

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:00 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember Harinxma</i>		✓
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Rosenberg</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; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Deleted from the agenda were Resolutions 2006-144, 2006-145 and 2006-147. The agenda was moved as amended by Councilmember Sikorski, seconded by Council President Schneider and approved by all.

APPROVAL OF MINUTES

Minutes of the open and closed sessions of May 16, 2006 were moved by Councilmember Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, recalled that, when the Stockton Street Historic District was originally proposed, it was specifically stated that it would be an unrestrictive district. She said that she is concerned that the Borough is moving toward a "very restrictive, regulated situation," and added, "I don't want this to turn into Cape May, where you can't do anything unless it conforms." She said that this is not how it was presented originally, and that she and others on Stockton Street would be very unhappy if restrictions of that sort were put into place.

Eugene Sarafin, 600-628 South Main Street, claimed that, despite the fact that three minutes per person are allowed for public comment, the Borough violates the Open Public Meetings Act by not setting aside a specific, total block of time for all comments. He also claimed that the governing body does not obey Robert's Rules and said that the Mayor has "no right to interfere or to lobby." Mr. Sarafin then went on to criticize the Bush administration as well as Assemblywoman Beck, and criticized Council for "doing nothing" to look into his allegation that the Borough could save \$2.1 million by sharing services with East Windsor.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTION 2006-134, AUTHORIZING APPLICATIONS AND AGREEMENTS FOR TRANSPORTATION TRUST FUNDING

Ms. Roberts reviewed the applications she had prepared for Transportation Trust funding for Outcalt Street, First Avenue and Morrison Avenue, and asked Council to rank them in order of priority. DOT's priorities, she said, do not always match the Borough's, and they are most likely to favor those roads that they feel get more use. She anticipates that they would favor Morrison Avenue over Outcalt Street and First Avenue for that reason. Mayor Patten asked if the work will include curbs and sidewalks. Ms. Roberts replied that Outcalt Street and First Avenue work would include replacement of any existing sidewalks, but the Morrison Avenue work, which would encompass the area between Harron and Summit Streets, would be mostly drainage-related. No new sidewalks are included in that application. Councilmember Quattrone noted the importance of having sidewalks near the school, so that children need not walk in the street. Ms. Roberts said that this could be incorporated in that application. It was generally agreed that Council will determine how the applications will be ranked at their next meeting.

Resolution 2006-134 was then moved by Councilmember Quattrone and seconded by Council President Schneider.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Resolution adopted, 5-0.

RESOLUTION 2006-134 AUTHORIZING APPLICATIONS AND AGREEMENTS FOR TRANSPORTATION TRUST FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that submission of applications for Transportation Trust FY 2007 Municipal Aid funding for the following projects, which applications are attached hereto and made a part of this Resolution, are hereby approved, and the Mayor and Borough Clerk are authorized to execute same:

Outcalt Street
First Avenue
Morrison Avenue

RESOLUTION 2006-135, AUTHORIZING PAYMENT NO. 1 – S. BROTHERS, INC. (WYCKOFF'S MILL ROAD RECONSTRUCTION – R&R FILE NO. H1727)

Following a brief review by Ms. Roberts, Resolution 2006-135 was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Resolution adopted, 5-0.

RESOLUTION 2006-135 AUTHORIZING PAYMENT NO. 1 – S. BROTHERS, INC.
(WYCKOFF'S MILL ROAD RECONSTRUCTION – R&R FILE NO. H1727)

WHEREAS, on November 21, 2005 the Borough Council awarded a contract for the reconstruction of Wyckoff's Mill Road to S. Brothers General Contractors, Inc. of South River, New Jersey in the total amount of One Hundred and Seventy-Four Thousand Five Hundred and Eighty-Five (\$174,585.00) Dollars; and

WHEREAS the contractor has submitted Payment Request No. 1 for work done in the total amount of \$121,128.31, together with the required certified payrolls; and

WHEREAS the Borough Engineer has recommended approval of this payment request;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from S. Brothers General Contractors, Inc. of South River, New Jersey in the amount of \$121,128.31 is hereby approved, and the Treasurer is authorized to issue same.

RESOLUTION 2006-136, AWARDING CONTRACT FOR WILSON AVENUE REPAIRS AND OVERLAY

Ms. Roberts reviewed the provisions of Resolution 2006-136, noting that, after approval of this contract, there will be a bit of funding remaining that could be used for work on Cranbury Station Road. The bids are currently being reviewed by the Borough Attorney, and she recommended that this Resolution be approved now, subject to his review and his approval.

Resolution 2006-136 was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Resolution adopted 5-0.

RESOLUTION 2006-136 AWARDING CONTRACT FOR WILSON AVENUE REPAIRS AND OVERLAY

WHEREAS, two (2) bids were received on June 1, 2006 for repairs to and overlay of Wilson Avenue in the Borough of Hightstown; and

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

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

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

1. The contract for Wilson Avenue repairs and overlay is hereby awarded to S. Brothers General Contractors, Inc. of South River, New Jersey in the amount of Fifty Thousand Two Hundred (\$50,200.00) Dollars, subject to the Borough Attorney's review of the bids and determination that the bid submitted by S. Brothers General Contractors is in order with respect to legal compliance.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with S. Brothers General Contracting, Inc., subject to approval of the Borough Attorney.

PRESENTATION

STONY BROOK – MILLSTONE WATERSHED ASSOCIATION: *MUNICIPAL ASSESSMENT PROGRAM*

Jennifer Coffey, Director of Watershed Management, for the Stony Brook – Millstone Watershed Association, addressed the Mayor and Council regarding the organization's Municipal Assessment Program. The Association, which was founded in 1949, is the second-oldest watershed association in the country, and encompasses 265 square miles, 26 municipalities and five counties. Ms. Coffey said that the Association maintains an 860-acre nature preserve, with an educational program that services more than 10,000 people.

The Association's Municipal Assessment Program began six years ago in response to an influx of questions and requests from various towns. The Association has made presentations to the Borough's Environmental Commission and Planning Board. If Council adopts a Resolution authorizing the Borough's participation in this program, the next step would be to develop a "Point Committee" comprised of representatives from Council, the Planning Board and the Environmental Commission, as well as others. That Committee would serve as a direct liaison to the Association from the Borough's major bodies, and would identify long term planning goals by reviewing the Borough's Master Plan and surveying each Board and Commission. The Borough's "best management practices" would be examined, as well as its land use ordinances and other elements that the Borough feels are important. Once our long-term vision is established, and our existing ordinances examined, we can identify any gaps there. The Association will assist the Borough to develop an understanding of its vision, and to draft a "next step" document. This has been done, Ms. Coffey said, for 11 of the 26 towns in the watershed. Fifteen towns have enrolled in the program.

The Municipal Assessment Program, Ms. Coffey said, (1) acknowledges the good things that the Borough is already engaged in, (2) outlines a goal as defined through our Master Plan and/or surveys, (3) determines what current protections already exist and (4) identifies our options in taking future actions toward that goal. The report generated through this process would be presented to the public and made available on the Association's website, as well as on the Borough's website, in the Municipal Clerk's office and at the library. Although the Watershed Association is essentially an environmental organization, they would like to help with issues related to affordable housing, historic preservation, planning, etc. Once the report is complete, they would ask Council to pick their two highest priorities, and would work to help us achieve those goals. They have access to model ordinances, and they keep up to date by following case law. They attend a lot of municipal meetings and support any ordinance developed through this process, even bringing together meetings of community stakeholders and educational events. If Council is interested, Ms. Coffey said, we would be able to get started in the fall or early winter.

Councilmember Quattrone asked if the Association has been monitoring the water quality of Peddie Lake. Ms. Coffey said that they do not have a monitoring site there, but would like to work with us toward that end.

Councilmember Sikorski asked about the cost of the program. There would be no cost to our taxpayers, Ms. Coffey said. The program is funded by the Geraldine Dodge Foundation and the EPA. All they ask is that the members of our Point Committee review the Borough's Master Plan, existing land use ordinances and other documents.

Mayor Patten thanked Ms. Coffey for her presentation.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-15, AN ORDINANCE TO AMEND THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* WITH RESPECT TO VARIOUS FINES AND PENALTIES

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-15.

Eugene Sarafin, 600-628 South Main Street, thanked Council for eliminating the provision originally included in this Ordinance that would have increased minimum as well as maximum fines.

Ordinance 2006-15 was moved for adoption by Council President Schneider and seconded by Councilmember Sikorski

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Ordinance adopted, 5-0.

ORDINANCE 2006-15 AN ORDINANCE TO AMEND THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* WITH RESPECT TO VARIOUS FINES AND PENALTIES

WHEREAS P.L. 2006, c. 269, increases the authorized maximum penalty which may be imposed for municipal ordinance violations from \$1,250 to \$2,000; and

WHEREAS the Borough Administrator and Borough Attorney have recommended that the Borough Code be amended to provide for the higher maximum penalty;

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

Section 1. Section 1-5.1, "Maximum Penalty," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (additions in **bold underline**; deletions in ~~**bold-strikeout text**~~):

For violation of any provision of this Code or other ordinance of the Borough of Hightstown, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be by one (1) or more of the following: imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding ~~one two~~ thousand (~~\$1,000.00~~ **\$2,000.00**) dollars; or by a period of community service not exceeding ninety (90) days.

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 upon final passage and publication in accordance with the law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-16,

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK FOR USE BY THE FIRE DEPARTMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$620,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$590,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-16.

Eugene Sarafin, 600-628 South Main Street, stated that there are seven fire departments within a five-mile radius, and suggested that Council work with other towns to coordinate equipment purchases as well as emergency management in general.

No one else came forward and the hearing was closed.

Ordinance 2006-16 was moved by Councilmember Sikorski and seconded by Council President Schneider.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Ordinance adopted, 5-0.

ORDINANCE 2006-16 **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK FOR USE BY THE FIRE DEPARTMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$620,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$590,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$620,000, including the sum of \$30,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$590,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a fire truck and related equipment for use by the Fire Department, including all related costs and expenditures incidental thereto.

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$590,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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

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

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

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

RESOLUTIONS

Resolutions 2006-137, 138, 139, 140, 141, 142, 143 and 146 were moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Resolutions adopted, 5-0.

RESOLUTION 2006-137 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2006 BUDGET

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2006 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 2006 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	4,238.00	1,531,927.00	1,536,165.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	127,207.00	127,207.00
Water/Sewer	52,238.00	566,396.06	618,634.06
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	591,550.00	591,550.00
TOTAL	56,476.00	2,817,080.06	2,873,556.06

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 2006 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 2006-138 AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$959,075.18** from the following accounts:

Current	\$ 762,998.18
W/S Operating	92,584.90
General Capital	32,520.70

W/S Capital	35,729.14
Trust	1,565.76
Grant	2,205.81
RCA COAH Escrow	11,875.00
Escrow-Subdivision & Site Plan (First Washington Bank)	19,595.69
Total	<u>\$959,075.18</u>

RESOLUTION 2006-139 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, 2006 through June 30, 2007; 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 reference¹.

RESOLUTION 2006-140 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 2005, as set forth on Schedule A, attached²; 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 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 2005 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.

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

² Schedule A is on file in the Borough Clerk's office with original copy of Resolution.

RESOLUTION 2006-141 ACCEPTING MEMBERSHIP OF GEORGE W. SERRANO IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, George W. Serrano of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Serrano has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief John Archer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of George W. Serrano in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2006-142 AUTHORIZING ISSUANCE OF TAXICAB DRIVER'S LICENSE - JACQUES MASSE

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 Jacques Masse, 272 Ward Avenue, Bordentown, 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 2006 taxicab driver's license to Mr. Masse as detailed herein.

RESOLUTION 2006-143 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction at 9 a.m. on Saturday, June 17, 2006 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held at 9 a.m. on Saturday, June 17, 2006 at 278 Monmouth Street.

RESOLUTION 2006-146 AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-009 – EVERGREEN WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUORS)

WHEREAS, Evergreen Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-009, together with the required fees; and

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

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

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

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

UNFINISHED BUSINESS

REVIEW AND RATIFICATION: RESOLUTION 2006-131

Mr. Raffetto explained that he and Ms. Gallagher felt that it was appropriate to include the text, as drafted, of the Resolution adopted verbally at the last meeting for Council's review and ratification at this meeting. "We wanted to be sure," he said, "that we have satisfactorily captured the direction that Council wanted to pursue, so that we can send it on to the Planning Board and Historic Preservation Commission." He added that he will be meeting with the Historic Preservation Commission on the coming Tuesday. Councilmember Sikorski commended the Borough Attorney for his work on this issue. It was clarified that Council's vote at this meeting will be simply to ratify the Resolution that was adopted verbally at the last meeting, and does not address the ordinance drafted by the Borough Attorney in the interim.

Ratification of Resolution 2006-131 was then moved by Councilmember Sikorski, seconded by Council President Schneider. A roll call vote was taken.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Resolution ratified, 5-0.

RESOLUTION 2006-131 A RESOLUTION DIRECTING THE BOROUGH ATTORNEY TO REVIEW MATTERS RELATING TO HISTORIC PRESERVATION AND DRAFT ORDINANCES WITH RESPECT TO SAME, AND REQUESTING THE PLANNING BOARD AND HISTORIC PRESERVATION COMMISSION TO REVIEW SAID DRAFT ORDINANCES AND OTHER ISSUES RELATED TO HISTORIC PRESERVATION

WHEREAS, the Mayor and Borough Council of the Borough of Hightstown are committed to the preservation of the Borough's historic resources, and recognize that this is an important policy goal set forth in the Borough's Master Plan, as well as a potential tool to promote economic revitalization; and

WHEREAS, pursuant to Section 2-45 of the Borough Code, a Historic Preservation Commission has been established within the Borough, in accordance with the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.: and

WHEREAS, the Mayor and Borough Council wish to direct the Borough Attorney to review the contents of Section 2-45 of the Borough Code, and to consult with the Historic Preservation Commission, and to make recommendations to the Mayor and Borough Council as to whether it is in the best interests of the Borough to amend said Section in any respects; and

WHEREAS, the Mayor and Borough Council recognize that the "Stockton Street Historic District," an area within the Borough which measures approximately 14.35 acres and includes approximately seventy-six (76) historic resources (including residential dwellings, one monument and one church), has been listed on both the National and New Jersey State Registers of Historic Places; and

WHEREAS, the Mayor and Borough Council are deeply concerned about the potential negative effects that may result to this Historic District associated with residential subdivisions, multi-family conversions and commercialization within the District; and

WHEREAS, the Mayor and Borough Council therefore direct the Borough Attorney to review matters relating to the "Stockton Street Historic District," and specifically the potential negative effects referenced above, to determine whether it is in the best interests of the Borough to adopt any new Ordinances to ensure the continued protection of this valued and recognized Historic District, and, if so, to draft such ordinance(s) for review by the Mayor and Borough Council, the Planning Board and the Historic Preservation Commission; and

WHEREAS, the Mayor and Borough Council also request that the Planning Board undertake a review of the current Historic Element of the Borough's Master Plan, and consider updating the Element to specifically include the "Stockton Street Historic District," as well as to incorporate any other revisions deemed necessary and/or appropriate by the Board; and

WHEREAS, the Mayor and Borough Council also request that the Planning Board, in conjunction with the Historic Preservation Commission, review any draft ordinance provided by the Borough Attorney and make recommendations to the Mayor and Borough Council with respect to same;

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

1. That the Mayor and Borough Council hereby direct the Borough Attorney to review the contents of Section 2-45 of the Borough Code, and to consult with the Historic Preservation Commission, to determine whether it is in the best interests of the Borough to amend said Section in any respects, and, if so, to draft such ordinance(s) as may be necessary in that regard.
2. That the Mayor and Borough Council hereby direct the Borough Attorney to review matters relating to the "Stockton Street Historic District," and specifically the potential negative effects associated with residential subdivisions, multi-family conversions and commercialization within the District, to determine whether it is in the best interests of the Borough to adopt any new Ordinances to ensure the continued protection of this valued and recognized Historic District, and, if so, to draft such ordinances for review by the Mayor and Borough Council, the Planning Board and the Historic Preservation Commission.
3. That the Mayor and Borough Council hereby request that the Planning Board undertake a review of the current Historic Element of the Borough's Master Plan, and consider updating the Element to specifically include the "Stockton Street Historic District," as well as to incorporate any other revisions deemed necessary and/or appropriate by the Board.
4. That the Mayor and Borough Council also wish to request that the Planning Board, in conjunction with the Historic Preservation Commission, review any draft ordinance provided by the Borough Attorney and make recommendations to the Mayor and Borough Council with respect to same.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown Borough Historic Preservation Commission
 - b. Hightstown Borough Planning Board
 - c. Gary Rosensweig, Esq., Planning Board Attorney
 - d. Frederick C. Raffetto, Esq., Borough Attorney
 - e. Candace B. Gallagher, Borough Administrator/Clerk

Councilmember Sikorski noted that the draft ordinance recently prepared by the Borough Attorney includes the phrase "close proximity," which he felt was redundant and should be changed. That ordinance will be provided to the Historic Preservation Commission for their review and recommendations prior to the Planning Board's and Council's review.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Mayor Patten commended Councilman Rosenberg for his work in organizing and completing the planting of the flower bed in Memorial Park, with the assistance of the Greater Hightstown Improvement Project, the Borough's Public Works

department and others. He also commended Councilmember Quattrone for his work in organizing this year's Memorial Day Parade, which was well attended and very successful. "You did an outstanding job," he said, "and you keep raising the standards for all."

Councilmember Thompson echoed the Mayor's commendations for Councilmember Rosenberg and Councilmember Quattrone. He also commended Mr. Quattrone for his ongoing work with the Borough's First Aid Squad.

Councilmember Quattrone stated that his work on this year's parade was "very rewarding," and encouraged anyone that would like to help next year to contact him. He commended all who assisted with the event. Mr. Quattrone went on to say that the Borough's Public Works department is operating with a skeleton crew right now, and doesn't have the manpower to address all that needs to be done now that the warmer weather is here. It may be necessary to hire someone, he said.

Councilmember Sikorski reported that:

- The Planning Board is continuing its examination of the Borough's redevelopment plan with respect to the Bank Street area.
- He will be attending this week's Board of Health meeting.
- Mr. Wetterskog's office has been busy with numerous permits for summer renovations. In addition, various property maintenance issues have been addressed and corrective action taken.
- He and Council President Schneider will be attending a seminar during the coming week regarding redevelopment.

Mr. Sikorski also stated that the Tax Collector's report indicates that 118 properties are currently in arrears, for a total of almost \$312,000. 313 utility accounts are in arrears, he said, for a total of about \$86,000.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, took this opportunity to tell two jokes.

Mike Vanderbeck, 344 Stockton Street and owner of the Slowdown Café, commended Councilmember Quattrone for his work on the Memorial Day Parade. The Café had its "best Monday ever," he said. Mr. Vanderbeck also urged Council to come to some resolution with respect to his request to gain more control of the corner of Rogers Avenue and Mercer Street. There are groups hanging at that corner, he said, bothering people for money and smoking. He said that resolution of this issue may not necessarily mean ownership by him of the property, but he wants to be able to "enforce good behavior out there" and bring control to that corner. He added that he planted flowers which were stomped on by the kids there. He asked Council to find a creative solution to the problem, as it would be great for the town as a whole.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud Resolution 2006-133, authorizing a closed session for the purpose of discussing contract negotiations, possible litigation and personnel. The Resolution was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.
Councilmember Harinxma was absent.

Resolution adopted, 5-0.

RESOLUTION 2006-133 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 5, 2006 at approximately 8:05 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:

**Contract Negotiations – Transfer of Property
Personnel
Possible Litigation**

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 5, 2006 or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Upon reconvening, adjournment was moved by Councilman Quattrone, seconded by Council President Schneider and unanimously approved. The meeting was adjourned at approximately 8:45 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk