan (First Washington Bank)	5,743.94
<b>Total</b>	<b><u>\$ 288,821.07</u></b>

**RESOLUTION 2005-141      AUTHORIZING PAYMENT ON BEHALF OF PARTICIPANTS IN THE BOROUGH OF  
HIGHTSTOWN LENGTH OF SERVICE AWARD PROGRAM (LOSAP)**

**WHEREAS**, the Borough of Hightstown instituted a Length of Service Award Program (LOSAP) with the adoption of Ordinance 1999-20 on August 2, 1999 and its subsequent approval by referendum at the November 1999 general election; and

**WHEREAS**, said LOSAP became effective January 1, 2000; and

**WHEREAS**, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2004, as set forth on Schedule A, attached; and

**WHEREAS**, *N.J.A.C. 5:30-14.10* requires that these listings be approved by Resolution of the governing body;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the certified listings set forth on the attached Schedule A<sup>5</sup> of volunteer members of the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 who qualified for credit under the LOSAP program for the year 2004 are hereby approved, and the Borough Administrator is directed to take all steps necessary to provide payment on their behalf to Lincoln Financial Group in accordance with the provisions and requirements of *N.J.S.A. 40A:14-191* and *N.J.A.C. 5:30-14.1 et seq*; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be provided to the Hightstown First Aid Squad and Hightstown Engine Co. No. 1; and

**BE IT FURTHER RESOLVED** that, in accordance with *N.J.S.A. 40A:14-192*, copies of the approved listings shall be posted for a period of not less than 30 days in the Borough Clerk's office, at the Hightstown Firehouse and at the Hightstown First Aid Squad building.

**RESOLUTION 2005-142      AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-003 – WINE  
DEPOT CORPORATION, T/A HEDY'S LIQUORS**

**WHEREAS**, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-003, together with the required fees; and

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<sup>5</sup> Included at the end of these 6/6/05 minutes.

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this 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 Wine Depot Corporation, doing business as Hedy's Liquors at 500 Mercer Street:

**2005-06 Plenary Retail Consumption License with Broad Package Privilege**  
**License #1104-32-001-003**  
**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 2005-143          AMENDING RESOLUTION 2005-30, ADOPTED JANUARY 18, 2005, ENTITLED "AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES"**

**WHEREAS** Resolution 2005-30, authorizing a professional services agreement with Roberts & Reymann Engineering, LLC, for various professional engineering services for the Borough of Hightstown for 2005 was approved by the Borough Council on January 18, 2005; and

**WHEREAS**, the Borough Administrator has reviewed expenditures to date and anticipated expenditures during the remainder of 2005, together with the Borough's introduced budget and anticipated amendments to same, and has recommended that the maximum anticipated engineering costs reflected in said Resolution be amended as set forth herein; and

**WHEREAS** the Borough Engineer is amenable to these changes;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the anticipated maximum engineering costs set forth in Resolution 2005-30 are hereby amended as follows:

Attendance at Borough Council meetings	\$ 5,000.00
General engineering (Planning Board)	2,000.00
Miscellaneous requests for information and data	3,500.00
Miscellaneous road and drainage issues	3,500.00
Utility operations – water	10,000.00
Utility operations – sewer	10,500.00

Representing a total REDUCTION in maximum anticipated expenditures of \$21,200.00;

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

1. Resolution 2005-144 is hereby amended as set forth herein.
2. A certified copy of this Resolution shall be provided to Roberts & Reymann, LLC, and, when countersigned by Carmela Roberts, Borough Engineer, shall constitute an amendment to the professional services agreement authorized by Resolution 2005-30.
3. A certified copy of this Resolution shall be placed on file in the Borough Clerk's office with the original agreement referenced herein.
4. A notice of this action shall be printed once in the official newspaper as required by law.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilwoman Laudenberger reported that she has attended the recent meetings of the subcommittee to review information submitted by Greystone Mill, LLC, as well as meetings of the Celebrate Hightstown! Committee. She also noted receipt of the police report for May, and said that the department is doing a "fine job."

Council President Schneider asked what the Borough does in response to a complaint about grass needing to be cut. Ms. Gallagher stated that notices are placed on doors stating that if the grass is not cut within a specified period of time, the Borough will cut it and charge the costs to the homeowner. Generally, she said, residents comply quickly and cut their grass without the need to go further. Councilman Sikorski stated that 44 grass notices were delivered during the past week.

Councilman Sikorski commended Councilman Quattrone for his work on the annual Memorial Day Parade, and thanked Ms. Gallagher for having the packets prepared by Thursday afternoon. He reported his attendance at subcommittee meetings regarding Greystone's submissions, and at a meeting held with officials of Freehold Borough about overcrowding and rentals. He referenced an article which appeared in that morning's *Trenton Times* about these issues in Princeton Borough, and said "we're ahead of the situation here." Mr. Sikorski also noted an article in the same edition regarding one-time Hightstown resident Sister Rae Ann O'Neill, who now teaches womens' rights in Guatemala.

Councilman Quattrone thanked Annie Blake and Harold "Skip" Cox for their work on the Memorial Day Parade. He reported that the Parks and Recreation Commission has completed flower plantings at Grant Avenue Park, and said that he is working with the First Aid Squad to encourage new membership. Regarding issues of illegal boarding houses, he said that if someone sees a problem, they should submit something in writing to the Borough.

Mayor Patten reported that:

- He presided over a recent League of Municipalities seminar
- He will be attending a luncheon of the New Jersey Business and Industry Association where the Peddie School will be presented with their "Good Neighbor" award for their work at 120 Main Street and in the Borough's downtown parking lot.
- Hightstown hosted a recent meeting of the Central Jersey Regional Equity Coalition.
- He personally delivered the Borough's grant application to the New Jersey Historic Preservation Trust as was discussed at the last meeting. He commended Dan Buriak for his work on this application.
- The Phase III Revitalization Committee is meeting monthly and has been reviewing ideas for the design of the fountain at The Point.
- Hightstown Engine Co. No. 1 conducts drills on Thursday evenings and some Saturday mornings. "If you see fire trucks and flashing lights on a Thursday evening," he said, "don't be alarmed."

## 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:

- Letter of resignation from Tax Assessor Brian Schneider
- Letter from New Jersey Department of Community Affairs regarding award to Borough of \$5,000 grant from the Domestic Violence Training Program

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Eugene Sarafin**, 600-628 South Main Street, stated that he served in the U.S. Marine Corps under a flag he respected, but he now refuses to recite the Pledge of Allegiance because he is embarrassed by our country. "Christianity is the national religion," he said, and "Bush is destroying the country."

**Fernando Salles**, 500 North Main Street, asked for and received clarification regarding the work to be done on Wyckoff's Mill Road, and said that he would prefer that Borough Council meetings stay focused on local issues.

**Gina Charskey**, 158 Broad Street, said that she contacted our police department twice to lodge complaints and "nothing was resolved." She noted that the outdoor phone at Custom Bandag is still ringing and that a jackhammer was operated recently from 7 a.m. to 9 p.m.

**Dan Buriak**, 194 Stockton Street, stated that he is proud of our flag and finds it annoying to come here and hear comments about it that do not represent Hightstown. He thanked Mayor Patten for providing photographs for the Historic Trust grant application and getting the letters of support, especially from County Executive Brian Hughes. He plans to help seek additional funding (including corporate funding) for the project and has already found another grant that would provide up to \$20,000.

**Mr. Sarafin** spoke again to say that the federal government is "destroying our economy and our rights." "Someone has to say 'enough of this s\*\*t,'" he said, "and you have to say it also."

No one else came forward and the floor was closed.

## EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2005-136, authorizing a closed session for the purpose of discussing personnel issues. The Resolution was moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

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

### RESOLUTION 2005-136 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 6, 2005 at approximately 9:40 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

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 6, 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 Councilman Quattrone, seconded by Councilman Thompson and unanimously approved. The meeting was adjourned at approximately 11:00 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk