

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; James M. Eufemia, Chief of Police; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the agenda was Resolution 2006-99, authorizing the filing of a counterclaim with respect to properties owned by Hightstown Development Association, a discussion under Unfinished Business regarding the proposal received from Dranoff Properties for redevelopment of the Mill, a discussion under New Business regarding animal trapping, and a discussion in executive session regarding tax appeal litigation. The agenda was moved as amended by Councilmember Sikorski, seconded by Council President Schneider and unanimously approved.

APPROVAL OF MINUTES

Minutes of the March 20, 2006 open and closed session were moved by Councilmember Sikorski, seconded by Council President Schneider and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Mitch Dorum, 16 Hagemount Avenue, referred to recent incidents of cars being burglarized in Hightstown, and said that the newspaper report which stated that car owners were leaving items unsecured and in plain sight was not true. He asked why this appeared as such a small item in the press, how long the police have known about the burglaries, what

they are doing about it and if fingerprints were taken. Mayor Patten explained that the incidents are under investigation and it would not be appropriate to comment further at this time.

Charles Cohen, East Windsor resident and owner of East Windsor Taxi, stated that he recently “found out the hard way” that his firm could not pick up riders in Hightstown unless they are licensed here. That means, he said, that if he brings people into Hightstown to patronize medical facilities, restaurants or shops, they would have to find another way to get home, unless he obtained licenses for his taxis and drivers. He claimed that the cost of doing so would come to over \$800, given the cost of obtaining physicals, etc. “Presently, Hightstown has three taxi companies,” he said, “one part-time and two which are basically the same company. If a person doesn’t like using those, Hightstown is telling them that they can’t take a cab.” Mayor Patten stated that the Borough will take Mr. Cohen’s comments under advisement and take a look at our existing taxi ordinance.

Martin Zaiser, a West Windsor taxi owner, stated that he was present to support Mr. Cohen, and that West Windsor instituted the same law five or six years ago, but “after a week or two it was dropped.” The Borough’s ordinance, he said, “is telling the community that they can’t call who they want. I think it may be illegal.”

Don Fallon, 458 South Main Street, addressed Council regarding the request which has previously been presented to them to adopt an ordinance regarding animal trapping. Section 5-2.1 of Hightstown’s ordinance, he said, defines “owner” to include “every person who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person,” and Section 5-2.2 states that “no person shall own, keep, harbor or maintain any cat over seven (7) months of age within the Borough unless such cat is vaccinated and licensed.” “I am in favor of responsible cat ownership,” he said, “but that doesn’t include feeding strays. They are not welcome on my property, they leave their waste indiscriminately, and they do damage.” Mr. Fallon said that he has put up with them in deference to the wishes of his neighbors, and has used traps on a “limited basis.” He stated that he is opposed to any ordinance that would interfere with his ability to remove unwanted animals, and added, “I won’t put up with cats on my property.” Discussions with the Mayor and police, he said, have indicated that he can legally trap and relocate wild animals. He said that he sees no reason to change the Borough’s existing ordinances, and asked that they be enforced. “I’m not in favor of feeding strays unless it is under the supervision of the Animal Control Officer,” he said. He added that he is in favor of trapping and neutering stray cats if it results in their finding new owners, but he is not in favor of releasing them. He requested that Council respond to the questions raised by Susan Yetman in her January 2006 letter.

Ken Hitchner, 450 South Main Street, stated that there are public health and safety issues with respect to stray cats. “Animals without home care can contract and pass on diseases,” he said, adding that in 2005, two rabid cats and several rabid raccoons were found in New Jersey. “On February 14,” Mr. Hitchner said, “a State representative sat in my living room and said that the feeding of strays has attracted a high number of wild animals to this area. She said that she would recommend that Council pass a ‘no feeding’ ordinance.” He said that “cats and their feces” are becoming a big problem in New Jersey, and that one cat “can beget as many as 420,000 descendents.” When his neighbors feed the strays, he said, “cats line up on our properties like airplanes on a runway,” and “defecate, urinate, wreck our gardens, eat goldfish out of our ponds, eat birds, nest in garages, give birth and shriek and howl under our windows as they mate.”

Torry Watkins, 68 Meadow Drive, stated that Mr. Cohen’s comments (regarding taxi licensing) present “an interesting dilemma.” While the Borough should encourage free enterprise, he said, we also need a system of licensing to make sure that taxi owners and drivers are of good character and that vehicles are in good mechanical condition, etc. Mr. Watkins suggested that, “to the extent you want to encourage outside drivers to come in, why not grant some kind of system of reciprocity? If you trust the licensing process in West Windsor and Plainsboro, you may decide to honor their licenses.”

Eugene Sarafin, 600-628 South Main Street, stated that “Council is the ultimate obscenity,” and that the Mayor’s Message in the April *Crier* would suggest that the Borough just started to share services with surrounding communities,

when that has been done over the past 10 or 15 years. He objected to being given only three minutes to speak during public comment sessions, and stated that the "town is unaffordable." He claimed that the Borough has been told to revalue and send its tax map to the county, which, he said, not been done. He stated that homes in Wyckoff's Mill which are selling for \$200,000 are paying \$3,000 per year in property taxes.

Chris Emigholz, 148 South Street, spoke regarding the possibility of consolidating services with other towns. "We are all for lower taxes," he said, "but at what cost? You get what you pay for." Mr. Emigholz stated that "there are basic services we don't want to jeopardize. Garbage collection, our library, our schools – they are all assets and treasures." Regarding police services, he said, "I *want* to pay for a high quality police service." He asked Council to consider the cost in quality of services when considering spending cuts.

Walter Yetman, 102 Springcrest Drive, urged Council to make decisions "with all residents in mind, not just one." He said that the recent article about trapping which appeared in the *Windsor Hights Herald* was "filled with misinformation," and stated that raccoons, groundhogs and possums are considered "nuisance wildlife" rather than pets. State law provides that the relocation of nuisance wildlife is evaluated on a case-by-case basis. Mr. Yetman said that he has been investigated on numerous occasions and, in each instance, his methods have been found to be satisfactory and animals he has trapped have been "released in a timely, humane fashion." Prohibiting trapping in Hightstown, he said, would take away the right of property owners to protect their property. In his area, he said, property is being damaged by burrowing animals, and he has had to get rid of his own cats due to the feral cats in the area. He said that they bring fleas, damage vehicles, and create problems with feces and odor.

Rob Thibault, 504 South Main Street, said that he has two new cars and has seen no damage to them or to his property as a result of the feral cats. "Living with animals," he said, "is part of living in suburbia." Mr. Thibault stated that the trapping guidelines proposed by his wife, Lisa, are reasonable, and protect the rights of persons and animals. Animals, he said, should not have to suffer pain, hunger, or excessive cold or heat. He added that State law does prohibit the "dumping of animals," which is a Class IV felony. Each case must be evaluated by an Animal Control Officer, and, if the animal is deemed to be a nuisance, the ACO can relocate it. "Any reasonable person would agree with these guidelines," he said. "We've done what we can to reduce the problem, and have found homes for more than 40 cats. We have greatly reduced the stray population."

Phyllis Deal, 305 Stockton Street, stated that there are a lot of birds near where she lives. "They poop on my deck, make a lot of noise, and wake me up. Can I trap them? Some people are even worse. Can I trap *them*?"

Kathy Patten, 135 South Street, stated that the Animal Welfare Committee will meet on April 20 to discuss trapping guidelines. "That's what they are," she said. "No ordinance has been proposed." She said that the AWC is interested in the "rational, reasonable treatment of animals" and will address the suggested guidelines in that fashion.

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-11,
AMENDING SECTION 19-2.7(A) OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH
OF HIGHTSTOWN* REGARDING WATER AND SEWER CONNECTION FEES

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-11.

Eugene Sarafin, 600-628 South Main Street, stated that connection fees should be used only to reduce debt, and questioned why the DCA told the Borough a few years ago that we would not be permitted to restrict their use in that way. He asked that this Ordinance be amended to include a provision that the fees would only be used to reduce debt.

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

Ordinance 2006-11 was moved for adoption by Councilmember Sikorski, seconded by Councilmember Quattrone.

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

Ordinance adopted, 6-0.

ORDINANCE 2006-11 AMENDING SECTION 19-2.7(a) OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING WATER AND SEWER CONNECTION FEES

WHEREAS, municipalities in the State of New Jersey are authorized to collect certain charges in the nature of "connection fees" from all users of water and sewer services within the municipality, with such fees being payable at the time of connection to such services, pursuant to *N.J.S.A. 40A:26A-11* and *N.J.S.A. 40A:31-11*; and

WHEREAS, such authorization permits municipalities to collect amounts which represent a fair payment per unit toward the cost(s) associated with the water and sewer systems as paid by the municipality through the end of the preceding fiscal year; and

WHEREAS, the formula(s) for calculating such connection fees are established and set forth by statute and administrative regulation; and

WHEREAS, such fees shall be re-computed by the municipality at the end of each fiscal year after a public hearing; and

WHEREAS, connection fees in the Borough of Hightstown are currently set forth in and governed by Section 19-2.7 of the *Revised General Ordinances of the Borough of Hightstown*; and

WHEREAS, the Borough Engineer has re-computed the existing water and sewer connection fees in accordance with and as required by *N.J.S.A. 40A:26A-11* and *N.J.S.A. 40A:31-11*, as set forth in her letter dated March 10, 2006, which letter is attached hereto and made a part hereof;

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

1. That the water and sewer connection fees set forth in Section 19-2.7(a) of the Revised General Ordinances of the Borough of Hightstown are hereby amended as follows:

1. Water Connection Fee: \$ ~~3,626.00~~ 3,515.00

2. Sewer Connection Fee: \$ ~~2,338.00~~ 2,204.00

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

3. That, 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.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

RESOLUTIONS

RESOLUTION 2006-95, APPOINTING FRANCISCO JIMENEZ AS POLICE OFFICER

Following a brief review by Ms. Gallagher, Resolution 2006-95 was moved by Councilmember Quattrone and seconded by Council President Schneider. It was noted that Mr. Jimenez will be sworn in at the April 17 meeting.

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

Resolution adopted, 6-0.

RESOLUTION 2006-95 APPOINTING FRANCISCO JIMENEZ AS POLICE OFFICER

WHEREAS, Section 2-19.7 of the *Revised General Ordinances of the Borough of Hightstown* provides for the appointment of Police Officers; and

WHEREAS, applications were received by the Borough and interviews have been conducted by the Chief of Police, and it is his recommendation that Francisco Jimenez of Toms River, New Jersey be appointed as a Patrolman with the Hightstown Police Department effective this date, April 3, 2006; and

WHEREAS the Mayor and Council concur with the Police Chief's recommendation and wish to appoint Mr. Jimenez to this post;

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

1. Francisco Jimenez of Toms River, New Jersey is hereby appointed as Patrolman for the Borough of Hightstown, said appointment to become effective this date, April 3, 2006.
2. This appointment shall be probationary for a period of one year, pursuant to Section 2-19.7(c) of the *Revised General Ordinances of the Borough of Hightstown*.
3. Mr. Jimenez shall receive a salary during his first year of employment at the rate established by Borough Ordinance for a probationary patrolman.

RESOLUTION 2006-96, RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR THE LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT CRANBURY STATION ROAD

Following a brief review by Ms. Gallagher, Resolution 2006-96 was moved by Councilmember Sikorski and seconded by Council President Schneider.

Council President Schneider asked the Borough Attorney if this would be an exclusive lease and if not, if it is required that it be offered by public bid. Mr. Raffetto replied that the lease is not exclusive, however State law requires that the lease be subject to public bidding.

Councilman Thompson asked how the minimum bid price included in this Resolution was determined. Ms. Gallagher explained that minimum bids set for leases bid in 2004 and 2005 were \$1,800 per month and \$1,900 per month respectively. This minimum bid of \$2,000 per month follows that trend.

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

Resolution adopted, 6-0.

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR
THE LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER
AT CRANBURY STATION ROAD**

WHEREAS, *N.J.S.A. 40A:12-14* and *N.J.S.A. 40A:12-24* require public bidding when a municipality has determined to lease any real property or personal property not needed for public use; and

WHEREAS, the Borough is aware that one or more wireless communications companies has expressed an interest in leasing space on and adjacent to the Borough's water tower located at Cranbury Station Road (the "water tower"); and

WHEREAS, certain space is available, and is not presently needed for public use, at the water tower site and the property adjacent thereto; and

WHEREAS, the Mayor and Council have determined that it is in the Borough's best interests to grant nonexclusive leases on the water tower (and the areas adjacent thereto) to one or more wireless communications companies, depending upon compatibility with the Borough's needs and with the technical requirements of the tenants; and

WHEREAS, the use of space on the water tower by one or more tenants will not be detrimental to the portions of the public property which will continue to be used for public purposes; and

WHEREAS, *N.J.S.A. 40A:12-14* requires advertisement and receipt of bids at public auction or by way of sealed bids; and

WHEREAS, the aforesaid statute allows the governing body to fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted.

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

1. In accordance with *N.J.S.A. 40A:12-14*, the Borough Clerk is hereby authorized and directed to publish an advertisement for the receipt of sealed bids for space on the Borough's water tower, located at Cranbury Station Road, subject to the terms and conditions set forth in this resolution. The advertisement shall be published once a week during the two consecutive weeks prior to the date of receipt of bids, but not earlier than seven (7) days prior to that date.

2. Since it is not known at this time how much space is available for lease, bidders may submit sealed bids for more than one lease, including antenna(s) and associated equipment, provided a completely separate sealed bid is submitted for each proposed lease, along with separate bid security and other documents required in the advertisement for bids.

3. The minimum rental for each lease of space for an antenna(s) and associated equipment as specified in this resolution will be Two Thousand (\$2,000.00) Dollars per month for an initial lease term of five (5) years with the option of renewals for four (4) successive periods of five (5) years each upon the same terms and conditions which were in effect before the end of the initial term, except as to the initial rate, which shall increase at the rate of three percent (3%) each year after the initial term.

4. The Borough reserves the right to reject all bids where the highest bid is not accepted and further reserves the right to award more than one lease, depending upon the needs of the Borough and the technical requirements of the high bidder or bidders.

5. Upon or before the date of the determination of the high bidder, the Borough Attorney shall prepare a detailed lease agreement which shall include all of the terms and conditions set forth in this resolution, as well as any other provisions deemed necessary by the Borough Attorney in order to protect the interests of the Borough, including but not limited to typical lease agreement provisions dealing with such subjects as use of and damage to the property, insurance coverage in favor of the Borough, access to the leased premises, required approvals, standard representations of the Borough and the lessee, maintenance and repair, default and right to cure, assignment and sublease, notices, applicability of Federal and State laws and regulations, determinations and responsibilities with respect to interference, and payment of utility costs.

6. All bidders submitting bids pursuant to the advertisement shall do so with full knowledge of the requirement of a fully-negotiated lease with respect to the provisions listed in paragraph 5 above, as well as the requirement to obtain site plan approval from the Borough Planning Board, and any other approvals deemed necessary by the Board, before the lease shall become effective and before construction of any improvements at the site may be commenced.

7. Insurance shall be provided for a minimum of \$1,000,000.00, with a minimum of a combined single limit of \$1,000,000.00 for bodily injury and/or property damage per occurrence, and excess/umbrella coverage of \$2,000,000.00. Coverage shall include: Commercial General Liability, Auto Liability and Property Damage. The Borough shall be named as an additional insured.
8. For each lease, the following shall constitute the leased premises:
 - a. Installation of up to nine antennas on the water tower at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works.
 - b. Installation of coaxial cables along the water tower leg at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works.
 - c. Equipment cabinets on the ground at the base of the water tower, to occupy a total space no greater than 15' x 25', at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works.
9. All bidders shall be required to submit with each bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the annual rental bid amount, not to exceed \$20,000.00, made payable to the Borough of Hightstown to serve as bid security. The successful bidder(s) shall deposit with the Borough one month's rent as a security deposit for the lease. The bid security of all unsuccessful bidders shall be returned immediately after the adoption of a resolution granting the lease(s).
10. Acceptance or rejection of bids shall be made by the Borough Council not later than its second regular meeting following the receipt of bids. If no action is taken by the Council, all bids shall be deemed to have been rejected.
11. The Borough Clerk/Administrator is hereby directed to consult with the Borough Attorney to determine and establish the most expedient schedule for advertisement and receipt of bids.

RESOLUTION 2006-97, A RESOLUTION AUTHORIZING PAYMENT NO. 8 AND FINAL -- RAC GENERAL CONTRACTORS, INC. (BACKWASH RECOVERY TANK PROJECT)

Following a brief review by Ms. Gallagher and Mr. Raffetto, Resolution 2006-97 was moved by Councilmember Quattrone and seconded by Councilmember Sikorski.

Council President Schneider asked if the Borough will be indemnified against any further claims by Eastern Glass Lined Storage. Mr. Raffetto stated that the agreement to be signed will include that provision. Mr. Schneider asked who would approve the valve repair, and Mr. Raffetto replied that this would be subject to the approval of the Superintendent of Public Works and the project engineer, Van Cleef Engineering Associates.

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

Resolution adopted, 6-0.

RESOLUTION 2006-97 A RESOLUTION AUTHORIZING PAYMENT NO. 8 AND FINAL -- RAC GENERAL CONTRACTORS, INC. (BACKWASH RECOVERY TANK PROJECT)

WHEREAS, in or about October 2003, the Borough awarded a contract to RAC General Contractors, Inc. (the "contractor"), for the performance of certain work known as the "Backwash Recovery Tank Project," in the total amount of \$424,950.00; and

WHEREAS, progress payments have been made to the contractor as the work has been completed on this project; and

WHEREAS, the Borough recently approved Change Order No. 1 and Final on March 20, 2005, which increased the scope of work and the total amount of the contract by the sum of \$11,500.00; and

WHEREAS, the work on the project has been completed by the contractor, and has been deemed satisfactory by the firm of Van Cleef Engineering Associates, the engineers who are responsible for designing and inspecting the project, and by Larry Blake, the Borough's Superintendent of Public Works; and

WHEREAS, the Borough is now in a position to make the final payment under the contract to the contractor, in the amount of \$32,088.28 (which includes the \$11,500.00 amount contemplated by Change Order No. 1); and

WHEREAS, the contractor is in arrears in payment of the sum of \$90,300.00 to one of its subcontractors on the job, Eastern Glass Lined Storage ("Eastern Glass"), for work previously performed by Eastern Glass; and

WHEREAS, Eastern Glass has filed a Municipal Mechanics Lien with the Borough against the project; and

WHEREAS, the parties have resolved the issue as to payment of the outstanding amount to Eastern Glass and the withdrawal of the Municipal Mechanics Lien filed by Eastern Glass; and

WHEREAS, the Borough now wishes to authorize the issuance of Payment No. 8 and Final to the contractor, and the close out of this project, subject to certain terms and conditions.

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 Borough Council hereby authorizes the issuance of Payment No. 8 and Final to the contractor, in the amount of \$32,088.28 (which includes the \$11,500.00 amount contemplated by Change Order No. 1), and the close out of this project, subject to the following terms and conditions:
 - a. The payment shall be made jointly payable to the contractor and Eastern Glass.
 - b. The contractor shall sign this payment over to Eastern Glass, and forward same to Eastern Glass immediately upon receipt by the contractor.
 - c. The contractor shall execute an agreement with the Borough and Eastern Glass, which shall be acceptable to the Borough Attorney, confirming that the balance of funds due and owed to Eastern Glass shall be forwarded by the contractor to Eastern Glass within twenty-four (24) hours of the contractor's receipt of Payment No. 8 and Final from the Borough. The agreement shall also confirm that Eastern Glass shall withdraw the Municipal Mechanics Lien filed against the project.
 - d. Payment shall be subject to the contractor's satisfactory repair of the leaking valve between the filters and the backwash tank. Such repair shall be made to the satisfaction of the Borough's Superintendent of Public Works.
 - e. Payment shall be conditioned upon the contractor providing a one year maintenance guarantee, in a form acceptable to the Borough Attorney, in accordance with the requirements of the Bid Specifications.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Larry Blake, the Borough's Superintendent of Public Works
 - b. William Natale, P.E., Van Cleef Engineering Associates
 - c. Carmela Roberts, P.E., Borough Engineer
 - d. RAC General Contractors, Inc.
 - e. Eastern Glass Lined Storage
 - f. Candace Gallagher, Business Administrator/Clerk
 - g. Frederick C. Raffetto, Esq., Borough Attorney
 - h. Arlene O'Rourke, Treasurer

CONSENT AGENDA

Resolutions 2006-87, 88, 89, 90, 91, 92, 93 and 94 were moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-87 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 **\$319,735.25** from the following accounts:

Current	\$ 161,699.678
W/S Operating	116,444.07
General Capital	8,603.53
W/S Capital	2,883.35
Animal Control Account	570.00
Trust	1,332.00
Public Defender	75.00
Grant	3,263.00
RCA COAH Escrow	9,655.00
Escrow-Subdivision & Site Plan (First Washington Bank)	15,209.63
Total	<u>\$319,735.25</u>

RESOLUTION 2006-88 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	627,629.00	417,208.00	1,044,837.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	127,207.00	127,207.00
Water/Sewer	196,345.00	145,846.06	342,191.06
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	591,550.00	591,550.00
TOTAL	823,974.00	1,281,811.06	2,105,785.06

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 hereof¹.
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 2006-89 AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Lawrence Blake, Public Works Superintendent, 148 North Main Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2006-90 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction at 9 a.m. on Saturday, April 22, 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;

¹ See end of these 4/3/06 minutes.

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, April 22, 2006 at 278 Monmouth Street.

RESOLUTION 2006-91 AUTHORIZING RELEASE OF AMOUNTS REMAINING IN ESCROW – MARIANNE PALADINO

WHEREAS Marianne Paladino posted funds in escrow with the Borough relative to a planning board application; and

WHEREAS the work is now complete, and the Borough Engineer has recommended release of all remaining escrow held by the Borough on Ms. Paladino's behalf; and

WHEREAS the Borough Engineer and Planning Board Attorney have certified that no funds remain due and payable to them from these escrow funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to return to Marianne Paladino all funds remaining in her escrow account as detailed herein.

RESOLUTION 2006-92 ESTABLISHING PRICE TO BE CHARGED FOR GRASS COLLECTION BAGS

WHEREAS Section 18-2.5 of the *Revised General Ordinances of the Borough of Hightstown* provides that grass clippings shall be contained in special biodegradable compost bags to be sold by the Borough at a price which reflects the per-bag cost of refuse, collection and disposal, and that said price may be revised from time to time by Resolution of the Borough Council; and

WHEREAS due to increased disposal costs, the Superintendent of Public Works has recommended that the price per bag be increased from \$2.00 to \$2.50;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the price per bag for special biodegradable compost bags sold by the Borough for disposal of grass clippings is hereby increased to \$2.50 per bag, effective immediately.

**RESOLUTION 2006-93 AUTHORIZING AGREEMENT FOR PROFESSIONAL PLANNING SERVICES –
TAMARA LEE CONSULTING, LLC**

WHEREAS, there exists the need for professional planning services pertaining to COAH-related and other work; and

WHEREAS, Tamara Lee of Tamara Lee Consulting, LLC has offered to perform these services as outlined in the proposal which is attached hereto and made a part hereof², at the rate of \$105 per hour; and

WHEREAS it is anticipated that maximum costs to the Borough under this agreement will be as follows:

Coordinate development of Landlord Lease Buy Down Program	\$6,300.00
Develop Affirmative Marketing Plan	850.00
Prepare Operating Manual for Round Three Growth Share Program	5,000.00
Develop COAH Spending Plan	2,500.00; and

WHEREAS other planning work not specifically referenced herein will be billed as performed at the rate of \$105.00 per hour; and

² Proposal is on file with original Resolution in the Borough Clerk's office.

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Tamara Lee Consulting, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Tamara Lee Consulting, LLC as outlined herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2006 budget and/or other available sources, including escrow funds.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Tamara L. Lee, PP, AICP, CLA, ASLA
 - b. Fred Montferret, Chair, Hightstown Planning Board
 - c. Arlene O'Rourke, Borough Treasurer
 - d. George Lang, Borough Chief Financial Officer
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

RESOLUTION 2006-94

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND REDUCTION OF AMOUNTS
REMAINING IN ESCROW - PRESBYTERIAN HOMES AT MEADOW LAKES
(MEADOW LAKES COUNTRY COTTAGES)**

WHEREAS in September of 2001, the Presbyterian Homes at Meadow Lakes posted a performance guarantee with the Borough of Hightstown for their County Cottages project in the amount of \$749,929.20, of which \$74,992.92 was posted in cash and \$675,936.28 was posted as Bond No. AE2662968 issued by Gulf Insurance Company; and

WHEREAS on September 7, 2004, the Borough Council authorized the reduction of said bond to the following amounts:

Bond portion	\$6,898.50
Cash portion	\$766.50; and

WHEREAS the Borough Engineer has inspected the projects and has recommended the release of the remaining performance bond and reduction in the escrow funds to a balance of \$400.00, subject to receipt of a two-year maintenance guarantee in the amount of \$74,992.92;

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

1. The Borough Clerk is authorized and directed to release to Presbyterian Homes the non-cash performance bond held relative to their Presbyterian Homes at Meadow Lakes project, as detailed herein.
2. The Treasurer is authorized and directed to release to Presbyterian Homes the remainder of the cash portion of the performance bond held relative to their Presbyterian Homes at Meadow Lakes project, in the amount of \$766.50.
3. The Treasurer is authorized and directed to release to Presbyterian Homes all but \$400.00 of the amounts remaining in their escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
4. Authorizations provided herein are subject to the posting by Presbyterian Homes of a two-year maintenance guarantee in the amount of \$74,992.92 in a form acceptable to the Borough Attorney.
5. A certified copy of this Resolution shall be provided to the following:
 - a. Deborah Harrod, Presbyterian Homes and Services, Inc.
 - b. Arlene O'Rourke, Treasurer
 - c. Debbie Bodine-Kolo, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

UNFINISHED BUSINESS

PROPOSAL RECEIVED FROM DRANOFF PROPERTIES FOR REDEVELOPMENT OF THE MILL

Councilman Thompson stated that the Request for Proposals recently issued by the Borough for redevelopment of the Mill property was "a necessary and productive step in the redevelopment process and toward naming a redeveloper." He said that his goal in putting that forth was to see if the Borough would receive a better proposal than Greystone's "or validate that there was not a better one out there," and to do it "in an open and public process." What we are actually looking for, he said, is low density, maximum open space, mixed use, minimal traffic concerns and to increase our tax base as quickly as possible. In addition, we seek the aesthetic benefit of improving that site and better connecting it to the rest of town, as well as seeking an investment in our Borough – a new municipal building, police station, streetscape improvements, etc.

Mr. Thompson said that, when he reviewed the proposal received from Dranoff Properties (the sole proposal received in response to the RFPs issued), he saw "far more units than anyone is interested in seeing," but noted that it is "also not 'apples to apples.'" He said that their proposal was based on the Borough's original redevelopment plan and mirrors all of the Borough's desires except the number of units, and it anticipates full completion of the project by May 2008, a full year sooner than the Greystone proposal. He added that it includes "a detailed financial analysis like we haven't see up to this point," and that the developer is experienced in adaptive reuse. He recommended that this developer be invited to present their proposal at the next Council meeting. Councilman Quattrone agreed, saying that it would be "great to have them here to explain and get a better idea what WE really want." Councilmember Harinxma also expressed support for having them attend.

Councilmember Sikorski stated that he would be reluctant to bring in Dranoff at this time. Their proposal, he said, doesn't address the Borough's redevelopment plan. "We had a proposal that Council was rejecting at 98 units, and this is 143." We do not have any escrow funds from Dranoff, he said, and the Borough has no control over the private purchasing arrangement between Greystone and the Mill's owner. The Dranoff proposal indicates a purchase price of between \$3.2 and \$3.4 million; however, once the property is sold, that price would likely jump to \$5 or \$6 million. If so, the number of units required would be even higher. He added that Dranoff may not have had a full knowledge of the environmental issues at the Mill site. Greystone, he said, is "firmly aware of them" and is willing to assume that responsibility.

"We may be veering into another precipitous decision without clear thought," Mr. Sikorski said. "We will not 'move faster' if we have to go through an elaborate process with the Dranoff proposal. Obviously it did not meet our requirements," he said. "One flashy presentation may be swaying you more than a two-year process which has been arduous for all parties concerned." Mr. Sikorski said that he would not support a presentation by Dranoff unless it was processed through the redevelopment subcommittee. "It does not meet the numbers," he said. "We were rejecting Greystone at 98, which was a compromise, then we have a proposal of nearly twice the original plan." He said that he feels the Borough should proceed by sending the Redevelopment Plan back to the Planning Board for their recommended modifications to accommodate new information, after which it would be brought back to Council as Redevelopment Agency and we would be ready to move forward toward designating a redeveloper. "If all goes well within the next 10 days," he said, "I envision having the work done by May 1, so that construction could begin as early as June." He noted that the Greystone plan called for the work to be done in three phases, and that to get one online would be helpful to our tax situation. He expressed concern that we may be holding up the project by going in another direction.

Council President Schneider stated that, when the decision was made to issue RFPs, he had reservations about taking the time involved. Three years ago, he said, when developers were approaching Hightstown about this property, "plenty were coming in with assorted schemes. They were shot down because there were too many units and it was too dense. Increased density means increased profit. The developer we've been working with came in at 122 units and we screamed and yelled." Now, Mr. Schneider said, the project proposed is *more* dense. "When the RFPs came back and I heard '143 units,'" he said, "I said 'useless proposal,' which is what I had predicted. I have no idea what we'd do with a 15,000 square foot municipal building --that may have been unnecessary -- but if we told Greystone that we had another 45 units to offer, we could get a lot from them as well." He added, "There's no chance I'd be in favor of upping the units to 143." Mr. Schneider said that he would not object to having Dranoff come before Council, but not before the subcommittee, as, lacking escrow funds from Dranoff, that would cost the Borough money. The most recent plan that was presented by Greystone, Mr. Schneider said, addressed all of his concerns and took away the quality of life issues. Now that we have gone through the RFP process and received a proposal for 143 units, "I'm comfortable with going ahead."

Mayor Patten stated that developers receiving the RFP were supposed to base their proposal on the Borough's adopted redevelopment plan. Some indicated that they were not interested because it would not be profitable, and they did not submit proposals. Mr. Raffetto clarified that the RFP did not state that developers would be disqualified if they did not mirror our plan. What it said was that the Borough would place great weight upon those proposals that mirrored the plan as closely as possible. If deviating, they were required to provide details of where they deviated and a list of requested amendments to the adopted plan.

Councilmember Rosenberg asked Councilmember Sikorski if he felt that hearing from Dranoff at the next meeting would delay talks with Greystone. "Yes," Councilmember Sikorski replied, "and it raises the question of fundamental fairness. Greystone has gone through a lengthy process of nearly two years, and has been subjected to intensive analysis by the Borough's professionals." This proposal would be getting a "free ride," he said, because they haven't invested in this process. If the subcommittee began this process all over again, it would cost the Borough money because there is no escrow. "It would be evaluated on appearance," he said. "It's an unfair advantage to a proposal that doesn't meet muster to begin with."

Council President Schneider stated that he is "dramatically not in favor of" having the Dranoff proposal reviewed by "subordinate bodies such as the Planning Board or the subcommittee." He said that he sees no legal reason that Council should not entertain a "fact finding" meeting to review that proposal, and added, "I don't want to see that property vacant for the next 20 years."

Mayor Patten noted that the Planning Board will be involved in this one way or another. He suggested that the Dranoff presentation could be made at the April 10 Planning Board meeting.

Councilman Thompson stated, "Currently, nothing mirrors our redevelopment plan. All indications to everyone but me are that we're going to need to be looking at numbers greater than 80. If we're looking at more, we're already doing that with Greystone, and it is probably in our best interest to look at what another option would be. There could be a scenario where going with a different developer could move the process more quickly. This developer could complete the project a year sooner than Greystone. It seems like it would be in our best interest prior to naming a developer to keep our options open." He said that he would prefer to have the presentation take place at a Council meeting, where it would be better attended.

Mayor Patten asked if Greystone would be given the opportunity to come before Council again as well.

After some further discussion, it was determined that Dranoff would be invited to present their proposal at the April 17 Council meeting, and that it would be advertised as a joint meeting of the Borough's various boards and commissions, who will be notified of same.

NEW BUSINESS

BOROUGH SUMMER SCHEDULE

Ms. Gallagher suggested that the Borough consider moving to a four-day "compressed" work week during the summer months, as it could be beneficial to the Borough, its employees, our residents and the environment. She proposed that the Borough undertake a pilot program during the summer of 2006 to determine if this would be feasible for the Borough to repeat in future years.

She noted that:

- This would be a proactive step taken by the Borough in accordance with its pledge on March 6, 2006 in its Resolution of support for the U.S. Mayors Climate Protection Agreement to "take action to reduce global warming emissions in Borough operations and in the community." By cutting employees' commuting time by 20%, emissions from those commutes are reduced correspondingly.
- The number of hours worked each week by employees would remain the same.
 - Office employees who currently work 8:30 to 4:30 with a one hour lunch break would work 8:30 to 6:00 on Monday, Tuesday and Wednesday and 8:30 to 5:00 on Thursday (or, alternatively, 9:30 to 6:00 on Mondays), with a half-hour break³.
 - Police, dispatchers and sewer plant employees would not be affected.

³ During discussion, it was suggested by Council President Schneider that it would be preferable for employees to take a full hour at lunch, and for the Borough to remain open until 6:30 on Monday, Tuesday and Wednesday and 5:30 on Thursday.

- Public Works employees would be scheduled as needed by the Superintendent, and would continue to put in 40 hours per week. It is likely that this department as a whole would continue to work Monday thru Friday, but there would be greater flexibility in scheduling.
 - Leave time would be taken by employees in hours rather than days (i.e., one day off during the four-day week would count as 10 hours of leave time – vacation, sick or personal).
 - Holiday benefits must remain equitable for all employees. Under a four-day work week, a holiday would represent a larger benefit to those employees working the four-day week than to those who are not participating. Therefore, the additional benefit (2 hours for 40-hour-per-week employees, or 1 ¾ hours for 35-hour-per-week employees) would need to be “paid for” by the employees who accrue that benefit. That could be accomplished by either extending the Borough’s hours during the remaining three days, or charging those two hours to the employee’s personal leave or vacation time.
- Residents could benefit from the Borough’s extended hours, making it easier for those with full time jobs to conduct needed business with the Borough after their working hours rather than having to take time away from work in order to do so.
- Employees would benefit as a result of:
 - Three-day weekends during the summer months
 - 20% savings in commuting time and costs (significant for some)
 - Longer period of time away from work with no reduction in pay
- Benefits to the Borough could include:
 - An increase in employee morale/productivity
 - Reduced absenteeism due to ability of employee to schedule personal business on Fridays
 - Enhanced ability to attract and retain employees
 - Possible savings in overhead costs, including air conditioning (which would be turned off in Borough offices for three consecutive days).
- By leaving work at 6 p.m., employees do not face (or contribute to) rush hour traffic congestion.

Our department heads have been consulted, Ms. Gallagher said, and are fully supportive of this initiative. Compressed work weeks are undertaken frequently in private industry, and it appears to be a “win-win-win-win” program for the environment, employees, residents and the Borough itself. Agencies that support compressed work weeks include the Federal EPA and the Greater Mercer TMA.

Ms. Gallagher said that she was not asking Council to make a decision at this meeting, but simply to begin to consider the option.

Council President Schneider stated that he has some familiarity with this, and there have been studies done which indicate that ten hour days result in greater productivity-per-hour than the same number of hours spread over a greater number of days. There is some intrinsic advantage to that, he said. He suggested that, instead of the half-hour lunch suggested by Ms. Gallagher, employees continue to take the full lunch hour, and the Borough would stay open until 6:30 rather than 6:00. Ms. Gallagher agreed that this may work better, and offer an increased benefit to residents.

Councilman Quattrone said that he would like to see the studies referenced by Council President Schneider, and expressed concern about the Unions and how this would affect overtime.

Ms. Gallagher stated that she has consulted our labor counsel about this, and he sees no issues with it. It would not affect the P.B.A. at all. Overtime, she said, would be dependent on when events occur. It could be more or less.

Councilmember Sikorski asked if any other towns are doing this. “Not in New Jersey,” Ms. Gallagher replied. She added that there are some towns in other states that do this.

Councilman Quattrone commended Ms. Gallagher for looking at the Borough's options in this regard.

ANIMAL TRAPPING

Council President Schneider stated that Council has heard a great deal regarding the legality of animal trapping, and he would like to know definitively what the laws say about this – what residents can and cannot do. "I appreciate the specific personal issues here," he said, "but on a larger scale, if some are having difficulty with animals, the role of government is to have consistency in policy. I don't want to see animals being mistreated. I don't want to see an inhumane version of a trap being sanctioned by us." We do have some issues. Mr. Schneider said. "There are such things as nuisance animals, and you'd want to be able to protect your property." He said that he would like to know the facts about these issues, and asked Mr. Raffetto if he could research the applicable State laws, "so that there is no guessing as to what is the truth." "We do want to control the problem humanely," he said, "but we have problems that seem to be localized and could spread. We should look to see if something can be done. Maybe we shouldn't have increased the number of cats permitted per household." Mr. Schneider said that he does not want to see the feeding of strays causing a problem. At the same time, he added, "I don't want to see us wiping out the wildlife around us." He said that he feels Council is being informed by "a rumor mill of sorts" and would like to be better informed.

Councilmember Harinxma pointed out that the Borough is seeing an increase in "nuisance animals" due to the development in our area. Wildlife is adapting, and living on the fringes, she said, and "that won't go away anytime soon." She agreed that it would be helpful if there were some definitive guidelines.

Councilmember Rosenberg asked if the Borough's ordinance prohibiting the feeding of wildlife applies to private as well as public property. Ms. Gallagher stated that it refers only to public property.

Mayor Patten asked his wife, Kathy, who chairs the Animal Welfare Committee, to have someone from the State address Council at a future meeting.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Sikorski reported that inspection of the Borough's apartments is nearly complete, and more than 90% were found to be in full compliance. The construction office has also sent out several letters regarding property maintenance issues. Mr. Sikorski also reported that the Board of Health will meet on the upcoming Wednesday and will discuss the statewide smoking ban that will take effect on April 15. The Planning Board will meet on the coming Monday. Lastly, Councilmember Sikorski reported that he spoke with Assemblyman Michael Panter over the weekend and requested his support for our Extraordinary Aid application.

Councilman Quattrone addressed several issues:

- He reported on the activities during March of the Public Works department, which included 670 hours fulfilling work orders, as well as pothole repairs and storm drain cleaning. We start picking up yard waste (by appointment) on April 4, he said. Mr. Quattrone emphasized the importance of recycling and noted that residents can help save money in the Borough's budget by recycling as much as possible.
- He reported that things are progressing well at the First Aid Squad, and that their annual pancake breakfast would be held on the upcoming Sunday.
- He complimented Ms. Gallagher on the April edition of the *Hightstown Crier*, which, he said, includes a lot of important information.
- He said that he would like to see a review of our taxi ordinance included on the next meeting agenda.

- He noted that the next planning meeting for the 2006 Memorial Day Parade will be held at 7 p.m. on the following evening, and encouraged anyone interested in volunteering to attend.

Councilman Thompson stated that he would be out of town and unable to attend the First Aid Squad Pancake Breakfast, but encouraged others to do so. He commended Councilman Quattrone for "the good work he's doing." Mr. Thompson also stated that he read in the paper that the Minute Maid property is pending sale. "Between the Mill and Minute Maid," he said, "we have a unique opportunity to guide the direction of the Borough for generations to come. It is important to begin thinking through that and to consider a redevelopment plan for that site."

Councilmember Harinxma reported that the Parks and Recreation Commission is getting a very good response from local musicians for a summer concert.

Councilmember Rosenberg noted that the meeting of the Environmental Commission was postponed to Thursday.

Ms. Gallagher reported that the Borough's Extraordinary Aid application is complete and will be submitted this week. The deadline was extended at the 11th hour, she said. The Borough will request \$550,000 in aid, which, if granted, would result in a two-cent municipal tax increase. She also reported that bids for garbage collection have been advertised, and will be received on May 26.

Mayor Patten reported on several issues:

- He continues to serve on four committees dealing with traffic conditions now and in the future.
- He attended two Eagle Scout ceremonies and several more are coming up this year.
- The Community Action Service Center's health fair, he said, is "moving along nicely," and he asked all to support the Center.
- He reported that the Latino Advisory Committee meets once each month, and its members are "excited to have a voice in Hightstown."
- He noted that he serves on the legislative committee of the League of Municipalities and has conducted seminars for them. He will be attending two League seminars within the next week.
- He recently performed his 180th marriage ceremony, plus one renewal of vows.
- He has been participating actively in negotiations with Local 32 and the P.B.A.
- Meadow Lakes has invited Hightstown and East Windsor seniors to a seminar on Medicare D that will be held on April 14.
- The school election will be held on April 18.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Ken Hitchner, 450 South Main Street, stated that three minutes is not an adequate amount of time to allow one to speak during public comment, and objected to cutting someone off at the end of that time when they aren't done speaking. Mr. Hitchner went on to say that he agreed with Council President Schneider's comments regarding the need for consistency with respect to animal trapping and feral cats, and said "the problem isn't going away. We have police on our street at least three times a week, which is an abuse of police power. They are called for nonsensical reasons related to wild animals and feral cats, and they must come every time they are summoned. We need to get a handle on the State guidelines." Mr. Hitchner added that the Borough's ordinances regarding pet ownership are "discriminatory" and place

greater demands on dog owners than on cat owners. Cats, he said, should be kept indoors or, if out of doors, under the owner's control, just as dogs must be. Lastly, Mr. Hitchner said, "we wouldn't have wild animals coming in if they were not happily fed."

Torry Watkins, 68 Meadow Drive, noted that East Windsor used a four-day work week for years. He suggested that we find out why it was abandoned.

Don Fallon, 458 South Main Street, commended Council for their enthusiasm for reviewing State statutes regarding trapping. He said that it was his understanding that he is allowed to trap and relocate nuisance animals, and that cats must be turned over to Animal Control. He said that he would welcome the opportunity to hear what the actual State laws are. Mr. Fallon went on to say that Mr. Thibault asked "what reasonable person" could disapprove of not allowing trapping at night. Raccoons, he noted, are nocturnal and can only be trapped at night. He again objected to any ordinance that would prohibit trapping.

Eugene Sarafin, 600-628 South Main Street, said that the State of New Jersey has a program where workers work an extra hour each day and get every other Friday off. He said that taxpayers expect Borough offices to be open five days a week. Mr. Sarafin went on to say that the discussion about the Mill "frightens" him. He said that he doesn't like "phases," and that the infrastructure should be taken care of before anything is built. He expressed interest in hearing Dranoff's presentation.

Rob Thibault, 504 South Main Street, said that he has worked a four-day work week in the past. Half of the staff worked Monday through Thursday, and the others worked Tuesday through Friday, so all five days were covered. Mr. Thibault also noted that the water fountain outside the courtroom is out of order.

Walter Yetman, 102 Springcrest Drive, noted, in response to Ms. Deal's earlier comments, that predation by free ranging housecats is estimated to kill 10 million birds per year. He went on to say that the inference here is that cats are being treated inhumanely by those who are trapping. He said that he traps, but not inhumanely. He uses only Hav-A-Heart traps. Some animals, he said, can only be caught at night. He said that the animals he traps are treated humanely, and the State has investigated where they are released and they have no problem with it. He added that the State Division of Wildlife is "not happy with TNR" and has recommended against putting food out. He said that from September to the first week of November he trapped almost 30 groundhogs and raccoons. "It's a big problem," he said, adding, "I wish people would stop thinking they are being inhumanely treated."

Mr. Thibault spoke again to say that the problem has existed for years, but now their feeding of stray cats is being blamed for it. They have removed more than 40 cats from the neighborhood, he said, and have offered to humanely trap the cats and to provide chemicals that will keep them off one's property. "They don't talk about taking down part of their fence, baiting traps and attracting" the animals, he said. "They're hunting, not trapping."

Mayor Patten stated that he has been involved in this dispute for some time, and has tried to mediate it. It is time for the "neighbors to get together and figure all this out," he said. He said that he does not want to hear name calling and accusations.

Mr. Hitchner offered to meet with the Animal Welfare Committee. "I'd come to a meeting," he said, "and I feel others would also." He added that the problem is the food supply. Ms. Patten said, "we will make sure you can come to a meeting. We'll have a discussion, address the issues brought up, and hope we can give a full report at the next meeting regarding TNR – its accomplishments, goals and objectives." She added that the Committee did address Ms. Yetman's concerns in a letter.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud Resolution 2006-98, authorizing a closed session for the purpose of discussing contract negotiations and tax appeal litigation. The Resolution was moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-98 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 April 3, 2006 at approximately 9:15 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 – PBA; Local 32; Redevelopment Tax Appeal 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: July 3, 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.

RESOLUTION 2006-99, A RESOLUTION AUTHORIZING THE FILING OF A COUNTERCLAIM WITH RESPECT TO TAX APPEAL LITIGATION INVOLVING PROPERTIES OWNED BY HIGHTSTOWN DEVELOPMENT ASSOCIATION

Upon reconvening into open session, **Resolution 2006-99** 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 2006-99 A RESOLUTION AUTHORIZING THE FILING OF A COUNTERCLAIM WITH RESPECT TO TAX APPEAL LITIGATION INVOLVING PROPERTIES OWNED BY HIGHTSTOWN DEVELOPMENT ASSOCIATION

WHEREAS, Hightstown Development Association has filed a Complaint before the Tax Court of New Jersey seeking to reduce the 2006 tax assessed values of two (2) separately assessed real properties that it owns located along Westerlea Avenue, which are utilized for multi-unit residential purposes; and

WHEREAS, the properties at issue are known and designated as Block 55, Lot 74 and Block 61.01, Lot 26 on the Hightstown Borough Tax Map; and

WHEREAS, the combined assessment of these properties is equivalent to \$5,450,000.00, which implies a true value of \$9,200,000.00 when factoring the Borough's current assessment ratio; and

WHEREAS, the Borough's Tax Assessor is of the opinion that the true market value of these properties is significantly in excess of \$9,200,000.00; and

WHEREAS, the Borough's Tax Assessor has therefore recommended that the Borough file a Counterclaim in order to seek an increase in the assessed values of these properties; and

WHEREAS, there already exists a tax appeal filed with respect to these properties challenging the 2005 tax assessments before the Tax Court of New Jersey, which matter remains pending before the Court; and

WHEREAS, the Borough Council had previously authorized the filing of a Counterclaim in the 2005 matter, for the same reasons; and

WHEREAS, the Borough Council wishes to provide its formal authorization for the filing of a Counterclaim by the Borough Attorney, on behalf of the Borough, with respect to the 2006 appeals filed by the property owner in this matter, which will seek an increase in the tax assessed values of these properties, as recommended by the Tax Assessor.

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 Borough Council hereby authorizes the filing of a Counterclaim before the Tax Court of New Jersey seeking to increase the assessed valuation of the properties known and designated as Block 55, Lot 74 and Block 61.01, Lot 26 on the Hightstown Borough Tax Map, for the tax year 2006, as recommended by the Tax Assessor.
2. That the Borough Attorney is hereby authorized and directed to file the said Counterclaim in a timely manner, and to perform all other necessary actions associated with this matter.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Ken Pacera, Tax Assessor
 - b. Peter Sockler, MAI, Appraiser
 - c. Candace Gallagher, Business Administrator/Clerk
 - d. Frederick C. Raffetto, Esq., Borough Attorney
 - e. Nancy Martin, Tax Collector
 - f. Arlene O'Rourke, Treasurer

Adjournment was moved by Councilman Thompson, seconded by Councilmember Sikorski and unanimously approved. The meeting was adjourned at 9:36 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk