

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; Frederick Raffetto, Esq., Borough Attorney; and Chief Financial Officer George Lang.

APPROVAL OF AGENDA

Deleted from the agenda was approval of the special joint meeting minutes of May 9 and May 18, 2006, as well as Resolution 2007-183, authorizing payment #1 to S. Brothers, Inc. for the Downtown Revitalization Phase 3 project. Two Resolutions listed under "Engineer's Items" (numbered 2007-181 and 2007-182) were moved to the Consent Agenda. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Quattrone and approved by all.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Logan Hiers Evans, 419 Stockton Street, stated that he began keeping chickens four years ago in order to learn about their life cycle and eat fresh eggs. The chickens have all been hand-raised since they were two days old, he said, and he loves them. He asked Council to "think hard" before making any decision in this regard and added, "How would you feel if you had to get rid of your pets?"

Elizabeth Balcewicz, 413 Stockton Street, stated that, since May 29, Borough officials have been receiving calls and emails regarding the keeping of chickens by the residents at 419 Stockton Street. The Borough's Health Officer visited the site, she said, and informed the Balcewicz's that he had found evidence of rats and that they would need to call an exterminator. Ms. Balcewicz expressed frustration at having to fund that cost "when they are the result of our neighbor's chickens." Until the chickens are gone, she said, rats will continue to be a problem. Over the years, she said, there have

been groundhogs, raccoons, moles and snakes in that area, but never rats. Ms. Balcewicz noted that another neighbor has kept exotic birds for years without problems. She also questioned why, if the chickens are considered pets, they would be left alone for one month "with no one in place to clean up after them." Ms. Balcewicz said that she is "trying to remain faithful that the situation will be handled properly by Council."

Rebecca Balcewicz, 413 Stockton Street, stated that their neighbors' chickens "affects our quality of life every day." They have had to put out rat poison, she said, and must watch their dogs very carefully when they are outside so that they will not eat any poisoned rats or feces. "We are prisoners in our own home," she said, adding that the situation has become "completely unbearable." She thanked the governing body for their help and attention thus far.

Mayor Patten stated that he and Council are "well aware" of this issue, as is our Health Officer, Robert Hary. He asked Mr. Raffetto to comment.

Mr. Raffetto said that he spoke that day with Mr. Hary, who is "on the case" and notices of violation have been issued. The issue will end up in court, and has also been referred to the Board of Health.

Ms. Balcewicz added that an exterminator is coming the next morning, at their expense.

Eugene Sarafin, 600-628 South Main Street, said that he grew up on a farm and there were rats in the corn cribs. He viewed the site in question, he said, and didn't see any rats. "The chickens are in cages with wire," he said, "and there is a building next door with a hole in it where the rats live. If they find food, they'll go for it." He said that the problem should be resolved by getting rid of the rats "and not starting a war in the neighborhood." Mr. Sarafin went on to say that the Borough is changing, and more wildlife is coming in. He saw a fox in his side yard that day, and Orchard Avenue residents have seen coyotes. Mr. Hary, he said, may have "overextended his authority."

Shawn Hiers, 419 Stockton Street, stated that when her family went on vacation, they hired a man to come daily and water their plants, feed the chickens, collect the eggs and maintain the coops. He was there everyday, she said. In addition, a friend of theirs kept an eye on things while they were gone. When the violation notices were left on their door, her friend contacted her, and the Hiers asked her to do what she could to clean up the area. Since they have been back, she said, they have "worked nonstop," the flies have been taken care of and everything "smells fine." She added that her husband has redone the coop to keep out rats. She said that she is sorry that this could not have been handled between the two neighbors. She added that there have been rats in that neighborhood for many years, and they have been keeping the chickens for only four years.

Gary Grubb, 302 Morrison Avenue, spoke of the biodiversity in this area, and said "those animals, including rats, were probably here long before we were." He asked Council to think carefully before making any decision to force the removal of the chickens. Mr. Grubb noted that Logan Hiers was responsible for starting the Community Garden which has been a great success. "He didn't become this way sitting home reading comics," he said. "He was out there ... Please be understanding." He expressed hope that this could be worked out "without some dictate being passed that would ruin our ambience."

No one else came forward and the floor was closed.

CONTINUATION OF PUBLIC HEARING

COMCAST OF CENTRAL NEW JERSEY - APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT

Mr. Raffetto stated that, at the July 10 Council meeting, the Borough opened the public hearing on Comcast's application for renewal of municipal consent to operate a cable television system in the Borough. This is part of the process which is

mandated by law, he said. The July 10 hearing was opened and adjourned, to continue at this meeting. Rob Clifton of Comcast was present at the July 10 meeting and at this meeting. By law, Mr. Raffetto said, the hearing must be closed at this meeting, then a determination made by Council within 30 days to grant or deny the application.

Rob Clifton of Comcast spoke briefly to state that he has met with the Borough's Cable Television Advisory Committee, and he came to this meeting to answer any further questions.

Curtis Crowell, 152 Broad Street, spoke as Chair of the CATV Advisory Committee to state that the Committee is endorsing Comcast's proposal to them for a 15-year franchise agreement that would include a grant to the Borough of \$15,000. He reviewed the "ground rules" for renewal agreements, and said that Comcast has met all of the requirements. Discussions are continuing, and the committee has asked Comcast to look into the reliability of the cable access channel at the high school, as there have been "some issues" with that.

Eugene Sarafin, 600-628 South Main Street, stated that he signed up with Verizon for their FIOS service, and received Philadelphia channels, and a few New York channels. After being on the phone "for hours" with Verizon, he said, he called Comcast and they "were glad to welcome me back at a lower cost than Verizon." Comcast is responsive to the community, Mr. Sarafin said. It is a "community cable company," and Verizon is not. He recommended that their franchise be renewed.

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

Mr. Clifton said that he would have his technical staff contact the high school regarding the access channel, and would iron out the remaining few details with the CATV Committee. He expects to submit something to the Borough soon.

Mayor Patten asked what is necessary for current subscribers to be able to receive the New York channels. Mr. Clifton said that one does not need a subscription to Comcast's digital services to get those channels. They simply need to obtain a digital box (for a cost as low as \$1.00 per month). Those channels are still in the "Limited Basic" service package, but the channel numbers were changed because Comcast reclaimed the lower frequencies for other services which they provide. They are now digital channels.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-18, ORDINANCE AUTHORIZING THE SALE OF BOROUGH-OWNED PROPERTY NO LONGER NEEDED FOR PUBLIC USE

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2007-18. No one came forward and the hearing was closed.

Ordinance 2007-18 was moved for adoption by Councilmember Schneider and seconded by Council President Sikorski.

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

Ordinance adopted, 5-0.

WHEREAS, N.J.S.A. 40A:12-13(b)(5) mandates that surplus Borough property less than the minimum size required for development under the Borough zoning ordinance and without any improvement thereon, be auctioned off in an auction among all contiguous lot owners; and

WHEREAS, Block 40, Lot 28, is such a property;

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

Section 1.

- A. Pursuant to the aforementioned statute, an auction in accordance with the provisions of *N.J.S.A. 40A:12-13(b)* will be held among the owners of Block 40, Lot 27; Block 40, Lot 29; and Block 40, Lot 5.02 at a date and time to be set by the Borough Administrator, which date shall be not less than 30 days following final adoption of this Ordinance.
- B. Said lot owners shall be notified by certified mail at least (2) two weeks prior to said auction.
- C. In accordance with the provisions of *N.J.S.A. 40A:12-13(b)*, offers for the purchase of Block 40, Lot 28 may be made to the Borough through the office of the Borough Administrator for a period of 20 days following advertisement of this finally adopted Ordinance, by any prospective purchaser, real estate broker or other authorized representative. In the event that any such offers are received, the governing body may reconsider this Ordinance, not later than 30 days after its enactment, and advertise the property in question for public sale pursuant to *N.J.S.A. 40A:12-13(a)*.
- D. The Mayor and Borough Clerk are hereby authorized to execute all documents necessary for the conduct of this auction and for conveyance of said property to the highest bidder, subject to the provisions of Paragraph E below.
- E. Acceptance of any bid to purchase the said property shall be subject to the final approval of the Borough Council by Resolution at the next regularly scheduled Council meeting following the conclusion of all bidding. The Borough Council reserves the right to reject all bids where the highest bid is not accepted.

Section 2. This Ordinance shall take effect upon its passage and publication as provided by law.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-19,

**ORDINANCE TO AMEND ORDINANCE 2007-07, ADOPTED MARCH 19, 2007, ENTITLED, "AN
ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF
THE BOROUGH OF HIGHTSTOWN"**

Ms. Gallagher explained that this Ordinance would remove from the salary ordinance that provision which establishes the amount to be paid as a stipend to employees who waive health benefits coverage. Instead, this amount would be set by Resolution of Council. She is currently looking into whether it would benefit the Borough to increase that stipend in order to encourage those employees with supplemental coverage to waive coverage by the Borough. Currently, that stipend is set at \$2,150.00, and has been at that level since 1998. The stipend can, by law, go as high as 50% of what the Borough's cost would be to provide the benefit.

Ordinance 2007-19 was moved for introduction by Council President Sikorski and seconded by Councilmember Schneider.

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

Ordinance 2007-19 introduced, 5-0.

The public hearing and final reading for Ordinance 2007-19 were set for September 4, 2007.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-20,

ORDINANCE TO AMEND CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* WITH RESPECT TO FENCES

Ms. Gallagher explained that the Borough's Zoning Officer has recommended that our Code be amended to require that the "finished" side of all fences within a residential district face the neighboring property(s). Existing fences would be grandfathered until replaced or substantially rebuilt.

Ordinance 2007-20 was moved for introduction by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Ordinance 2007-20 introduced, 5-0.

The public hearing and final reading for Ordinance 2007-20 were set for September 4, 2007.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-21,

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN AMBULANCE IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$89,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$84,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher explained that the Borough's ambulance requires immediate replacement. Washington Township has agreed to purchase a new ambulance (a 2006 demo unit) for our use at a cost of \$87,500, and allow the Borough to purchase that unit from them as soon as the funding for it is in place. This Ordinance will provide that funding.

Councilmember Quattrone stated that he viewed the ambulance to be purchased, and strongly supports this Ordinance. The ambulance will come with all required striping and lettering, and a three-year warranty (longer on the body). "This is exactly what we need," he said. "I don't want to spend this kind of money, but our ambulance has become unreliable. It is not doing the job it needs to do." He noted that the current ambulance is a 1994 model with about 90,000 miles on it. Equipment on our current rig can be transferred to the new rig.

Washington Township Fire Chief Kevin Brink was present and stated that Washington will purchase this unit through an emergency appropriation. They will move forward as soon as Hightstown has introduced this ordinance, indicating their intent to follow through with the arrangement. His personnel will use this rig in accordance with our shared services agreement, with two licensed EMTs on board at all times. The ambulance will be licensed as required by the State.

Mayor Patten expressed his appreciation to Washington Township for their participation in this interlocal agreement, which, he said, is "vital to our communities."

Chief Eufemia added his own thanks to Chief Brink and Captain Cory Towner (who was also present). Locating this demo unit, he said, saved the Borough a lot over the cost of going out to bid for a new ambulance. Councilmember Quattrone agreed, and said that a brand new rig would have cost about \$135,000.

Ordinance 2007-21 was moved for introduction by Councilmember Quattrone and seconded by Council President Sikorski.

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

Ordinance 2007-21 introduced, 5-0.

The public hearing and final reading for Ordinance 2007-21 were set for September 4, 2007.

BUDGET 2007

RESOLUTION 2007-184, AMENDING THE 2007 BUDGET

Ms. Gallagher read aloud and in full Resolution 2007-184, amending the 2007 Budget. She explained that this amendment adds to the budget the \$150,000 received by the Borough in Extraordinary Aid, which brings the Borough's tax rate to either \$1.43 or \$1.44, an increase of either 12 or 13 cents, depending on how things are rounded at the county. The amendment also shifts the classification of some of the State's formula aid and moves \$10,000.00 of insurance expenditures outside of the cap, as recommended by Mr. Lang.

Resolution 2007-184 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2007-184 AMENDING THE 2007 BUDGET *(Included at end of these 8/6/07 minutes)*

RESOLUTION 2007-185, ADOPTING THE 2007 BUDGET

Resolution 2007-185, adopting the 2007 budget as just amended, was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 5-0.

RESOLUTIONS

RESOLUTION 2007-192, AUTHORIZING RECEIPT OF BIDS – BOARDWALK MATERIALS

Ms. Gallagher explained that there is about \$33,000 remaining in an Ordinance adopted several years ago to fund the boardwalk at Rocky Brook Park. This Resolution will authorize bids for the materials needed to construct the remaining portion of that boardwalk. The actual purchase of those materials, she said, will come back to Council for approval before proceeding.

Resolution 2007-192 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

Council President Sikorski recommended that identifying signage be placed at the boardwalk in order to encourage its use. Gary Grubb of the Parks Commission was present at this meeting, and said that the Commission would take that into consideration. He added that they are "pleased and excited" about completing the walkway, and are working with the manufacturer of the existing boardwalk materials to correct a problem wherein the water "squirts up" when walking across the boardwalk in certain areas. He expressed appreciation to Council for considering completion of the walkway. Mayor Patten thanked Mr. Grubb for the "outstanding job" he is doing with this.

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

Resolution adopted, 5-0.

RESOLUTION 2007-192 AUTHORIZING RECEIPT OF BIDS – BOARDWALK MATERIALS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Administrator is hereby authorized to prepare specifications and advertise for bids for materials needed to complete the construction of the boardwalk in Rocky Brook Park, and the Borough is authorized to receive same after proper advertisement.

RESOLUTION 2007-194, AUTHORIZING REQUEST FOR PROPOSALS FOR A STUDY OF THE FEASIBILITY AND BENEFITS, IF ANY, OF A POLICE SERVICES ARRANGEMENT

Ms. Gallagher stated that this Resolution was placed on the agenda at the request of the Borough's subcommittee that has been meeting with East Windsor officials regarding shared police services. It would authorize the issuance of an RFP for a feasibility study regarding the provision of police services to Hightstown by East Windsor. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone. Discussion ensued.

Councilmember Schneider asked why the study would not examine also the feasibility of the provision of police services by Hightstown. Ms. Gallagher stated that it was the specific direction of the joint subcommittee that the study look only at East Windsor's providing those services to us. "If we are seeking grant money," Councilmember Schneider asked, "and the State gives us funding to do a study involving our department, why would we limit it to one option?" He said that there are other options, such as shared dispatch services or the provision by Hightstown of services to other towns, that could be to our benefit. He questioned whether the Borough should proceed with a "very specific, one direction study" and asked, "Can we not just get a price quote from them instead? I don't see that it should be a multi-year process. If we're going to all the trouble to do a study, I'd like to know if it's feasible for us to provide services in other directions."

Council President Sikorski stated that the proposed study is "fairly comprehensive" and he thanked Councilmembers Quattrone and Rosenberg, who served along with him on the subcommittee and helped to formulate the RFP.

Councilmember Harinxma expressed support for exploring the possibility of East Windsor's providing services to Hightstown, but added, "Dave brings up a good point regarding exploring other options. Can that be incorporated?"

Mayor Patten agreed, and recommended that Council look at other possibilities and not adopt this Resolution. "I am insulted with the language of this," he said, adding that the fact that the proposed study would not look at Hightstown's offering the services suggests that our police department is not doing a good job. "I wouldn't interpret it that way," Council President Sikorski said, adding that Councilmember Schneider's comments could be considered at the next meeting of the subcommittee. "The study is the logical way of proceeding," he said. "It would be premature to make statements that are prejudicial to it. At least the study would have some objectivity, rather than our own little opinions."

Mayor Patten stated again that a feasibility study needs flexibility and should look at all of the possibilities. "That can be taken under advisement at the next subcommittee meeting," Mr. Sikorski said. The Mayor recommended that action on this Resolution be tabled until after that meeting.

"I support what we might be able to work out [with East Windsor]," Councilmember Harinxma said, "but we might as well take advantage of the study and see what other options might be available."

Councilmember Schneider said that the fact that the subcommittee was sent back with this proposed study "demonstrates that East Windsor has no interest in providing services to us." If they were interested, he said, it would be a significant benefit to the residents of East Windsor, and they would go to work immediately to provide a price quote. "I feel I could sit down with the Chief and come up with a price quote to patrol our neighboring towns," he said, and he questioned the need to spend up to \$50,000 for this study. He said that he would like to hold off on this and look at a wider number of options.

Councilmember Quattrone stated, "The subcommittee is only doing what Council asked it to do five or six months ago."

After brief further discussion, the roll was called on Resolution 2007-194.

Roll Call: Councilmembers Harinxma, Quattrone, Rosenberg and Sikorski voted yes, Councilmember Schneider voted no. Councilmember Thompson was absent.

Resolution adopted, 4-1.

RESOLUTION 2007-194 AUTHORIZING REQUEST FOR PROPOSALS FOR A STUDY OF THE FEASIBILITY AND BENEFITS, IF ANY, OF A POLICE SERVICES ARRANGEMENT

WHEREAS, subcommittees of the Borough of Hightstown and East Windsor Township have met several times regarding the possibility of sharing police services between the two towns; and

WHEREAS, it is the joint recommendation of these subcommittees that the Borough of Hightstown issue a Request for Proposals for a study of the feasibility and benefits, if any, of a police services arrangement whereby East Windsor Township would supply police services to Hightstown Borough under a contractual arrangement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Administrator is hereby authorized and directed to develop and issue a Request for Proposals for a study of the feasibility and benefits, if any, of a police services arrangement whereby East Windsor Township would supply police services to Hightstown Borough under a contractual arrangement.

CONSENT AGENDA

Resolutions 2007-181, 2007-182 and 2007-186 through 191 were moved by Council President Sikorski and seconded Councilmember Quattrone.

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

Resolutions adopted, 5-0.

RESOLUTION 2007-181 AUTHORIZING APPLICATIONS AND AGREEMENTS FOR TRANSPORTATION TRUST FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that submission of applications for Transportation Trust FY 2008 Municipal Aid funding for the following projects are hereby approved, and the Mayor and Borough Clerk are authorized to execute same:

Morrison Avenue
Westerlea Avenue and Leshin Lane
Park Avenue

**RESOLUTION 2007-182 AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF
SEPTIC WASTE WATER AND/OR GRAY WATER**

WHEREAS, Don E. Miller Septic Service, Inc. of Cookstown, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water and/or gray water; and

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant and the Borough Engineer, and Don E. Miller Septic Service, Inc. has submitted a signed agreement for the consideration of the Mayor and Council, along with the required Certificate of Insurance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Don E. Miller Septic Service, Inc. for acceptance and processing of septic waste water and/or gray water, which agreement is attached hereto and incorporated herein¹, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

RESOLUTION 2007-186 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 **\$1,505,100.68** from the following accounts:

Current	\$ 1,262,938.92
W/S Operating	134,965.36
General Capital	19,644.17
W/S Capital	115.00
Animal Control	45.00
Grant	2,491.81
Trust	13,405.72
Public Defender	375.00
COAH	15,376.00
Law Enforcement Trust	1,374.00
Unemployment Trust	4,226.48
Escrow – Subdivision & Site Plan (1 st Constitution Bank)	<u>50,143.22</u>
Total	\$1,505,100.68

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

RESOLUTION 2007-187 AUTHORIZING REFUND OF PERMIT FEE

WHEREAS, George Bibens, 140 South Street, submitted payment in the amount of \$232.00 to the Borough of Hightstown Construction Office for a permit related to finishing his basement; and

WHEREAS, Mr. Bibens has subsequently decided not to proceed with this project, and the Construction Official has recommended that the permit fee be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue a refund in the amount of \$232.00 to George Bibens, 140 South Street, Hightstown, New Jersey 08520, representing a refund of the fee paid as detailed herein.

**RESOLUTION 2007-188 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-177 TO
ST. ANTHONY OF PADUA ROMAN CATHOLIC CHURCH**

WHEREAS, St. Anthony of Padua Roman Catholic Church wishes to hold an off-premise 50-50 raffle at 251 Franklin Street on November 20, 2007; and

WHEREAS, the group has submitted application number RA-177 for this raffle, together with the required fees; and

WHEREAS the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-1-9434, which registration expires on September 8, 2008; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-177 to St. Anthony of Padua Roman Catholic Church for their raffle to be held on November 20, 2007 as outlined herein.

RESOLUTION 2007-189 AUTHORIZING AGREEMENT WITH CANDACE B. GALLAGHER AS BOROUGH ADMINISTRATOR

WHEREAS Candace B. Gallagher has served as Borough Administrator since July 1, 2003, and her current term expired on June 30, 2007; and

WHEREAS it is the desire of the Mayor and Council to appoint Ms. Gallagher to a succeeding one-year term as Borough Administrator effective July 1, 2007, and to authorize an agreement establishing the terms and conditions of her employment as Administrator during this succeeding term;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Candace B. Gallagher as Borough Administrator which is attached hereto and made a part hereof² is hereby approved, and the Mayor is authorized to execute same.

RESOLUTION 2007-190 AUTHORIZING EXECUTION OF DONOR AGREEMENT WITH BETTER BEGINNINGS DAY CARE CENTER

WHEREAS, it is the desire and intention of the Mayor and Council to contribute \$8,500 during 2007 to Better Beginnings Day Care Center of Hightstown/East Windsor, New Jersey; and

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

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

WHEREAS, the Chief Financial Officer has certified that funds for this contribution have been provided in the 2007 budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement which is attached hereto and made a part hereof³ is hereby approved, and the Mayor is authorized to execute same.

RESOLUTION 2007-191 AUTHORIZING EXTENDED WAIVER OF INTEREST ON THIRD QUARTER TAXES

WHEREAS, due to the delay in adoption of the 2007 budget, the mailing of the Borough's 3rd quarter tax bills has been delayed; and

WHEREAS, N.J.S.A. 54:4-66.3 provides that, when the mailing of tax bills has been delayed, the third installment of taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to N.J.S.A. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered; and

WHEREAS, the tax bills must specify the date on which interest may begin to accrue;

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

1. The Tax Collector is hereby directed to complete the mailing of the third quarter tax bills as soon as it is practicable to do so.
2. The grace period on the third quarter tax bills shall be extended in accordance with the provisions of N.J.S.A. 54:4-66.3.
3. The third quarter tax bills shall specify the date on which interest may begin to accrue.

NEW BUSINESS

ESTABLISHMENT OF POLICE K-9 UNIT

Chief Eufemia referred to a memo from him, which was provided to Council and included in the meeting packets, requesting that the Hightstown Police Department be given approval to establish a K-9 unit. Patrolman Frank Marchione has researched this extensively and has volunteered to be trained as a certified K-9 handler, and to make the dog a part of his family. The dog would be trained primarily in narcotics detection and then cross-trained in patrol tactics. Funding for the purchase of the dog and the outfitting of a police car to transport the dog while on duty will be provided through private donations. Ongoing costs were estimated at \$1 per day for food plus the cost of annual veterinarian visits, and those costs can be absorbed in the police department's budget, Chief Eufemia stated in his memo. "I hope for a favorable Resolution," the Chief said, "so we can get moving on acquiring and training the dog."

Patrolman Marchione was present, and added that this dog should not be thought of "as a fierce dog wanting to bite," but rather as another tool in law enforcement. "The K-9 unit uses its nose 95% of the time," he said, "for tracking, drugs, and searching vehicles. It's a very important tool. He said that the dog would attend a six-month training academy. The dog he's looking at is a German Shepherd that is currently in Connecticut and has been pre-trained. He added that he has researched this on his own time over the past six to eight months, and it will make the department "bigger and better." "There is no downside," he said.

³ Agreement is on file in the Borough Clerk's office with the original copy of this Resolution.

Council President Sikorski asked about the cost of the dog. "The dog will cost \$5,200," Officer Marchione said. He added that he has already received \$5,700 in donations, and more are promised. He'll be receiving about \$10,000 altogether. Chief Eufemia noted that these donations will cover all startup costs, including changes needed to the vehicle, estimated to cost between \$1,200 and \$1,400.

Councilmember Quattrone asked if any surrounding towns use dogs. Officer Marchione replied that Washington Township is using two dogs now. The first was so successful that they have acquired a second dog. They can be used not only for drug enforcement but also in tracking lost children or elderly people, and in burglaries. Chief Eufemia noted that West Windsor, Hamilton, Ewing and Mercer County all have dogs as well. Councilmember Quattrone commended Officer Marchione for taking this on.

Councilmember Rosenberg asked how the training schedule would impact our department and overtime costs. Chief Eufemia stated that, with the new schedule, overtime would be used only if someone was to take an extended vacation during the training period.

Councilmember Harinxma asked if the dog being considered has been trained at all yet. Chief Eufemia stated that it was trained on some things 14 months ago. He noted that it is "fully guaranteed" in the event that the dog cannot get through the academy or has health issues.

Council President Sikorski asked if there would be only one handler. "Yes," Chief Eufemia replied. When the dog is not working, it is treated as a member of the officer's family, he said. Washington Township uses a dog as part of their D.A.R.E. program. This dog, he said, would be primarily trained in narcotics detection and in tracking, which is best for our purposes.

Councilmember Schneider asked how long other departments in this area have been using dogs. Chief Eufemia replied that Washington has been using dogs for at least four years. They acquired their second dog 18 months after acquiring the first. Trenton has had dogs "for probably 30 years," he said. He noted that Hightstown did have a K-9 unit during the 1960s. Some departments, he said, got bomb detection dogs using Federal funds, based on their infrastructure. In those cases, Labrador Retrievers are often used.

Mr. Schneider asked if the officers keeping the dogs receive a stipend. Officer Marchione said that in some departments, this is the case. Others, like Manville, offer compensatory time off instead.

Officer Marchione added that he spoke with Robbinsville Veterinary Care and they will offer the Borough a 50% discount on veterinary care for this dog. The dog, he said, will come with a full set of x-rays and a health guarantee. They will have it examined upon arrival.

At this time, a verbal Resolution to support the acquisition of a K-9 unit for our police department (to be reduced to writing and numbered as Resolution 2007-195) was moved by Councilmember Quattrone and seconded by Councilmember Harinxma.

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

Resolution adopted, 5-0.

RESOLUTION 2007-195 AUTHORIZING ESTABLISHMENT OF K-9 UNIT FOR HIGHTSTOWN POLICE DEPARTMENT

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

1. Acquisition of a K-9 unit for the Hightstown Police Department and any changes needed to outfit a police vehicle for transport of the dog is hereby approved and Police Chief James Eufemia is authorized to take whatever steps are necessary to effectuate this.
2. This approval is provided with the understanding that any and all startup costs will be funded through private donations.

Council inquired about the name of the dog, and Officer Marchione said that he would like to have a "naming contest" in our schools for this.

AUGUST MEETING SCHEDULE

It was briefly discussed and agreed that the regular meeting scheduled for August 20 would not be held. The next regular meeting will take place on Tuesday, September 4.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Quattrone reported that the Borough's Fire Company responded to 20 calls during July. Our Public Works department, he said, was saddened by the loss of long-time employee Dennis Lidke, who passed away recently. He noted that the Department is shorthanded and doing the best they can with what they have right now. Lastly, Mr. Quattrone reported that he has put together a letter of notification to residents who are not recycling properly, and he plans to begin distributing those himself on the coming Thursday.

Councilmember Harinxma reported that July's free concert was postponed due to the weather and will be rescheduled.

Ms. Gallagher noted that the Borough has received reports, as yet unconfirmed, of coyotes in the area. She encouraged anyone who sees what they believe to be a coyote to contact the Borough's police department.

Chief Eufemia echoed Ms. Gallagher's comments and encouraged residents to call the police department immediately if they see what they suspect to be a coyote, and to keep a close eye on small pets. The animal would most likely be trapped and relocated, he said. The Chief also thanked the Mayor and Council for their approval of acquiring a K-9 unit, and invited all to attend the Department's First Annual National Night Out during the coming week.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, stated that K-9 units have been used very successfully elsewhere. He went on to say that citizens' committees have studied many things and there are "enough intelligent people in this town" to perform a study rather than hiring a professional firm to do that. With respect to the "problem on Mercer Street," Mr. Sarafin suggested that Hightstown retain a strip at the front of the property (where Hedy's Bar is located) and give the rest to East Windsor. "Consider that," he said, "as a way to put the whole property under one group rather than have it split."

Mike Theokas, 142 Mill Run East, stated that some people misunderstand how much goes into running a police department, and any study would require professional input. "It may be naïve," he said, "to think that there would be other potential partners than the one that surrounds us geographically. I don't know that there is any demand or call for sharing

those services." Unless an objective study is performed, he said, we won't know. He went on to say that "at some point, we have to bury the hatchet with our neighbors."

Mr. Theokas also stated that the Borough's adopted budget includes less Extraordinary Aid than we requested, "a disturbing trend and one that is likely to continue." The key then, he said, is growth in our own community. He said that he hears customers and residents here and elsewhere questioning what is going on with the rug mill, and he is "starting to run out of answers." "We are so close now," he said, "to making a very good deal for the Borough and for the developer too. If we can meet on the retail space issue, the deal can and should be made quickly." He added that the Minute Maid plant is now "on our plate" as well, and will need to be developed in order to generate needed revenues. He urged Council to continue their momentum.

Shawn Hiers, 419 Stockton Street, stated that her neighbors "aren't the only ones having to spend money" due to the issue of their chickens. The Health Department, she said, gave them a list of things they must do, including that they will not be able to use their garage for storage. In order to comply, she said, they rented a dumpster at a cost of \$411. The Department also recommended to them that they not have a compost station. That station, she said, was provided to them by the County to encourage recycling and has been rat-proofed. Their pond and well-established vegetation was also an issue, she said. "Hightstown is a beautiful community," she said. "When we're singled out and expense caused because of this, I wonder how you deal with this borough-wide." She noted that garages are typically used for storage and most homes have landscaping and woodpiles. Her deck was also noted by the Health Department to be a problem, she said, due to the dark areas underneath it that could harbor vermin. "Does everyone have to rip out their decks, and get rid of landscaping?" she asked. The fruit trees in her back yard, she added, were also bothersome to the Health Department. "We had rats in the neighborhood before we had chickens," she said. Mayor Patten encouraged Ms. Hiers to meet once again with the Health Officer.

Gary Grubb, 302 Morrison Avenue, said that the Borough's Health Officer "seems to shoot from the hip somewhat." He said that he would like to see Mr. Hary come before Council and "qualify some of these dictates." He recommended that we get rid of the rats with pest control.

Mayor Patten noted that Mr. Hary has worked hard on this issue and did provide an explanatory memo to the Mayor and Council, which is available for review in the Clerk's office.

Rebecca Balcewicz, 413 Stockton Street, stated that Mr. Hary has been "very responsive" to them. She said that there was an "unbearable stench" from the chicken coop while her neighbors were away, and that they were not "singled out." "In fact," she said, "he visited at least five yards in that area. Even ~~we~~ we received citations, and letters went out to others also." Ms. Balcewicz stated that every dealing with Mr. Hary has been professional, and he has certain rules that he must follow. "If he finds a rat hole," she said, "he must cite. We were cited. Rats are drawn here due to the chicken food and feces, and found safe harbor in our barn. They are drawn to the circumstances in our neighborhood."

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2007-193, authorizing a closed session for the purpose of discussing personnel. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted 5-0.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on August 6, 2007 at approximately 8:50 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Personnel

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: November 6, 2007 or when the need for confidentiality no longer exists.

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

Upon reconvening, adjournment was moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved. The meeting was adjourned at 8:59 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk