

OPEN SESSION
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Mayor Robert Patten called the meeting to order at 7:05 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

### ROLL CALL

	PRESENT	ABSENT
Mayor Patten	✓	
Councilmember Harinxma	✓	
Councilmember Quattrone	✓	
Councilmember Rosenberg	✓	
Councilmember Schneider	✓	
Councilmember Sikorski	✓	
Councilmember Thompson	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; and Frederick Raffetto, Esq., Borough Attorney (who arrived just after Shri Dalal's comments during the Public Comment portion of the meeting).

### APPROVAL OF AGENDA

Councilmember Sikorski moved the agenda with the addition, under New Business, of a verbal Resolution requesting the Borough Attorney to draft an Ordinance regarding historic preservation for review by the Planning Board and Historic Preservation Commission. The motion was seconded by Council President Schneider and approved by all.

### APPROVAL OF MINUTES

Minutes of the May 1, 2006 meeting (open and closed sessions) were moved by Councilmember Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

### PROCLAMATION: EMS WEEK – MAY 14 - 20, 2006

Mayor Patten read aloud a proclamation designating EMS Week in the Borough of Hightstown and presented the framed proclamation to Terri Lidke and Alex Contreras of the Hightstown First Aid Squad.

#### **EMS Week – May 14 -20, 2006**

**Whereas,** *emergency medical services are vital to our residents; and*

**Whereas,** *the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

*Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

*Whereas, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and*

*Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*

*Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;*

**Now, Therefore,** I, Robert F. Patten, Mayor of the Borough of Hightstown in the County of Mercer, State of New Jersey, in recognition of this event do hereby proclaim the week of May 14-20, 2006, as **Emergency Medical Services Week** with the theme, "EMS: Serving on Health Care's Front Line," and I encourage the community to observe this week with appropriate programs, ceremonies and activities.

## **PUBLIC COMMENT I**

Mayor Patten opened the floor for public comment.

**Shri Dalal** of D.M. Properties stated that, on January 9, his firm received preliminary and final approvals to develop properties on South Academy Street. It was discovered that there exists an eight-foot gap between his property and the neighboring property (that which was sold at auction by the Borough to Luis Ordonez during 2005) which contains an existing drainpipe, and there is no evidence that this area was ever deeded to or owned by the Borough. To remedy this, D. M. Properties will relinquish any interest in that property to Luis Ordonez thru a Quit Claim deed, after which Mr. Ordonez will grant an easement to the Borough and allow D. M. Properties to make the needed drainage connection. Last week, he said, they received site plan approval to develop the property, but in order to move forward, the paperwork must be executed. He asked that this be expedited with the Borough Attorney. Their attorney, he said, will prepare the documents.

**Eugene Sarafin**, 600-628 South Main Street, referred to a letter he sent to the governing body and Administrator including an "analysis of outsourcing," and referred to them as "liars, thieves and cowards." Based on his analysis, he said, "you cost the Borough \$2.4 million because you can't find a way to save money." Mr. Sarafin claimed that outsourcing police services would reduce the Borough's tax rate to thirty cents. He told the governing body that if they do not "outsource everything in town by December 31," he would have them recalled.

**Linda Hecker** addressed the Mayor and Council as a representative of the New Jersey Oral Health Coalition to support the continuation of fluoridation of the Borough's water supply. Arguments against that, she said, are not based on "solid facts," and past attempts to discredit the practice have included linking it to AIDS, communism and mind control. Fluoride, she said, is a mineral which often occurs naturally in water. Programs such as the Borough's adjust the fluoride level to provide optimum benefits (between 0.7 and 1.2 ppm). Ms. Hecker went on to say that the practice of fluoridation has existed since 1945, and there has never been any evidence of its causing any systemic illness. When fluoridation is stopped, she said, the incidence of tooth decay rises dramatically. Many reputable agencies, including the Centers for Disease Control, hail fluoridation as one of the greatest health benefits of the 20<sup>th</sup> century.

No one else came forward and the floor was closed.

## ENGINEER'S ITEMS

### RESOLUTION 2006-125, AWARDING CONTRACT FOR SEPTAGE ACCEPTANCE UNIT

Ms. Roberts provided a brief review of Resolution 2006-125, which would authorize the purchase of a new septage acceptance unit ("Rotomat") for use at the Borough's Advanced Wastewater Treatment Plant. Councilman Thompson noted that this purchase is important to maintaining the revenue generated at the plant from the acceptance of gray water and septage. Councilman Quattrone asked about the payback period, and Ms. Roberts and Ms. Gallagher stated that this is difficult to determine; however, having the new unit in place will eliminate downtime, which is very costly to the Borough. When the existing Rotomat is out of service, the Borough can lose up to \$10,000 per week in septage / gray water revenue.

Ms. Roberts was asked why only one bid was received, and she explained that there aren't many firms that provide this equipment. It is not uncommon in something like this, she said, to receive only one bid, and she is "happy with the price."

Resolution 2006-125 was moved by Councilmember Sikorski and seconded by Councilmember Thompson.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

### RESOLUTION 2006-125      AWARDING CONTRACT FOR SEPTAGE ACCEPTANCE UNIT

**WHEREAS**, one bid was received on May 9, 2006 for a Septage Acceptance Unit for use at the Borough's Advanced Wastewater Treatment Plant; and

**WHEREAS**, the bid has been reviewed by the Borough Engineer and it is her recommendation that the contract be awarded to the sole bidder, Lakeside Equipment Corporation of Bartlett, IL; and

**WHEREAS**, the Borough Attorney has reviewed the bid submitted by Lakeside Equipment and has determined that it is in order with respect to legal compliance; and

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

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

1. The contract for a Septage Acceptance Unit is hereby awarded to Lakeside Equipment Corporation in the amount of One Hundred and Three Thousand Four Hundred and Thirty (\$103,430.00) Dollars.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Lakeside Equipment Corporation subject to approval of the Borough Attorney.

### RESOLUTION 2006-126, AWARDING CONTRACT FOR PROVISION OF SODIUM BICARBONATE

Ms. Roberts stated that Mr. Searing has begun using sodium bicarbonate in much greater quantities than in the past and as a result, the digestion process has improved. Because we are using more of the chemical, we were approaching the bid threshold and it was necessary to bid this out for the remainder of the year. This contract price is lower than what he is currently paying, she added.

Councilman Thompson expressed support for the Resolution, which was then moved by Councilmember Quattrone and seconded by Councilmember Sikorski.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION 2006-126      AWARDING CONTRACT FOR PROVISION OF SODIUM BICARBONATE**

**WHEREAS**, two bids were received on May 9, 2006 for the purchase of sodium bicarbonate for use at the Borough's Advanced Wastewater Treatment Plant for the approximate seven-month period ending December 31, 2006; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is her recommendation that the contract be awarded to the low bidder, Univar USA, Inc., of Emaus, PA; and

**WHEREAS**, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Univar USA is in order with respect to legal compliance; and

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

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

1. The contract for the purchase of sodium bicarbonate as herein detailed is hereby awarded to Univar USA, Inc. of Emaus, PA for a unit price of \$0.246 per pound, and a total not to exceed Twenty Thousand Nine Hundred and Seventy One (\$20,971.50) Dollars and Fifty Cents.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Univar USA, Inc., subject to approval of the Borough Attorney.

**RESOLUTION 2006-127, AUTHORIZING THE PROJECT ENGINEER AND MUNICIPAL CLERK TO EXECUTE A  
REVISED APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND  
AID FOR THE HIGHTSTOWN GREENWAY PHASE I PROJECT**

Following a brief review by Ms. Roberts, Resolution 2006-127 was moved by Councilmember Quattrone and seconded by Councilmember Rosenberg.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

**RESOLUTION 2006-127      AUTHORIZING THE PROJECT ENGINEER AND MUNICIPAL CLERK TO EXECUTE A REVISED  
APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND AID  
FOR THE HIGHTSTOWN GREENWAY PHASE I PROJECT**

**WHEREAS**, the Borough of Hightstown, County of Mercer, State of New Jersey filed an application with the Commissioner of the New Jersey Department of Transportation for aid in 2002 for the Hightstown Greenway Phase I Project; and

**WHEREAS**, the New Jersey Department of Transportation approved funding for the Hightstown Greenway Phase I Project in the amount of \$250,000.00, which funding will expire on June 20, 2006; and

**WHEREAS**, due to difficulty in obtaining environmental permits and easements, the Borough of Hightstown has been delayed in awarding a construction contract for the project, and it has been necessary to modify the location of the planned Greenway; and

**WHEREAS**, the New Jersey Department of Transportation has requested that a revised application for funding be submitted at this time due to the modified location;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown, County of Mercer, State of New Jersey that the Project Engineer and Borough Clerk are hereby authorized to execute said revised application, and the Clerk is instructed to forward said application to the Project Engineer for transmittal to the New Jersey Department of Transportation.

## TRANSPORTATION TRUST FUND APPLICATIONS

Ms. Roberts stated that the deadline is approaching to submit applications to NJDOT's Transportation Trust Fund for roadway improvements. She said that she has consulted with Mr. Blake, and it is their recommendation to apply for funding for First Avenue, Outcalt Street and/or Morrison Avenue. The Borough has the option to apply for one, two or three streets, she said. She would recommend applying for all three. There are no funds this year for sidewalks. After Council decides how they wish to proceed, she will prepare applications for approval at the next Council meeting. The deadline, she said, is June 30. Mayor Patten noted that the Transportation Fund may be depleted at June 30.

After brief discussion, the consensus of Council was to proceed with applications for all three streets as recommended by Ms. Roberts.

## ORDINANCES

### PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-12,

#### AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Roberts and Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-12.

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

No one else came forward and the hearing was closed.

Ordinance 2006-12 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Sikorski.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

#### ORDINANCE 2006-12      AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

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

Section 1. Section 11-1, "Time Limit Parking," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended by the addition of the following new location:

<u>Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Stockton Street	South	15 minutes	From a point 165 feet distant from the westerly curblin of Main Street to a point 60 feet west

Section 2. Section 18-1, "One Way Streets," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended by the addition of the following new location:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Limits</u>
Railroad Avenue	Southwesterly	Between Rogers Avenue and South Academy Street

Section 3. Section 37.1, "Regulation for the Movement and Parking of Traffic on Municipal Property and Board of Education Property," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended at subsection (h), item (4) thereof, as follows (additions are bold underlined):

4. Fee. The fee for parking permits in the Stockton Street lot shall be seventy-five (\$75.00) dollars per permit period and shall be paid at the filing of the application. Such fee shall be prorated on a monthly basis if application is made after the first month of the permit period and the monthly rate shall be charged for each month or partial month remaining in the permit period.

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

Section 5. 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 6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

## PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-13,

### AN ORDINANCE TO AMEND SECTION 4-21, "TAXICAB LICENSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Ms. Gallagher reviewed the provisions of Ordinance 2006-13, and Mayor Patten opened the public hearing on the Ordinance.

**Charles Cohen**, East Windsor taxi operator, stated that East Windsor, West Windsor and Lawrenceville require higher levels of insurance coverage than those specified in this ordinance.

**Eugene Sarafin**, 600-628 South Main Street, commended the Mayor and Council for taking action to amend the taxi ordinance within three months of receiving a complaint.

No one else came forward and the hearing was closed.

Ordinance 2006-13 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Sikorski.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Sikorski, Schneider and Thompson voted yes.

**Ordinance adopted, 6-0.**

### ORDINANCE 2006-13      AN ORDINANCE TO AMEND SECTION 4-21, "TAXICAB LICENSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

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

Section 1. Paragraph (a), "Application information," of Section 4-21.4, "Licensing of Taxicab Owners," is hereby amended by the addition of new sub-paragraph (3), as follows:

**3. Applications received after the effective date of this Ordinance for new licenses or for renewal of existing licenses must be accompanied by proof of automobile liability insurance issued by a company licensed and admitted to transact business in the State of New Jersey, and acceptable to the Borough, indicating limits of liability in amounts not less than the following: \$50,000 per person and \$100,000 per accident for bodily injury or death and \$50,000 per accident for property damage. Proof of insurance must also indicate that insurance coverage applies to all owned vehicles of the applicant or must specify by description all of the vehicles to which the coverage applies. Said proof of insurance must also indicate that the Borough will be notified with 30 days advance notice should the coverage be cancelled or non-renewed, except no less than 10 days advance notice for non-payment of premium.**

Section 2. Paragraph (a), "Applications," of Section 4-21.5, "Licensing of Taxicab Drivers," is hereby amended as follows (additions in **bold underline**):

a. Applications.

1. Application for a taxicab driver's license shall be made to the Borough Clerk upon forms provided by her office, and shall be forwarded to the Chief of Police for investigation and approval. Applications shall be completed by the applicant in the presence of the Borough Clerk or her designee, and shall be taken in the Clerk's office only, during days and hours established by the Clerk. **Except as hereinafter provided,** applicants shall have the following minimum qualifications:

- (a) Applicant must be over twenty-one (21) years of age.
- (b) Applicant must be a United States citizen or a legal resident alien. A copy of the alien registration card or work permit must be submitted with the application.
- (c) Applicant must possess a valid New Jersey driver's license.
- (d) Applicant must supply a certification from a licensed physician, on a form to be provided by the Borough Clerk, indicating that the applicant has been examined within the past sixty (60) days and is in sound physical condition, has eyesight corrected to 20/20 vision and is not subject to any infirmity of body or mind which might render the applicant unfit for safe operation of a vehicle for hire.
- (e) Applicant must certify that he/she is not addicted to the use of narcotics or intoxicating liquors.
- (f) Applicant must be able to read, write and understand the English language.
- (g) Applicant must not have been convicted of any crime involving moral turpitude.
- (h) Applicant must have a thorough knowledge of the law, traffic regulations and geography of the Borough of Hightstown, the Motor Vehicle Act, the Traffic Act and other ordinances and regulations having to do with traffic. Each applicant may be examined as to his or her knowledge of these provisions, and if the result of the examination is unsatisfactory, the application shall be refused a license.
- (i) Be fingerprinted by the Police Department, with a report therein received from the State Police or Federal Bureau of Investigation.
- (j) Applicant must not have been convicted, within the three years prior to the date of the application, of reckless driving, driving while intoxicated, leaving the scene of an accident or driving more than 30 miles an hour above the speed limit.
- (k) At the time of application, applicant must have no more than eight (8) New Jersey State Division of Motor Vehicle points on his or her driving record, or the equivalent if licensed in any other state.

**(l) Requirements (d) and (i) above, regarding physician's certification and fingerprinting, shall not apply to any taxicab driver who holds a valid taxicab driver's license in any other Mercer County municipality and whose firm is licensed in and operating out of said municipality. Such person(s) shall be qualified to obtain a taxicab driver's license in Hightstown upon completion of the application form, payment of the required fee and submission of the following documentation:**

- **Certification by applicant that he or she meets requirements (a), (b), (e), (f), (g), (h), (i) and (k) of Section 4-21.5(a)(1).**
- **If not a United States citizen, copy of alien registration card or work permit.**
- **Current valid taxicab driver's license from any other Mercer County municipality.**
- **Valid New Jersey driver's license**

2. The application shall be accompanied by a fee of fifty (\$50.00) dollars for the initial license period.

3. The application shall be accompanied by two unmounted, unretouched glossy photographs of the applicant taken within 30 days preceding filing of the application. Photographs shall be 2 ½" by 2 ½" in size. New photographs shall be submitted whenever the licensee's appearance changes significantly.

Section 3. Paragraph (a) of Section 4-21.8, "Taxicab Identification Required," is hereby amended as follows (additions in **bold underline**, deletions in ~~bold strikeout text~~):

a. Identification Required. Each taxicab operated in the Borough shall have a sign permitted on each rear door. The sign shall contain the owner's name, **and** the words "taxicab" or "taxi," telephone number, **and** vehicle number **and "Hightstown Borough, NJ"** in letters not less than four (4) inches nor more than eight (8) inches in height.

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

Section 5. 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 6. This Ordinance shall take effect upon final passage and publication in accordance with the law

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-14,**  
**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF**  
**HIGHTSTOWN BY THE ADDITION OF NEW SECTION 3-18 THEREOF, ENTITLED,**  
**"REGISTRATION OF ALARM SYSTEMS"**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-14.

**Eugene Sarafin**, 600-628 South Main Street, spoke in favor of the Ordinance.

No one else came forward and the hearing was closed.

Ordinance 2006-14 was moved for adoption by Councilmember Quattrone and seconded by Council President Schneider.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

**ORDINANCE 2006-14**      **AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF**  
**HIGHTSTOWN BY THE ADDITION OF NEW SECTION 3-18 THEREOF, ENTITLED**  
**"REGISTRATION OF ALARM SYSTEMS"**

**WHEREAS** a police study performed by the Department of Community Affairs has recommended that the Borough adopt provisions for the registration of alarm systems, and the Chief of Police concurs with this recommendation; and

**WHEREAS** it is the desire of the Mayor and Council to adopt such an ordinance;

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

Section 1. There is hereby created NEW Section 3-18 of the *Revised General Ordinances of the Borough of Hightstown*, entitled "Registration of Alarm Systems," as set forth on Schedule "A," attached.

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.

## **SCHEDULE "A"**

### **3-18 Registration of Alarm Systems**

**3-18.1. Purpose.** The purpose of this section is to regulate and control the installation, operation and maintenance of private alarm systems within the Borough in order to insure that the quality of alarm services rendered to the public will be maintained at a high level and to alleviate conditions otherwise leading to an unnecessary drain on the manpower of the Police and Fire Departments of the Borough of Hightstown.

**3-18.2. Definitions.** As used in this section:

"Alarm business" shall mean any business operated by a person, partnership, corporation, etc., for profit, which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to a fire or burglar alarm system, or which causes any of these activities to take place. Excluded from this definition, however, are retail establishments that sell alarm systems over the counter.

"Alarm device" shall mean any type of alarm-activating equipment which provides warning of burglary, intrusion, fire, flood or like peril causing potential for harm to life or property.

"Alarm system" shall mean the installation in a building or structure of one or more alarm devices for the express purpose of giving visual, audible and/or electronic warning of an emergency such as burglary, intrusion, fire, flood or like peril.

"Alarm user" shall mean any person, partnership, association, corporation, company or organization of any kind of control of any building, structure or facility wherein an alarm device is operated.

"False alarm" shall mean an alarm signal eliciting a response by police or firefighters or other public officials when a situation requiring a response by police or firefighters or other public officials does not in fact exist (but excluding an alarm signal caused by violent conditions of nature, such as, but not limited to, lightning, tornadoes, hurricanes, or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user).

"Independent smoke, fire, or CO detector" shall mean a device giving an audible alarm indicating smoke, fire or carbon monoxide within a structure and not connected to an alarm system or to any external warning device.

**3-18.3. Registration of Alarm System.** No person shall install or operate any alarm system unless the alarm system has been registered with the Police Department. An alarm system shall be deemed registered at such time as a registration form supplied by the police department is completed as to all information requested therein and is returned to the Police Department, receipt of which is acknowledged in writing. Among the information to be provided on the registration form is the following:

- a. The name, address, telephone number of the owner or manager of the property upon which the alarm system is installed;
- b. A list of the names, addresses and telephone numbers of the person(s) to be contacted in the event of an alarm or in an emergency situation determined by the Police Department, Fire Department, or Fire Official;
- c. The name, address and telephone number of the installer of the system;
- d. The type of system;

- e. The names, addresses and telephone numbers of the persons or company maintaining the alarm system.

No further renewal registration shall be required unless and until there has occurred any material change in the information previously submitted with respect to any alarm system; in which event it shall be the duty of the user of the alarm system, within ten days of such material change, to file a supplemental or revised registration containing accurate, current information. A one-time fee in the amount of twenty-five (\$25.00) dollars shall accompany each registration form. All pre-existing alarm systems shall comply with requirements of this subsection within ninety days of the date of the final adoption of this section.

**3-18.4. General Provisions Regarding Installation, Activation and Operation of Alarm System.**

- a. Each alarm system shall be installed utilizing discrete circuitry for multipurpose alarm systems to insure appropriate emergency response.
- b. Any alarm system which requires for its operation electricity supplied by a public utility may be equipped with a battery rendering it operable in the event of a power outage, if so desired by the property owner. Such a battery backup system shall be required for any alarm system that will trigger itself automatically in the event of a power fluctuation, surge, or outage.
- c. All burglar alarm systems must be provided with a device that will automatically shut off the alarm after (10) minutes of activation.
- d. All burglar alarm systems not fitted with an external key switch shall be equipped with a time delay of at least 15 seconds which may include an audible signal of the same length of time, said time delay to be designated to prevent accidental activation of the system. The 15-second signal, if utilized, shall be audible only within the structure and not externally.
- e. No person shall install, cause to be installed, or permit to be installed, any alarm device, by whatever name known, which automatically selects a telephone line dedicated to the Police Department or Fire Department for the purpose of playing a recorded message to report any emergency.
- f. In the event an alarm system, other than a fire or burglary alarm system, is tied into and/or serviced by a central station or answering service, upon activation of said alarm system, the central station or answering service shall verify the validity of the alarm prior to notifying the Police Department of it.
- g. The resetting of any transmitted fire alarm shall be done in the presence of the Fire Department. In no case shall an alarm be reset prior to the Fire Department's authorization. In case of burglary alarms, the police shall not be responsible for resetting the alarm system.
- h. No alarm business or person owning, using or possessing an alarm system shall cause or permit the occurrence of repeated false alarms, whether intentional, accidental or otherwise.
- i. An alarm business having knowledge of conditions described in subsection h above shall be responsible for notifying the Police Department when one of its customers using or possessing an alarm system sells his or her property. The alarm business shall notify the Police Department as to the name of the new owner and whether or not the new owner is continuing with an alarm device or system within the property.

**3-18.5. Confidentiality.** All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a record exempt from public disclosure pursuant to state statute. Any violation of confidentiality shall be deemed a violation of this section.

**3-18.6. Exceptions.** The provisions of this section shall not apply to any alarm system installed on property occupied by any borough, county, state or federal government agency or office, or to an independent smoke/fire/CO detector as defined in subsection 3-18.2, nor to any medical alert system.

**3-18.7. Penalties for Owners and Users of Alarm Systems or Devices.**

- a. Any person who fails to register an alarm system as required by the provisions of this section shall be subject to a minimum fine of \$50.00 and a maximum fine as outlined in Section 1-5.1 of the *Revised General Ordinances of the Borough of Hightstown*.
- b. Any person who installs an alarm system not in compliance with this section shall be subject to a minimum fine of \$50.00 and a maximum fine as outlined in Section 1-5.1 of the *Revised General Ordinances of the Borough of Hightstown*. Additionally, said owner or user may be required to remove such an alarm system, unless it is a required system as determined by the Construction Official.
- c. Non-Fire Alarm Systems. Any owner or user of an alarm system (other than a fire alarm system) which experiences more than four false alarms within any calendar year shall be required to modify or improve said system in such a way as to prevent accidental activation. The owner or user of said system shall be subject to a minimum fine of one hundred (\$100.00) dollars for each false alarm after four within any calendar year. Any owner or user of an alarm system (other than a fire alarm system) which experiences more than 12 false alarms within any calendar year shall be required to disconnect said alarm system for a period of 90 days unless said system is required by law, provide a statement from those that service the alarm system that the malfunction has been corrected, and, in addition, shall be assessed a fine of one thousand (\$1,000.00) dollars.
- d. Fire Alarm Systems. Any owner or user of a fire alarm system which experiences more than three false alarms within any calendar year shall be required by the Fire Official to modify or improve said system in such a way as to prevent accidental activation and may be subject to penalty by the Fire Official in accordance with the Uniform Fire Code (N.J.A.C. 5:18-2.1 et. Seq.). Prior to modifying any required system, the owner shall submit a construction permit application accompanied by two sets of drawings showing the design and nature of the proposed modifications.
- e. Any owner or user of an alarm system other than a fire alarm system shall be notified in writing within 48 hours by the Borough Police Department once three false alarms have occurred with the system within the 12-month period noted in subsection 3-18.7(b) above.
- f. In the event that a fire alarm system is reset without prior authorization from the Fire Department in violation of subsection 3-18.4(g) herein, the owner or user of said system shall be subject to a minimum fine of two hundred fifty (\$250.00) dollars for each resetting occurrence.

**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, asked for clarification regarding the “maximum” fine. Mr. Raffetto explained that this is the maximum that may be imposed by the Judge in his or her discretion. The Judge may impose a fine anywhere within the range set by ordinance. Mr. Sarafin objected strongly to the provision included in this Ordinance to also increase the *minimum* fine which may be imposed.

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

Councilmember Sikorski pointed out that increases in certain minimum fines (including fines for violations of the Borough's rental registration requirements) were included in this Ordinance at the recommendation of the Chief of Police and the Construction Code Official. Given the concerns of some members of the public about the need for strict Code enforcement, he said, this would give the Borough more “teeth” in that regard.

Council President Schneider stated that limiting the discretion of the Judge by increasing the minimum fine that can be imposed "is not necessarily to our advantage," and noted that it could apply to violations such as littering, and further, it could cause more people to plead "not guilty," which would waste time and create the need for the enforcement officer to be present, increasing the Borough's costs. He asked the Borough Attorney if removing the provision in this Ordinance that would increase the minimum fines to be imposed would represent a substantial change to the introduced ordinance and require re-advertisement. Mr. Raffetto stated that it would.

Councilmember Harinxma asked for clarification regarding the minimum penalties and ranges. Ms. Gallagher stated that the "general penalty" clause in the Borough Code applies in instances where the fines for a violation are not otherwise specified. In instances where the minimum and/or maximum fine for a particular violation is specified within the Code, the general penalty clause would not apply. After brief further discussion, the general consensus of Council was to amend and reintroduce Ordinance 2006-15 with no increase in the minimum fines.

Ordinance 2005-15 was then moved for re-introduction, as so amended, by Council President Schneider and seconded by Councilman Thompson.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Ordinance re-introduced, 6-0.**

The public hearing and final reading for Ordinance 2006-15, as re-introduced, was set for June 5, 2006.

## **INTRODUCTION AND FIRST 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, Ordinance 2006-16 was moved for introduction by Councilmember Harinxma, seconded by Council President Schneider.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Ordinance introduced, 6-0.**

The public hearing and final reading for Ordinance 2006-16 was set for June 5, 2006.

## **CONSENT AGENDA**

Resolutions 2006-128, 129 and 130 were moved by Councilmember Sikorski and seconded by Councilmember Harinxma.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Resolutions adopted, 6-0.**

**RESOLUTION 2006-128      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 **\$252,713.41** from the following accounts:

Current	\$ 153,560.78
W/S Operating	68,658.22
General Capital	2,591.50
Tax Collector Lien Trust	1,492.48
Animal Control Account	200.00
Trust	1,452.00
Public Defender	300.00
Grant	319.56
RCA COAH Escrow	9,050.00
Escrow-Subdivision & Site Plan (First Washington Bank)	13,597.75
Law Enforcement Trust	1,450.00
Unemployment Trust	41.12
<b>Total</b>	<b><u>\$252,713.41</u></b>

**RESOLUTION 2006-129      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	329,590.00	1,202,337.00	<b>1,531,927.00</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	127,207.00	<b>127,207.00</b>
Water/Sewer	78,700.00	487,696.06	<b>566,396.06</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	591,550.00	<b>591,550.00</b>
<b>TOTAL</b>	<b>408,290.00</b>	<b>2,408,790.06</b>	<b><u>2,817,080.06</u></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>1</sup>.
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.

## NEW BUSINESS

### HISTORIC PRESERVATION

Councilmember Sikorski distributed a draft Ordinance for Council's review that would place certain restrictions on properties located within the Historic District. He would like for Council to direct the Borough Attorney to create an Ordinance (using the draft as a basis) "in legally acceptable form" and refer it to the Planning Board and Historic Preservation Commission for their review and recommendations. Mayor Patten asked Mr. Sikorski what prompted him to bring this forward, and he stated that it came out of a discussion held at the most recent Planning Board meeting. Mr. Patten questioned the need for a Resolution to refer something to a Board or Commission.

Mr. Raffetto stated that he has looked at the proposed ordinance and, while it has "good intentions," it needs further review and the Planning Board needs to weigh in on it. He added that he spoke that day with the Planning Board attorney, who stated that the Historic Plan Element of the Borough's Master Plan needs to be looked at and "tightened up," and certain things need to be taken care of before Council moves forward. Mr. Raffetto noted that the Stockton Street Historic District, while designated nationally, should also be included in the Master Plan and then designated locally. The Borough may also empower the Historic Preservation Commission in certain ways; however, he said, any ordinance (such as the draft provided by Councilman Sikorski) that puts a blanket prohibition on subdivision within a historic district that is not yet designated locally is "not entirely consistent with land use law."

Mayor Patten stated that the Borough Council has "typically been very careful to make sure we get information in a timely manner before making decisions," and cautioned Council against rushing into a decision based on something "dropped on us tonight." Mr. Raffetto stated that he would be hesitant about introducing the draft ordinance at this meeting. Councilman Sikorski restated his original intention: for Council to adopt a Resolution directing Mr. Raffetto to draft an ordinance in legally acceptable format (based on the draft he had provided) and forward it to the Planning Board and Historic Preservation Commission for their review and comment prior to any action by Council.

Mr. Raffetto stated that the fact that the Stockton Street Historic District has been federally recognized is helpful in providing the ammunition to have it designated locally as well, noting that, often, residents within a Historic District are not pleased about the designation, as it brings encumbrances.

Councilmember Harinxma asked whether it would be the Planning Board or the Historic Commission which would make decisions regarding the Historic District, given the fact that it has not yet been locally designated. Mr. Raffetto replied that the Planning Board should be seeking the input and advice of the Historic Preservation Commission as well as the Environmental Commission; however, ultimately, *they* make the determination. He added that it would be up to the Borough Council to adopt a zoning ordinance designating the Historic District on the official Zoning Map.

Councilman Sikorski stated that the state and federal designation of the Stockton Street Historic District was a great honor, and noted that Council has received in their mail bins copies of the Borough's successful application for funding

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<sup>1</sup> Schedule is on permanent file with the original Resolution in the Borough Clerk's office.

for that district, which was hand-carried by Mayor Patten to Trenton. The ordinance he is seeking, he said, will work in conjunction with that project, the District's designation and the downtown revitalization to make Hightstown a better place to live.

Mayor Patten asked the Borough Attorney if a Resolution is necessary. He replied that Council could vote to refer the concept to the Planning Board immediately, because "some groundwork needs to be laid."

Councilman Quattrone stated, "We're new at this," and suggested that Council could assist the Historic Preservation Commission by providing an itemized list of things to do in the order that they need to be addressed. Mr. Raffetto stated that the Ordinance which established the Commission itself may need to be revamped. Mayor Patten objected to telling the Historic Preservation Commission what they need to do, and stated that this is "micromanaging." "Make an easy request," he said, "and put the power in their hands."

Councilmember Rosenberg requested clarification regarding the designation of the Historic District. "National designation," Mr. Raffetto replied, "doesn't protect the District. The only way to do that is to designate it locally." To do this, he said, Council would adopt an ordinance designating it as a local Historic District. The Ordinance could also empower the Historic Preservation Commission with the ability to review any and all applications by property owners to make changes to properties within that district. Some towns do this and others don't, he said, as they do not wish to encumber private property owners. Mr. Raffetto added that he does not believe that the draft ordinance, as written, is consistent with the Municipal Land Use Law, and if adopted, it would be subject to challenge.

The Mayor asked Kathy Patten, Chair of the Historic Commission, to comment. She stated that the Commission is already working on this, and has been actively engaged in reviewing Ordinances from other towns. They understand their charge to be to review these ordinances, she said, and to determine how extensive Hightstown's own ordinance should be.

Councilman Thompson asked for a "quick recap of the [May 8] Planning Board meeting." Mayor Patten stated that it would be a "long recap," and suggested that, rather than go into that at this time, it would be more valuable for Mr. Thompson to listen to the tape and "hear the real dialogue," or review the minutes from that meeting.

Councilmember Rosenberg stated that he sees no harm in passing the Resolution requested by Councilman Sikorski. "Since Council is the body that designates the Historic District," he said, "it would be a great vote of confidence and statement by us that this is good thing and we'd like to see it happen."

Mayor Patten asked who authored the draft Resolution, and expressed concern about the credibility of the document. "We need to make sure," he said, "that we're reviewing and referencing the entire Master Plan and not leaving out important items." He added that he has no problem with referring the issue to the Planning Board. Councilman Sikorski said that he assisted with preparation of the ordinance, and Councilman Thompson said that knowing who authored it is "irrelevant" to the process.

Council President Schneider noted that the Resolution will state that Council is requesting that the *Borough Attorney* draft an ordinance, using the draft provided by Councilmember Sikorski at this meeting as a basis to indicate what Council is looking for. "As far as the Historic District goes," he said, "designating it locally to match the State and National designation is completely non-controversial, and we should be doing it. Protection ordinances are exactly why Districts are created in the first place." He noted that his business in Princeton is located within a historic district, and regulations there are extremely restrictive. "We may not want it to be at that level," he said, "but it's an error that we have no protections locally. The next step would be for us to immediately designate the Historic District, and a protective ordinance of some sort is completely in line."

Mayor Patten recommended that Council “allow the Historic Commission and the Planning Board to take action to create something and then give it to us – then, it would go through Fred’s hands to refine.”

Mr. Raffetto stated that he needs to review the ordinance that created and which empowers the Historic Preservation Commission. Land use law, he said, allows a great deal of leeway in the powers that can be granted to that Commission. The second ordinance, to locally designate the Historic District, must be reviewed by the Planning Board as it would be a zoning ordinance and should be consistent with the Master Plan. Groundwork would need to be laid, he said, to support an ordinance to locally designate the District. He recommended that Council immediately refer the concepts discussed to the Planning Board, which should begin looking at the Master Plan with respect to historic preservation. Laying the groundwork, he said, is important and would help the Ordinance sustain any legal challenges.

Councilmember Sikorski then moved a verbal Resolution (to be reduced to writing by the Borough Clerk and numbered consecutively) to direct the Borough Attorney to create an Ordinance or Ordinances as discussed, and refer the ordinance(s) to the Planning Board and Historic Preservation Commission for their review and recommendations. The motion was seconded and a roll call vote was taken.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Motion carried (Resolution adopted), 6-0.

**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

## **NEW BUSINESS**

### **ORDER FOR REVALUATION OF PROPERTIES**

Ms. Gallagher reported that the Borough has received an order from Mercer County to revalue its properties for tax year 2008. She is consulting with the Tax Assessor regarding the process of securing a firm to do this work. Because this revaluation was ordered by the County, an ordinance to authorize a "special emergency appropriation" to cover its cost can be adopted by Council, and that cost would be spread over the budgets of the next five succeeding years.

## **COUNCIL COMMENTS AND COMMITTEE REPORTS**

Councilmember Rosenberg reported that he organized a town-wide cleanup on April 29, and volunteers collected 15 bags of trash from around the Borough. Volunteers also cleaned up Rocky Brook and began constructing the large flower garden in Memorial Park. They will be doing plantings on the coming weekend. "Good things are happening," he said, "to beautify our town and make it more environmentally friendly."

Councilmember Harinxma reported that the Parks and Recreation Commission met recently and has “lots in the works,” including a summer concert series and the possibility of an outdoor movie production, paddle boats on the lake and “Hightstown Day.”

Councilman Thompson stated that, if the defeated school budget is cut once again by the same amount as last year (\$1 million), the average Hightstown taxpayer would see a reduction of only \$19.84 in their tax bill. “We’ve heard a lot from the public and our legislators that taxes are too high,” he said, “and that how we allocate the ‘pie’ of funding is not fair for some districts. It is increasingly clear that the devil is not in the details, but in our funding structure.” Mr. Thompson expressed concern that approving another cut this year could send a message to the school district that they should not bring a lean budget forward.

Councilman Quattrone reported that our Public Works department is struggling right now – they are short of manpower and facing a large workload. “Attrition has eroded the workforce, as planned,” he said, “but to the point where we are sweating it out. Some things are ‘on hold’ forever.” He said that it may be necessary to hire seasonal workers.

Mr. Quattrone further reported that plans for the 87<sup>th</sup> Annual Memorial Day Parade are going very well, and he welcomed participants. The First Aid Squad, he said, has had a few new applicants, and many have expressed interest in obtaining the free EMT training that has been promoted. He noted that in order to receive the free training, one must join the Squad. Our volunteers, he said, are now handling Friday night calls, and are hoping to take over another night soon. “Things are moving in the right direction,” he said.

Councilmember Sikorski reported that:

- The Planning Board will meet on May 22 to discuss and revise the Borough’s requirements for its redevelopment zone.
- Mr. Wetterskog is doing a great deal to resolve property maintenance issues.
- The building near Custom Bandag that had been an eyesore has been demolished.
- The Borough had advertised for a part-time housing inspector.
- The Board of Health has voted *not* to discontinue fluoridation of water by the Borough.

Mayor Patten thanked Ms. Gallagher for initiating the Borough-wide Garage Sale six years ago. The 6<sup>th</sup> annual event was just held, he said, and “people look forward to it.” The Mayor further reported that he attended a conference with Community Nurse Sharon Lane, and the Borough has been awarded a grant of \$2,500 to purchase pedometers and promote a walking program for Borough residents. Mr. Patten noted that the Borough’s annual Fishing Derby will take place on the upcoming weekend, and about 100 flower baskets have been hung as a result of a “big community effort.” “I am proud of what is happening in our community,” he said.

## PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

**Eugene Sarafin**, 600-628 South Main Street, asked Ms. Hecker (who spoke during the earlier public comment session to support continued fluoridation of the Borough’s water) who sponsors her organization. He then apologized to Council for earlier comments and told them that they are “doing a marvelous job” and “stopped the stonewalling of the Mayor.” He then criticized Mayor Patten, blaming him for “the loss of \$2.4 million” by “refusing to do anything with East Windsor” and for “destroying our town.” He said that he wants him recalled.

**Phyllis Deal**, 305 Stockton Street, noted that six residents within the Historic District have replaced their sidewalks, and did not have to go to the Historic Preservation Commission for permission to do so. "If we're going to get down to a nitpicky Cape May kind of thing," she said, "there will be a lot of unhappy people." She would not have been able to afford a "herringbone brick" sidewalk, she said.

**Dan Buriak**, 194 Stockton Street, expressed agreement with Ms. Deal and said that review by the Historic Preservation Commission should be encouraged but not mandatory, as per the Master Plan. That is the premise set forth when the District was established, he said, when they went door to door and talked with the residents there. Mr. Buriak then read comments attributed to Mayor Patten in a May 2005 newspaper article stating that the Borough would adopt ordinances detailing what repairs, etc. would be acceptable within the Historic District. That, Mr. Buriak said, is in direct opposition to the Master Plan, and "we don't want to do that." He added "we do want to protect that space and protect the buildings there from destruction." Lastly, Mr. Buriak requested an update "from whoever is involved" regarding the status of the Minute Maid property.

No one else came forward and the floor was closed.

## **EXECUTIVE SESSION**

The Borough Clerk read aloud **Resolution 2006-124**, authorizing a closed session for the purpose of discussing contract negotiations. The Resolution was moved by Council President Schneider and seconded by Councilmember Sikorski.

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

### **RESOLUTION 2006-124      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 May 16, 2006 at approximately 8:45 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**

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: August 16, 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, motion to adjourn was made by Councilman Quattrone, seconded by Councilman Thompson and unanimously approved. The meeting was adjourned at 9:05 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk