

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

| | PRESENT | ABSENT |
|--------------------------------|---------|--------|
| <i>Mayor Patten</i> | ✓ | |
| <i>Councilmember Harinxma</i> | ✓ | |
| <i>Councilmember Quattrone</i> | ✓ | |
| <i>Councilmember Rosenberg</i> | ✓ | |
| <i>Councilmember Schneider</i> | ✓ | |
| <i>Councilmember Sikorski</i> | ✓ | |
| <i>Councilmember Thompson</i> | | ✓ |

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; Gary Rosensweig, Planning Board Attorney; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was moved by Council President Sikorski, seconded by Councilmember Harinxma and approved as submitted by all present.

APPROVAL OF MINUTES

Minutes of the November 5, 2007 open and closed sessions were moved by Councilmember Quattrone, seconded by Councilmember Rosenberg and approved as submitted by all present except Council President Sikorski, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, stated that the Borough "is not doing well in terms of the surrounding community and ourselves," and should "start cooperating."

J. P. Gibbons, 602 North Main Street, apologized because, at the last meeting, he did not propose a moment of silence for Council President Sikorski's sister, who recently passed away. He expressed his sympathy to Mr. Sikorski.

Christi Palmer, 121 Park Avenue, thanked the Borough Council for having the dead tree in Grant Avenue Park removed.

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING: ORDINANCE 2007-23,

AN ORDINANCE AMENDING THE BOROUGH'S REDEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE 2004-20 ON SEPTEMBER 7, 2004, AND AMENDED BY ORDINANCE 2006-19 ON OCTOBER 2, 2006, RELATING TO SUB-AREA I (BANK STREET) WITHIN THE BOROUGH OF HIGHTSTOWN

Mr. Raffetto stated that this Ordinance was introduced two meetings ago after Council voted down a prior version. This includes everything in the prior version plus two recommendations from the Planning Board regarding shared parking and leasable non-residential space, as well as a revision proposed by Ms. Roberts regarding the vacation of a portion of Mechanic Street. The Ordinance will be reviewed by the Planning Board on November 26. Since it has not yet been reviewed by that body, Council will not be able to adopt it at this meeting; however, the public hearing had been advertised for this date. As such, Council may opt to hold and close the hearing, or hold and continue it to the next meeting. After brief discussion, the general consensus of Council was to open the hearing and continue it to December 3.

Mayor Patten stated that there are several newcomers (within the last few years) to this issue among the general public, and it is "important that we take the time to educate those people and provide as much information as we can so that they fully understand what is going on. There are some misconceptions out there." He said that he has asked Mr. Wolfington to develop drawings or visual specs in order to provide a better understanding of what is proposed. "We all want the best possible redevelopment," he said.

Mayor Patten opened the public hearing on Ordinance 2007-23.

Eugene Sarafin, 600-628 South Main Street, said that it is "asinine" to keep the mill building. He recommended that it be torn down and that a building be constructed in its place that would include a parking garage on the first two levels. This, he said, would be preferable to "a monster with five acres of parking," where cars would be unprotected from the elements and people would have to walk through snow and ice to get to their residences. He said that the mill building has one concrete floor and two wood floors and that "no one has thought of the cost of renovating that building." He asked Council to be more creative and allow for the building to be torn down. He suggested that the Borough may want to share in the cost of the parking garage.

Christi Palmer, 121 Park Avenue, said that she was confused because it had been her understanding that renovations to Borough Hall had been removed from the ordinance, yet she noted that it was included when she read it here. Mr. Raffetto explained that, at the last meeting, Council rejected the ordinance in the form it has been originally introduced, then that ordinance was reintroduced with the addition of the changes recommended by the Planning Board and Ms. Roberts.

Chris Moraitis, 208 Stockton Street, stated, regarding a visual presentation by Greystone, that the Borough meet with them to make sure that what they present "is a fair depiction," and that something be presented as well that would "substantiate a 25 percent decrease in municipal taxes," as Councilmember Schneider had referenced in an earlier meeting. Mr. Moraitis said that the objections which have been stated from members of the public would still stand since there have been "no substantive changes to the new plan." Regarding retail on Bank Street, Mr. Moraitis expressed doubt that anyone would "come off the turnpike to visit retail on that non-descript street." He added that the issue of affordable housing units onsite has become divisive, and adds density to the development. "We are creating an overly dense complex in the middle of town," he said. "It is not too late to look at other COAH options." He added that it will create cut-throughs on our side streets. "If we are going to create residential units back there," he said, "let's do it right. Get rid of those payments [toward recreational needs and Borough Hall improvements] and focus on the residential portion of it." He asked Council to "think long term" and said that things have become convoluted and the public is confused.

Mr. Sarafin spoke again to say that the existing overall plan "ignores green" and "ignores societal needs." He asked Council to consider solar energy at that site, and suggested that, "if you want to make the town attractive, offer free daycare. You'd double the prices of homes in this town." A daycare or a nursery school should be a requirement of the project rather than commercial

space, he said. "We leave out all the things that deal with the needs of the society we're going to bring in there," he said. "Consider the needs of those 300 people."

J. P. Gibbons, 602 North Main Street, spoke at length:

- He said that the redevelopment plan has become too detailed and should be more general. We have tried to maintain our plan "as economic circumstances changed in front of our eyes," he said, adding "I have nothing against Wolfington. What I care about is good government, open government, things people can understand and relate to ... This should be something we rally around, and we're not. Leadership is the ability to have a vision and sell the idea. I am looking for some leadership."
- He proposed that the redevelopment plan "be pulled back long enough to look at what it should be. It has been bastardized into a redeveloper's agreement rather than redevelopment plan. Every time the committee meets with the developer, we change the terms of the plan. ... We need a plan that doesn't require us to go back to the Planning Board half a dozen times."
- He asked why the PILOT needs to be referenced in the plan. It could be introduced as a separate issue at any time by Council, he said, and having it in there "takes people who are marginally supportive [of the plan] and makes them oppose it."
- This plan, he said, "establishes a blueprint for those who come down the road on the Minute Maid project. That's bigger and will have more impact. If we cave in on this one, we won't be able to negotiate reasonably on Minute Maid." He added that it may be wise to bring in professional negotiators, or else "we need to keep it simple." He asked Council to "look seriously at the community," revisit the plan and strip it down "to those items we want the plan to have," then bring it back before Council.
- He said that he does not object to a monetary contribution in lieu of improvements to Borough Hall, but does object to replacing the words "to be determined at the sole discretion of the Borough" with a provision that the amount would be negotiated and included in the redeveloper's agreement. He said that there are seven sections of this plan that have been deferred to the redeveloper's agreement and asked why. He estimated that the \$350,000 contribution being discussed would equate to seven fewer units if it were not required. "I don't want one-shot infusions in the budget," he said. "I'd rather have seven less units." "If you want to negotiate with the redeveloper, that's fine," he went on to say, "but the Borough should be negotiating from a position of strength and we're not. ... This is your legacy. It will make or break the community."
- He noted that the Plan calls for the inclusion of 14 COAH units, but said that we don't know what will be required a year or two from now. "Why put in a specific number of units not to exceed?" he asked. "What if COAH says it must be 18? Who is obligated for the additional four units?"
- He agreed with Mr. Sarafin that the Borough should consider tearing down the existing building.
- Regarding a provision in the proposed plan which states that no redevelopment activity may commence until a redeveloper's agreement has been executed, Mr. Gibbons asked why the developer would not be able to begin work at Bank and Academy Streets, tear down the blue building and begin building condos. "Why not?" he asked. "He can't if this goes through."

Mr. Gibbons closed his comments by saying, "I have asked professionally, courteously and sincerely, for you to relook at this. I hope for the best, and that we get additional action on this and not just rubber stamping." He went on to say that he spoke with the Attorney General's office about the process to recall an elected official, and said that it would require the signatures of about 700 of the Borough's registered voters.

Mayor Patten told Mr. Gibbons that he was straying from the subject of the public hearing, and added that "threats are not appreciated" and that he was out of order. "Time's up, Mayor," Mr. Gibbons replied. "You've got four months. I'll fund the recall." Mayor Patten again told Mr. Gibbons that he was out of order and that he would have him removed if he continued to be out of order.

Mr. Sarafin joined the discussion saying, "leave recall out," and, to the Mayor, "If you want to throw him out, throw me out."

No one else came forward and the hearing was continued to December 3, 2007.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-24,
BOND ORDINANCE AMENDING BOND ORDINANCES NUMBERED 2002-15, 2003-15 AND 2006-06,
AS SUPPLEMENTED BY 2006-25, TO AMEND THE DESCRIPTION OF THE PROJECTS TO INCLUDE
VARIOUS WATER AND SEWER CAPITAL IMPROVEMENTS**

Ms. Gallagher explained that this Ordinance would utilize existing debt to make additional funds available for use, if needed in the Borough's Well #3 project and for utility work on Mercer Street. It does not authorize any additional debt.

Mayor Patten opened the public hearing on Ordinance 2007-24.

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

No one else came forward and the hearing was closed.

Ordinance 2007-24 was moved for adoption by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Ordinance adopted, 5-0.

**ORDINANCE 2007-24 BOND ORDINANCE AMENDING BOND ORDINANCES NUMBERED 2001-11, 2003-15 AND 2006-06, AS
SUPPLEMENTED BY 2006-25, TO AMEND THE DESCRIPTION OF THE PROJECTS TO INCLUDE
VARIOUS OTHER WATER AND SEWER CAPITAL IMPROVEMENTS**

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

Section 1. Section 3(a) of Bond Ordinance #2001-11, finally adopted December 17, 2001, is hereby amended to include, in addition to all other purposes set forth therein, the construction of a new well house and pump for Well #3, including all work and materials necessary therefor and incidental thereto.

Section 2. Section 3(a) of Bond Ordinance #2003-15, finally adopted May 19, 2003, is hereby amended to include, in addition to all other purposes set forth therein, water and sewer improvements in connection with the reconstruction of Mercer Street, including all work and materials necessary therefor and incidental thereto.

Section 3. Section 3(a) of Bond Ordinance #2006-06, as supplemented by #2006-25, finally adopted February 21, 2006 and November 6, 2006, respectively, is hereby amended to include, in addition to all other purposes set forth therein, water and sewer improvements in connection with the reconstruction of Mercer Street, including all work and materials necessary therefor and incidental thereto.

Section 4. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 5. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-25,
BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$135,000 FOR PHASE I OF
THE GREENWAYS PROJECT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF
MERCER, NEW JERSEY**

Ms. Gallagher reviewed the provisions of Ordinance 2007-25, which would add \$135,000 to the prior appropriation for Phase I of the Greenways project. Because the additional appropriation would be offset by grant funding, this does not authorize any additional debt. She noted that the low bid received for this work was \$276,130.

Mayor Patten opened the public hearing on Ordinance 2007-25.

Eugene Sarafin, 600-628 South Main Street, asked for clarification regarding the total cost of the project. Ms. Gallagher stated that the total appropriation would, after adoption of this ordinance, be \$422,000, and that \$250,000 of that amount will be covered by a grant.

No one else came forward and the hearing was closed.

Ordinance 2007-25 was moved for adoption by Councilmember Harinxma and seconded by Councilmember Rosenberg.

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

Ordinance adopted, 5-0.

**ORDINANCE 2007-25 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$135,000 FOR PHASE ONE
OF THE GREENWAYS PROJECT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF
MERCER, NEW JERSEY**

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

Section 1. The improvement described in Section 2(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 2(a), there is hereby appropriated the supplemental amount of \$135,000, such sum being a portion of a \$250,000 Municipal Aid Discretionary Grant from the State of New Jersey and being in addition to the \$287,000 appropriated therefor by bond ordinance #2000-10 of the Borough finally adopted June 5, 2000.

Section 2. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is for the construction of Phase One of the Greenways Project connecting Hightstown parks and East Windsor greenways, including all costs and materials necessary therefor or incidental thereto, as more fully described in Section 3(a) of Bond Ordinance #2000-10.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$272,650, as authorized by Bond Ordinance 2000-10. No additional bonds or notes are authorized herein.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 2(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) No Supplemental Debt Statement is required by the Local Bond Law since no additional authorization or bonds or notes are provided for herein.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$62,000 was estimated for these items of expense in Bond Ordinance #2000-10 and was revised to \$90,000 with Bond Ordinance 2005-37, and an additional \$35,000 is estimated therefor herein.

Section 5. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-26,

BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF VARIOUS POLICE DEPARTMENT EQUIPMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE \$62,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$58,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review of this Ordinance by Ms. Gallagher, Chief Eufemia provided information regarding the equipment that it would fund: the purchase and installation of six new mobile data terminals (MDTs), one new in-car video system and one traffic counter. The new MDTs, he said, will replace units previously leased from South Brunswick at an annual cost of \$3,000 per unit, and will provide enhanced functionality. We will enter into an interlocal agreement with Robbinsville, who will be providing the base station services, and we will be able to talk to their cars and take advantage of their computer-aided dispatch. Owning these units will reduce our yearly costs, the Chief estimated, by between \$6,000 and \$7,000, even while adding two terminals. The in-car video system will supplement the five that were provided to us by the Mercer County Prosecutor's Office. The traffic counter will allow us to compile information on traffic coming through the Borough (size of the vehicle, speed, direction, time of day) and will be particularly useful in monitoring truck traffic, which is timely in light of the changes proposed around us. It will allow us to compile that information without the need to have an officer there doing it manually.

Mayor Patten opened the public hearing on Ordinance 2007-26.

Eugene Sarafin, 600-628 South Main Street, stated that the Borough is "finally moving into the 21st century" and asked the Chief for clarification regarding our terminals being tied into Robbinsville. Chief Eufemia stated that we would be exchanging information about persons and vehicles, rather than using their dispatching services. Mr. Sarafin asked if the terminals communicate via satellite. The Chief replied that they use cellular technology through Verizon. Mr. Sarafin expressed support for the ordinance.

No one else came forward and the hearing was closed.

Councilmember Schneider asked what the traffic counter is intended to be used for. Chief Eufemia stated that it can be placed in response to citizen complaints to track the speed of vehicles at certain times. He added that one of the first things he would like to do with it is to count the number of trucks coming through the center of town on a regular basis. He has already received one request from our engineer, he said, but must wait for the equipment. "It will be put to good use on a regular basis," he said.

Councilmember Rosenberg asked if the new MDTs would allow officers to do a lot of their paperwork in their vehicle. Chief Eufemia replied that "it will start slow, but they'll be able to enter information and download it to the servers in the station. It can be done right at the scene."

Councilmember Schneider asked about the use of the terminals for calling in license plates. Chief Eufemia stated that the old system was used primarily for that. This system will allow us to do more. The prior MDTs were strictly terminals that used radio wave technology. These are cellular and will allow for the faster exchange of information. The officers will also be able to view photos from driver's licenses through the system, and it will be helpful for their safety.

Council President Sikorski stated that the Borough "seems to be passing a lot of bond ordinances" and asked if the debt is being monitored. Ms. Gallagher replied that the Chief Financial Officer keeps a very close eye on the Borough's debt, and noted that, of the three bond ordinances to be adopted at this meeting, this is the only one which actually adds to the Borough's debt.

Ordinance 2007-26 was moved for adoption by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Ordinance adopted, 5-0.

**ORDINANCE 2007-26 BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF VARIOUS
POLICE DEPARTMENT EQUIPMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$62,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$58,900 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$62,000, including the sum of \$3,100 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the downpayment, negotiable bonds are hereby authorized to be issued in the principal amount of \$58,900 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the purchase and installation of mobile data terminals, an in-car video system and a traffic counter, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

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

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

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$58,900, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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

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

INTRODUCTION AND FIRST READING: ORDINANCE 2007-28,

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACQUIRE CERTAIN PROPERTIES IN CONNECTION WITH THE STOCKTON STREET PARKING LOT

Mr. Raffetto reviewed the provisions of this Ordinance, which will authorize the Borough to obtain certain parcels which are located within the Stockton Street parking lot. At the time we undertook that project, he said, we obtained rights of entry from each property owner with the understanding that we'd acquire the properties outright at some point in the future. This was also represented as such to the State in connection with the grant which partly funded that project. Obtaining these properties will create one cohesive parcel under the Borough's ownership that will become a single block and lot. "Right now," he said, "we have a checkerboard." He noted that this will remove the possibility that any owners will take back their parcels and require that we remove the improvements. After adoption, he said, the Borough can determine which properties it would like to move forward with acquiring immediately.

Ms. Roberts displayed a map showing the parcels in question.

Mayor Patten asked if taxes would be reduced on a property if the Borough is taking a piece of it. Mr. Raffetto stated that the tax assessor would consider this and make that determination.

Councilmember Rosenberg asked why this was not taken care of when the project started, and if the Borough had an agreement with Peddie School that the properties would be acquired. Ms. Roberts stated that funding was the issue at the time. We had to obtain rights of entry, which the Mayor assisted with, and this was a part of the conversation at that time, she said. Councilmember Rosenberg asked if Peddie School might be open at this time to funding any part of the cost of acquisition of these parcels. Ms. Roberts stated that, at that time, they said that they would fund the construction costs, and they did so. Mayor Patten noted that some of these parcels are owned by them and they will be turning them over to the Borough. It is something that can be discussed at any time, he said.

Ms. Roberts estimated the cost of maps and legal descriptions at approximately \$2,000, and Mr. Raffetto estimated the cost of the title work needed at less than \$1,000. He noted that, out of the 13 properties referenced, at least seven of them are owned by property owners who have agreed to turn them over to the Borough for nominal consideration.

Councilmember Schneider stated that he has always been opposed to this and does not see the benefit to the Borough. Council President Sikorski and Councilmember Quattrone noted that the Borough incurs a tax liability for those parcels which are of unknown ownership and on which taxes are not being paid, as we must pay the county and school taxes on those.

Ordinance 2007-28 was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2007-28 was set for December 3, 2007.

UNFINISHED BUSINESS

No unfinished business was listed on the agenda; however, at this time, Council President Sikorski stated that concerns have been expressed within the community regarding the need for regulation of farm animals in the Borough. Despite the fact that the Board of Health did not recommend any changes to the Borough's ordinance in this regard, Mr. Sikorski said that he would like to know if Council would support the preparation of such an ordinance, similar to the Board of Health ordinance which existed in 1976. It was generally agreed that this would be placed on the next meeting agenda.

CONSENT AGENDA

Resolutions 2007-248 through 253 and Resolution 2007-255 were moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 5-0.

RESOLUTION 2007-248 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 **\$845,201.84** from the following accounts:

| | |
|-----------------|----------------------------|
| Current | \$ 691,504.86 |
| W/S Operating | 61,484.43 |
| General Capital | 88,157.40 |
| W/S Capital | 47.00 |
| Animal Control | 97.80 |
| Trust | 2,724.53 |
| Grant | 1,035.82 |
| Public Defender | <u>150.00</u> |
| Total | <u>\$845,201.84</u> |

RESOLUTION 2007-249 AUTHORIZING A TRANSFER OF FUNDS IN THE 2007 BUDGET

WHEREAS, N.J.S.A 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2007 budget are hereby authorized:

| | <i>From:</i> | <i>To:</i> |
|---|--------------------|--------------------|
| CURRENT BUDGET: | | |
| Collection of Taxes – Other Expenses | 600.00 | |
| Assessment of Taxes – Other Expenses | 557.00 | |
| Litigation – Other Expenses | 1,000.00 | |
| Municipal Court – Other Expenses | 2,250.00 | |
| Recycling – Other Expenses | 1,500.00 | |
| Environmental Commission – Other Expenses | 2,163.00 | |
| Recreation & Open Space Park Comm. – Other Expenses | 1,800.00 | |
| Postage, Shipping & Express – Other Expenses | 2,590.00 | |
| Landfill Solid Waste Disposal – Other Expenses | 3,000.00 | |
| Public Building & Grounds – Other Expenses | | 1,500.00 |
| Electric – Other | | 7,797.00 |
| Social Security – Other | | 6,163.00 |
| TOTAL: | \$15,460.00 | \$15,460.00 |

RESOLUTION 2007-250

**CANCELING UNEXPENDED BALANCE REMAINING IN ORDINANCE 1999-15, AS
SUPPLEMENTED BY ORDINANCE 1999-22**

WHEREAS, an unexpended balance of \$308.82 remains in Ordinance 1999-15, as Supplemented by Ordinance 1999-22, which Ordinance funded various water and sewer capital improvement projects; and

WHEREAS, the projects authorized therein have been completed and no further expenditures are necessary in connection with those projects; and

WHEREAS, it is the recommendation of the Chief Financial Officer that the unexpended balance be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the unexpended balance of \$308.82 remaining in Ordinance 1999-15 (as supplemented by Ordinance 1999-22) is hereby canceled.

RESOLUTION 2007-251

**AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – SUPER TAXI EAST WINDSOR NJ
CORP**

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, an application for a new taxicab owner's license, which application complies with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Super Taxi East Windsor NJ Corp, operating out of 659 Abbingtion Drive, Suite 109, East Windsor, New Jersey, for two vehicles owned by the company:

2007 Chrysler Town & Country
VIN 2A8GP54L87R134131
NJ Plate No. OXZ2260

1997 Chrysler Town & Country
VIN 1C4GP64L8VB333754
NJ Plate No. OXZ1352

together with the required fees; and

WHEREAS, these taxicabs will not be housed in or operate out of the Borough of Hightstown; and

WHEREAS, issuance of this license will allow Super Taxi East Windsor NJ Corp to accept passengers to be transported for hire from a point of departure within the Borough to a destination within or without the Borough; and

WHEREAS, the Hightstown Police Department has reviewed the application and has no objections to its approval;

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 2007 taxicab owner's license to Super Taxi East Windsor NJ Corp, operating out of 659 Abbingtion Drive, Suite 109, East Windsor, New Jersey, for two vehicles as set forth herein.

RESOLUTION 2007-252

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSES – SUPER TAXI EAST WINDSOR NJ CORP

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, applications for issuance of a taxicab driver's license, which applications comply with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, have been submitted by Manuel Mendieta and Carlos W. Quiridumbay, driving for Super Taxi East Windsor NJ Corp, operating out of 659 Abbington Drive, Suite 109, East Windsor, New Jersey, together with the required fees; and

WHEREAS, the Hightstown Police Department has reviewed the applications and has approved issuance of the licenses; and

WHEREAS, a taxi owner's license for Super Taxi East Windsor NJ Corp has been approved by the Borough Council this date with Resolution 2007-251;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue 2007 taxicab driver's licenses to Manuel Mendieta, 220 Chamberlin Avenue, Hightstown, New Jersey and to Carlos W. Quiridumbay, Bldg. 14, Apt. 5, Westerlea Avenue, Hightstown, New Jersey.

**RESOLUTION 2007-253 REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2007 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2007 as follows:

| Source | Amount | Revenue Title | Appropriation Title |
|---|------------|--|--|
| State of New Jersey Division of Highway Traffic Safety | \$5,000.00 | "Over the Limit Under Arrest" 2007 Impaired Driving Crackdown | "Over the Limit Under Arrest" 2007 Impaired Driving Crackdown |

RESOLUTION 2007-255 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, November 24, 2007 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held on Saturday, November 24, 2007 at 278 Monmouth Street.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, said that she is tired of taxi drivers speeding through Hightstown. She also reported that she made an official complaint to the school district regarding Bus 84, which, she said, "always speeds." She added that she was told by the district that there has never been a ticket issued to any of their bus drivers.

Eugene Sarafin, 600-628 South Main Street, stated that it was inappropriate for the Mayor to tell Mr. Gibbons that he was out of order during the public hearing earlier on Ordinance 2007-23. When Mr. Gibbons stated that he is considering a recall, Mr. Sarafin said to the Mayor, "it is a message that you have a water and sewer committee with no citizens

appointed to it, a Planning Board with no Democrats appointed by you, and people are getting annoyed at your failure to get together with East Windsor. It's not good. ... It may be inappropriate for him to bring it up [during a public hearing] but it doesn't pay for you to threaten him." Mr. Sarafin said that he would like to see some changes, and "some getting together with East Windsor this coming year." He said that Hightstown residents pay \$1 more in taxes and twice the sewer rates as East Windsor residents, and we have to start sharing services. "Maybe we'll replace all of you," he said.

Mayor Patten noted that there are two Democrats on the Planning Board which he reappointed, and suggested that Mr. Sarafin go to East Windsor Township and make the same statement.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2007-254, authorizing a closed session for the purpose of discussing personnel, contract negotiations and potential litigation. The Resolution 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 2007-254 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 November 19, 2007 at approximately 8:30 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
Contract Negotiations – Water and Sewer Service Agreement with Presbyterian Homes at Meadow Lakes
Potential 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: February 19, 2008 or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, adjournment was moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk