

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:04 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>	Arrived later in the meeting	
<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 and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was amended to remove a discussion regarding personnel from the scheduled Executive Session. The agenda was moved as so amended by Council President Sikorski, seconded by Councilman Quattrone and approved by all present.

APPROVAL OF MINUTES

A minor typographical error in the March 19, 2007 open session minutes was noted by Ms. Gallagher and corrected. Minutes of the March 19, 2007 open and closed sessions were then moved by Council President Sikorski, seconded by Councilmember Quattrone and approved by all present.

PRESENTATIONS

Joe Smith of the Knights of Columbus presented engraved plaques to 2006 Firefighter of the Year Brian Johnson, 2006 E.M.T. of the Year Alex Contreras and 2006 Policeman of the Year Frank Marchione. Each expressed appreciation for the recognition.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

J. P. Gibbons, 602 North Main Street, stated that he attended the First Aid Squad's annual pancake breakfast, and they did a great job. He asked for clarification regarding the definition of a quorum. Mr. Raffetto explained that three Councilmembers plus the Mayor constitutes a quorum for the purpose of conducting municipal business.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTION 2007-103, AUTHORIZING RECEIPT OF BIDS - DOWNTOWN REVITALIZATION PHASE III

Following a brief review by Ms. Roberts, Resolution 2007-103 was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 3-0

RESOLUTION 2007-103 AUTHORIZING RECEIPT OF BIDS - DOWNTOWN REVITALIZATION PHASE III

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for the Borough's Downtown Revitalization Phase III Project, and that the Borough is authorized to receive bids for same following proper advertisement.

RESOLUTION 2007-104, AMENDING RESOLUTION 2006-169, ADOPTED JULY 17, 2006, ENTITLED "AUTHORIZING RECEIPT OF BIDS FOR WATER METERS"

Following a brief review by Ms. Roberts, Resolution 2007-104 was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 3-0

RESOLUTION 2007-104 AMENDING RESOLUTION 2006-169, ADOPTED JULY 17, 2006, ENTITLED "AUTHORIZING RECEIPT OF BIDS FOR WATER METERS"

WHEREAS, on July 17, 2006, the Borough Council adopted Resolution 2006-169, authorizing the Borough Administrator to prepare specifications and advertise for bids for the purchase of radio read water meters, and to receive bids for same following proper advertisement; and

WHEREAS, recent changes in available technology will allow the Borough to purchase radio read equipment that will work with the Borough's existing water meters and will not require their replacement, and the bid specs have been prepared and advertised accordingly; and

WHEREAS, the Borough Administrator and Borough Attorney have recommended that the original authorization be amended so as to properly reflect the equipment being bid;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2006-169 is hereby amended to reflect that the bids authorized therein are for the "purchase of radio read equipment for Borough water meters."

**RESOLUTION 2007-105, RESOLUTION REQUESTING EXTENSION OF PROJECT LIMITS FOR
TRANSPORTATION TRUST GRANT FUNDING IMPROVEMENTS TO MORRISON AVENUE AND
REQUESTING \$141,443 IN DISCRETIONARY AID TO COVER THE COST OF THE ADDITIONAL
IMPROVEMENTS**

Ms. Roberts reviewed the provisions of Resolution 2007-105. She noted that there is some additional water main work on Morrison Avenue which she and Mr. Blake feel should be performed, and it may require added funding. She said that she expects to have more details by the next meeting.

Resolution 2007-105 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 3-0

**RESOLUTION 2007-105 RESOLUTION REQUESTING EXTENSION OF PROJECT LIMITS FOR TRANSPORTATION
TRUST GRANT FUNDING IMPROVEMENTS TO MORRISON AVENUE AND REQUESTING
\$141,443 IN DISCRETIONARY AID TO COVER THE COST OF THE ADDITIONAL
IMPROVEMENTS**

WHEREAS the Borough of Hightstown applied for and received FY2007 Transportation Trust Funding in the amount of \$265,000 from the State of New Jersey for the reconstruction of Morrison Avenue; and

WHEREAS, the project as funded would cover the portion of Morrison Avenue between Summit Street and Harron Avenue; and

WHEREAS, subsequent to the Borough's application, East Windsor Township made improvements to Morrison Avenue between Dutch Neck Road and the Borough line; and

WHEREAS, when the Borough's Morrison Avenue project, as currently funded, is complete, there will remain an unimproved area on Morrison Avenue between Harron Avenue and the Borough line, approximately 380 feet in length; and

WHEREAS, the Borough wishes to request an extension to the project limits so that the road work on Morrison Avenue can be undertaken from Summit Street to the Borough line; and

WHEREAS, in addition, the Borough wishes to request \$141,443 in Discretionary Aid from the New Jersey Department of Transportation to cover the cost of these additional improvements;

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

1. The Borough hereby requests that the project limits for its FY2007 Transportation Trust Funding be extended so that the road work on Morrison Avenue can be undertaken from Summit Street to the Borough line.
2. The Borough hereby requests \$141,443 in NJDOT Discretionary Aid to cover the cost of these additional improvements.
3. The Mayor and Municipal Clerk are hereby authorized to execute the attached application with respect to the above.

ORDINANCES

PUBLIC HEARING, ORDINANCE 2007-08,

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Ms. Gallagher recommended that the public hearing be held as advertised on this Ordinance but that final action be delayed until the full membership of Council is present.

Councilmember Schneider arrived at this time.

Following a brief review of the Ordinance by Ms. Gallagher, Mayor Patten opened the public hearing.

J. P. Gibbons, 602 North Main Street, asked for clarification regarding the cap and the purpose of this Ordinance. Ms. Gallagher explained that there is a 2.5% cap on certain expenditures, which can be increased by ordinance to 3.5%. Although the introduced budget is within the 2.5% cap, she said, it would be in the Borough's best interest to adopt the ordinance because it provides the opportunity to bank unused cap for use if needed in 2008 or 2009. Mr. Gibbons urged Council to vote no on the ordinance, as he feels it "sends the wrong message."

Torry Watkins, 68 Meadow Drive, asked about the 4% cap on tax levies and why it would not apply to us. Ms. Gallagher stated that the recent 4% cap is different than this cap, and it will not affect the Borough until 2008, because we are on a calendar year rather than a fiscal year basis. Mr. Watkins said that he tended to agree with Mr. Gibbons that the ordinance should not be approved.

No one else came forward and the public hearing was closed. Final action on the ordinance was delayed until the following meeting.

RESOLUTIONS

RESOLUTION 2007-106, ESTABLISHING SUMMER HOURS OF OPERATION FOR BOROUGH OFFICES

Ms. Gallagher reviewed the provisions of Resolution 2007-106, noting that the pilot program which was undertaken in 2006 was very successful and met its stated objectives of enhanced employee morale, improved service to the public, cost savings for the Borough and environmental benefits through reduction of emissions attributable to commuting to the Borough.

Resolution 2006-106 was moved by Councilmember Quattrone and seconded by Councilmember Schneider. Councilman Quattrone stated that, when the program was initiated last year, he had some doubts about it, but it turned out that he received only one complaint, while he received 30 to 35 compliments about the new schedule. He expressed support for its continuation in 2007.

Councilmember Schneider stated that he also had concerns last year, but is now in favor of this; however, he suggested that action be postponed to the next meeting as two members of Council were not present.

Motion: Councilmember Schneider moved that action on Resolution 2007-106 be postponed to the following meeting. His motion was seconded by Councilmember Quattrone and unanimously approved.

RESOLUTION 2007-107, AUTHORIZING INTERLOCAL AGREEMENT WITH MERCER COUNTY AND EAST WINDSOR TOWNSHIP WITH RESPECT TO THE "MERCER AT PLAY" PROGRAM

Following a brief review by Ms. Gallagher, Resolution 2007-107 was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

Councilman Quattrone asked if the Borough would have a say in what we can do at the new facilities. Mayor Patten stated that it will be up to the Borough and the Township "to lay out those things."

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

Resolution adopted, 4-0

RESOLUTION 2007-107 AUTHORIZING INTERLOCAL AGREEMENT WITH MERCER COUNTY AND EAST WINDSOR TOWNSHIP WITH RESPECT TO THE "MERCER AT PLAY" PROGRAM

WHEREAS, the Borough of Hightstown has submitted a joint application with East Windsor Township for additional active recreation facilities to be constructed in East Windsor through the county's "Mercer At Play" Program; and

WHEREAS, Mercer County has reviewed said application and has found it to be in conformance with the scope and intent of the program, and has requested the execution of an interlocal agreement between the County, Borough and Township with respect to this project, which agreement is attached hereto and incorporated herein; and

WHEREAS, under the terms of said agreement, East Windsor Township will be solely responsible for all local match dollars required by the County or any other source, and shall be solely responsible for administering all aspects of the project, performing all work in connection with the project, administering and accounting for all grant funds and providing all required certifications, audits and other financial information to the County; and

WHEREAS, the Borough Council believes that this project will be beneficial to residents of the Borough of Hightstown who participate in joint recreational activities conducted in East Windsor;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the interlocal agreement with East Windsor Township and Mercer County which is referenced herein and attached hereto.

CONSENT AGENDA

Resolutions 2007-108, 109, 110, 111 and 112 were moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 4-0

RESOLUTION 2007-108 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 **\$417,366.07** from the following accounts:

Current	\$ 226,292.04
W/S Operating	142,637.07

General Capital	1,822.50
W/S Capital	24,517.50
Animal Control	47.40
Trust	595.00
Grant	203.81
Public Defender	4,500.00
RCA COAH	1,800.00
Escrow – Subdivision & Site Plan (First Washington Bank)	<u>14,950.75</u>
Total	<u>\$417,366.07</u>

RESOLUTION 2007-109 ACCEPTING MEMBERSHIP OF MARK A. KRAMER IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Mark A. Kramer of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

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

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

RESOLUTION 2007-110 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, April 28, 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, April 28, 2007 at 278 Monmouth Street.

RESOLUTION 2007-111 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2007 BUDGET

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2007 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 2007 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	201,950.00	462,873.25	664,823.25
Capital Outlay – Current	0.00	5,000.00	5,000.00
Debt Service - Current	0.00	152,603.00	152,603.00
Water/Sewer	72,959.00	547,092.00	620,051.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	146,580.00	146,580.00
TOTAL	274,909.00	1,314,148.25	1,589,057.25

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2007 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 2007-112 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-175 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 June 24, 2007; and

WHEREAS, the group has submitted application number RA-175 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-175 to St. Anthony of Padua Roman Catholic Church for their raffle to be held on June 24, 2007 as outlined herein.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Council President Sikorski reported that he has been working with the Construction Office and Fire Code Official to address buildings with fire damage.

Councilmember Schneider acknowledged receipt of the police report for March, and provided an overview of the department's activity. It was noted that a total of 352 summonses were issued during that month.

Councilman Quattrone reported on several issues:

- He stated that things are going well at the First Aid Squad, and he thanked Mr. Gibbons for his comments regarding the pancake breakfast. He noted that the Fire Department held a bake sale downstairs on that day also. He reported that the First Aid Squad volunteers have announced that they will be taking back a third night of coverage beginning April 15. There were a "few bumps," he said, when Washington Township first came in, but things are now working well. He noted that the Squad has invited Washington Township to march with them in the annual Memorial Day Parade.

- The new rear-loading garbage truck has arrived. It is a large white truck with plenty of space on both sides that could be used for advertisements. He asked Council to consider whether they would like to use that space to generate advertising revenue. The Borough attorney has looked at this, he said, and it is feasible if Council wishes to proceed with that. He asked members to think about this and that it be discussed again at the next meeting.
- He and Councilmember Harinxma have agreed that he would be taking over some of the liaison duties for the fire company. He reported on the Department's activity during February, noting that there were 23 incidents and 128.6 hours of volunteer time devoted to fire calls.
- He stated that some of the local taxi companies have been coming to his shop for repairs to their vehicles, and he asked the Borough Attorney if this creates a conflict of interest, as he did vote on the taxi ordinance. The Mayor stated that this is a personal matter that should be discussed in closed session rather than in public.

Police Chief James Eufemia reported that the Borough has filed its permit application for the annual Memorial Day Parade. He also commended the Borough's Public Works department for work they did recently within the police station. "It was all done by Public Works," he said. "John and Carl ... they did a fantastic job. It was very helpful and there was a significant savings." He noted that Public Works also installed the new benches in the courtroom. Lastly, Chief Eufemia reported that the Department received a grant that will provide a thermal imaging device for police use. The value of that equipment is between \$12,000 and \$20,000. The Department has also received a 2006 body armor grant that will be placed in a dedicated fund.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, commended Councilman Quattrone for bringing up the possibility of a conflict of interest, and said that "it really is a public topic." He went on to harshly criticize the Bush administration, and said that the President should be removed from office and tried for treason. He called on Council to take a stand on the Iraq war. Mr. Sarafin further objected to a "religious organization," the Knights of Columbus, coming here to present awards.

J. P. Gibbons, 602 North Main Street, agreed with Mr. Sarafin that a public meeting is the appropriate place to mention a possible conflict of interest. Regarding the proposed summer schedule, Mr. Gibbons questioned whether a true 20% savings in emissions is gained, as the Resolution stated, since those employees may drive to other places on Fridays. He also suggested that a permanent "flex hour" schedule be established with four 9-hour days each week and one 8-hour day every other week. "It gives you floating day," he said.

Torry Watkins, 68 Meadow Drive, commended Councilman Quattrone for raising a potential conflict of interest, and said that he doubts that one exists. He disagreed with the Mayor's assertion that the discussion belongs in executive session.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2007-102, authorizing a closed session for the purpose of discussing litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 4-0.

RESOLUTION 2007-102 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 2, 2007 at approximately 7:45 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation – Talmazan v. Hightstown Planning Board

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 2, 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 into open session, Resolution 2007-113 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 4-0.

RESOLUTION 2007-113 A RESOLUTION AUTHORIZING A BUYOUT OF THE RESPONSIBILITIES OF THE MUNICIPAL EXCESS JOINT LIABILITY INSURANCE FUND FROM PROVIDING A DEFENSE AND INDEMNIFICATION TO THE BOROUGH OF HIGHTSTOWN IN A LITIGATION MATTER ENTITLED "PAUL TALMAZAN V. BOROUGH OF HIGHTSTOWN PLANNING BOARD" AND AUTHORIZING MUNICIPAL OFFICIALS TO EXECUTE A GENERAL RELEASE RELATING THERETO

WHEREAS, the Hightstown Planning Board has been named as Defendant in a litigation matter that is currently pending before the Superior Court of New Jersey, Mercer County, entitled "Paul Talmazan v. Borough of Hightstown Planning Board," bearing Docket No. MER-L-413-07; and

WHEREAS, following the institution of the lawsuit, the Borough has engaged in discussions with the Municipal Excess Joint Liability Insurance Fund (the "MEL") regarding the MEL's responsibility for providing a defense and indemnification to the Borough for this matter; and

WHEREAS, the Borough and the MEL have reached an Agreement wherein the MEL shall pay to the Borough the sum of \$12,500.00 as a "buyout" of the MEL's responsibilities in this lawsuit, with the Borough providing a General Release as to the MEL's obligations; and

WHEREAS, the Borough Council, having considered the same, now wishes to authorize this "buyout," and to authorize the proper municipal officials to execute a General Release relating thereto.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the 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 a "buyout" of the MEL's responsibilities for providing a defense and indemnification in above-referenced lawsuit by way of a payment from the MEL to the Borough in the total amount of \$12,500.00.

2. That the Borough Council further authorizes the Mayor to execute and the Municipal Clerk to attest a General Release as to the MEL's obligations in the lawsuit, in the form attached hereto.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) John H. Dorsey, Esq., attorney for the MEL
 - (b) William Bruce, III, Scibal Associates
 - (c) Frederick C. Raffetto, Esq., Borough Attorney
 - (d) Candace Gallagher, Borough Administrator
 - (e) George Lang, Borough Chief Financial Officer
 - (f) Gary S. Rosensweig, Esq.

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilman Quattrone and unanimously approved. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk