

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

### APPROVAL OF AGENDA

Added to the agenda under Engineer's Items was an update regarding various roadway projects in the Borough. Also added was the introduction of two ordinances: Ordinance 2007-27, granting renewal of municipal consent to Comcast, and Ordinance 2007-30, amending the Borough Code to increase fees for dog and cat licenses.

The agenda was moved as amended by Council President Sikorski, seconded by Councilman Thompson and unanimously approved.

### APPROVAL OF MINUTES

Minutes of the November 19, 2007 open and closed sessions were moved by Council President Sikorski, seconded by Councilman Quattrone and approved as submitted by all but Councilman Thompson, who abstained.

## PRESENTATION

### RESOLUTION 2007-257, PROCLAIMING DECEMBER 16, 2007 AS *COMMUNITIES OF LIGHT DAY*

Mayor Patten introduced Susan Anderson of Womanspace, who provided a brief history of that organization and information regarding their *Communities of Light* initiative, which encourages the lighting of candles on a given evening to let members of the community who are victims of assault know that their neighbors and community care. This year, *Communities of Light* day is slated for December 16, and many municipalities and police departments are participating in the effort. She provided a kit to the Borough for its use.

Mayor Patten read aloud Resolution 2007-257, proclaiming December 16 as *Communities of Light Day* in Hightstown. The Resolution was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

**Resolution adopted, 6-0.**

Mayor Patten presented a signed and sealed copy of the Resolution to Ms. Anderson for Womanspace.

**RESOLUTION 2007-257 PROCLAIMING DECEMBER 16, 2007 AS "COMMUNITIES OF LIGHT DAY"**

**WHEREAS**, it is the policy of the Borough of Hightstown to recognize organizations that have contributed to the overall benefit of the community; and

**WHEREAS**, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

**WHEREAS**, Womanspace, in the belief that "peace begins at home", has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

**WHEREAS**, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men. Womanspace has assisted more than 204,015 callers over the last 30 years; and

**WHEREAS**, the Borough of Hightstown applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women; and

**WHEREAS**, the Mayor and Council urge each and every Hightstown household to demonstrate their support of the concept that "peace begins at home" by placing luminaries along their driveways and sidewalks on Sunday, December 16, 2007, as a visible symbol of that support; and

**WHEREAS**, the proceeds from Communities of Light 2007 will be used to fund vital services for victims of domestic violence and sexual assault;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that we do hereby Proclaim December 16, 2007, as

***COMMUNITIES OF LIGHT DAY***

and commend Womanspace on its many accomplishments, and wish them continued success with Communities of Light in the years to come.

## **PUBLIC COMMENT I**

Mayor Patten opened the floor for public comment.

**Eugene Sarafin**, 600-628 South Main Street, noted the recent passing of Professor John Willis. Mr. Sarafin also commented regarding a recent article in the *Windsor Hights Herald* detailing Councilmember Schneider's analysis of the cost of shared police services with East Windsor Township. "Topology," Mr. Sarafin said, "is another form of math." He said that if you take the area of the two communities (where Hightstown is the center of the donut) and divide it like a pie into five sectors, Hightstown would be the points of those sectors, with about 1,000 residents in each. The same officers could cover the entire sector, he said. He recommended that Mr. Schneider's analysis be disregarded and that the money be spent on the feasibility study.

Mayor Patten stated, "We may be the hole in the donut ... but we're the jelly!"

**Mike Vanderbeck**, 344 Stockton Street, asked that Council as a whole send a message to the Borough's taxi companies encouraging them to stop at all of our crosswalks and "be the element of change." "If the taxis could take the lead," he said, "it would go a long way. You have authority over them. Let them know what we expect."

Mayor Patten stated that he has already reached out to several taxi companies to make that request.

**Tom Huelbig**, 237 Rogers Avenue, stated that, when he lived in East Windsor, they would get about 15 or 20 Trick or Treaters at Halloween. In Hightstown this year, they had between 350 and 375. He enjoyed it, and said, "It was a carnival – wonderful. The people on porches were outstanding." He expressed concern, however, about the safety of those children on the busy street, and suggested that, in the future, Rogers Avenue be closed for a few hours on Halloween evening. Including the adults, he said, there were between 700 and 800 pedestrians out there, and it would be best if no vehicles were allowed during that time.

No one else came forward and the floor was closed.

## ENGINEER'S ITEMS

### PEDESTRIAN WARNING BEACONS

Ms. Roberts stated that, since the last meeting, she heard from Councilmember Rosenberg and Mike Vanderbeck, each of whom had concerns about the pedestrian warning beacons to be installed by NJDOT at The Point, particularly in light of the fountain to be installed there. Much has changed, she said, since the Borough first requested the installation of these beacons over two years ago. Mr. Vanderbeck has suggested that we consider having a beacon installed at the Rogers Avenue crosswalk across Mercer Street.

Ms. Roberts contacted NJDOT and was informed that the proposed beacons will be 12 feet tall from top to bottom, with flashing lights. If the Borough wishes to request a beacon at Rogers Avenue, we will need to submit another Resolution and letter. At this time, they could not say when the beacons would be installed. Plans are being drafted now, and DOT has agreed to allow the Borough to participate in the preliminary design. Ms. Roberts suggested that the Borough consider requesting a third beacon at the Rogers Avenue crosswalk, and wait to see what the preliminary drawings show before changing our mind about those at The Point. It shouldn't be a problem, she said, if we then determine that the location of those beacons won't work, and it may be possible to locate them on the side rather than directly at the point. It was generally agreed that having a beacon of this size installed directly at the point would take away from the aesthetics of the fountain.

It was discussed and generally agreed that the Borough would request a beacon at the Rogers Avenue crosswalk, and review the proposed design for the other beacons. A Resolution to request the Rogers Avenue beacon will be included on the next meeting agenda.

### ROADWORK UPDATES

#### *North Main Street and Bank Street*

Ms. Roberts reported that this project has slowed due to our encountering three underground gas tanks directly in front of Borough Hall. All three have been removed and appear to be in good condition. There was a slight odor detected, and a specialty contractor was immediately engaged to remove any and all suspicious soil. He has excavated to a point where he believes we are at clean soil. The tanks had been filled with sand and were surrounded by clay soil, which likely kept any contamination, if it did exist, from spreading. NJDEP has been contacted, she said, and we are waiting for the results of soil samples that were taken.

Ms. Roberts said that we have contacted the Small Cities program, and we were informed that the grant which is funding this project may be able to cover this expense, since the contract came in at significantly less than the grant which was awarded.

#### ***Outcalt Street***

Ms. Roberts reported that she has finished the plans for Outcalt Street. We will advertise in January, with the intent to begin work in the early spring.

#### ***Morrison Avenue***

Ms. Roberts reported that Morrison Avenue is now completely paved. There was a three-week delay in paving, but it appears to be a relatively good project and good work, she said. Striping, signage and small punchlist items still remain.

#### ***Mercer Street***

Ms. Roberts reported that this project is nearly complete. Striping is tentatively scheduled for the coming Thursday, and after that, only installation of parking signs and bollards will remain.

## **ORDINANCES**

### **PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-23,**

**AN ORDINANCE AMENDING THE BOROUGH'S REDEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE No. 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 provided a brief review of this Ordinance and noted that the Planning Board has conducted its mandatory review and has not suggested any further revisions to it. Council can now move forward to adopt the Ordinance after the public hearing has been held.

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

**Jeffrey Bond**, 210 South Main Street, stated that this is a good plan which "sets the framework for what we really want to do. It's more loose than people think," he said. "It sets limits, minimums and maximums. The Redeveloper's Agreement, on the other hand, will be much more detailed and that is something we ought to look at very hard." He added that 130 residential units is the *maximum* number allowed by the Plan, but in reality, that number could be less. By the same token, the Plan requires a minimum of 20,000 square feet of non-residential space, however, it could end up being more. He urged Council to adopt the Ordinance.

**Chris Moraitis**, 208 Stockton Street, noted the changing demographic in Hightstown and said that there is "a divergence of expectations and aspirations of where this community is going." Newer residents, he said, have different visions for the town. He said that the hard decisions regarding the framework of the redevelopment project should be made right now rather than deferred as topics for site plan review, and called the process to date "circuitous and convoluted." He feels that Council should know the traffic impact before approving the plan and should be prepared to "narrow the scope" of the project. "If what we're left with is a retail component on Bank Street that will have no impact on downtown," he said, "narrow the scope rather than throw everything into it." He urged Council to "try to be more inclusive and less stubborn when the public speaks against it," and said that those residents are being positive and supportive of Hightstown, rather than in opposition to progress. The redevelopment, he said, "will cannibalize itself if not created correctly, and will be an albatross on this community." He asked Council to defeat the ordinance.

**Michael Theokas**, 142 Mill Run East, agreed with Mr. Bond that this plan represents the framework we need to move forward. Lifelong residents also want the best possible plan for the town, he said. Regarding a traffic impact study, Mr.

Theokas said that “now is not the time to do those types of studies. We still have a lot of control of this plan, ... and the Planning Board still has the majority of the say regarding how it’s going to look.”

Mr. Theokas added that he is a young person in town and he doesn’t see the divide that Mr. Moraitis mentioned. “I want the project to go and be the best it can be,” he said. “No one has done more and put their money where their mouth is more than Jeff [Bond]. To imply that he just wants to pass it through is wrong. This is for those who have been here, are here now and will be here. Tonight we are simply pushing the process forward so we *can* make the hard decisions.” He went on to say that the plan as it is set up is “very malleable” and is “not the Magna Carta to change the Borough for years to come.” He noted that there will be many opportunities for the public to weigh in on this during the process and this is the first step. He urged Council to pass it unanimously.

**Richard Pratt**, 214 Stockton Street, expressed both his respect for and disagreement with Mr. Bond. “Loose is not necessarily good,” he said. He feels that Greystone “keeps getting their way” and that the Borough is sending the wrong message. “Cutting into this plan and changing it to do what the developer wants isn’t helping us,” he said, adding that traffic is a “big issue.” He is concerned about the traffic impact of 130 units, as well as the elimination of commercial space on North Main Street. He asked Council to defeat the ordinance.

**Mr. Sarafin** spoke again to say that Hightstown is a “small suburban community” with single family homes, and “we’re taking this seven acres, covering it with parking spaces, gravel and tar and putting up 1,000 square foot units, with the dream that it will give us a lot of money.” Hightstown right now has a “sense of community because we know our neighbors,” he said. “This plan says we’ll change that.” Mr. Sarafin added, “I don’t mind paying my \$12,000 in taxes to know my neighbors.” He expressed concern that the development of the Mill as outlined would change the character of the town.

**Christi Palmer**, 121 Park Avenue, said that she is “concerned that we no longer have a common vision in our community” and referenced the Plan that was originally presented which included 80 residential units. The perception, she said, is that the changes have come from pressure by the developer, and she recommended that the Borough conduct another open meeting to talk with the community about the project in a less formal setting. She asked that any vote be delayed until after such a public forum.

Ms. Palmer reminded Council that she has presented the concept of a land swap both to them and to the Planning Board, but she has not heard either body discuss that yet and she would like to know whether or not they are in favor of it. She asked why the parking and traffic studies could not be accomplished ahead of time, and whether the affordable housing units could be constructed at the Minute Maid site instead of the Mill site. She expressed concern that the physical structure of the existing mill building may not be able to hold the number of units that is being discussed, and asked if the current ordinance will allow for significant changes to that structure. “Most importantly,” she asked, “Does this plan do what we need it to do?” She questioned whether the influx of taxes which the redevelopment would provide may be offset by an equal or greater outflow, and said that she is not convinced that this level of development will benefit the community. “Typically,” she said, “you want to have a greater proportion of commercial ratables.”

**Mike Vanderbeck**, 344 Stockton Street, used an analogy of a three-legged stool to describe the redevelopment project, the three legs being the PILOT, the redeveloper and the plan. “That stool is ready to fall over,” he said. “The PILOT is in question, and all you see is the other leg being whittled down.” He said that the vision that was the original plan has been lost, “and you should be carrying it.”

**Dan Buriak**, 194 Stockton Street, said that he was “shocked” that representatives of Greystone were not present at this meeting. He agreed that “we’ve lost the vision” and urged Council to vote against this ordinance.

**Gail Doren**, 201 Hutchinson Street, stated that she moved here just over a year ago, at which time there was a plan that included 80 units, which seemed like a lot to her, but there were “sweeteners,” which included extending the downtown retail area and improvements to the municipal building. “Here we are a year later,” she said, “with 130 units, no retail on

Main Street, and a small payment in lieu of fixing up Borough Hall." She urged Council not to pass the ordinance and said that it is not in Hightstown's best interest.

**Tom Huelbig**, 237 Rogers Avenue, agreed with most prior speakers and said that he is opposed to this Ordinance. "As the process goes along," he said, "we're losing a piece here and a piece there. I am concerned that as this goes further down the road we'll continue to lose little pieces." He asked Council to vote against the ordinance.

Councilman Quattrone asked Mr. Bond if he agrees that we have "lost the vision." Mr. Bond stated that the Plan has changed from what it was, but he supports this Ordinance because the changes that it would effect are not that significant. "What I'm hearing," he said, "is that people would prefer to go back to before this [existing] plan, and that 130 units is too much. ... I can appreciate the vision of going back to square one, but I don't know if that is in the best interest of the Borough at this point." He said that he has doubts that this developer will ultimately be the one to develop the property, but "the plan per se is a decent plan. It's loose enough that it can work." He said that he does not believe that we have lost the vision, and that "if we hold any developer's feet to the fire with a plan that works, and take it to the Planning Board with good professionals looking over this -- and they will -- I think we can have a decent project." Mr. Bond added that he fears that if we say "no," and the developer then says "no," the property will continue to sit vacant. "If that's what people want, to let it sit for two or three years, so be it. But the Planning Board voted to send it back here. ... I think we need to move forward. To go backward at this point in time is a mistake."

Council President Sikorski said that he is hearing objections from the public to things which aren't included in the changes that would be made with this Ordinance. He noted that, at one time, Council did have the opportunity to vote on 80 units, and the developer was present with a check in the amount of \$35,000 to contribute toward the North Main and Bank Street project. That night, Council rejected it. "Tonight," he said, "whether the vote is positive or negative, 130 units was already in the previous ordinance." He asked Mr. Raffetto to comment.

Mr. Raffetto stated that the original plan included 80 units. In October of 2006, Council approved changes to the plan that included an increase in the number of units to a maximum of 130. That is not being changed with this ordinance, he said.

Councilman Thompson said, "we're not changing the number of units, but we are changing an awful lot of other things."

**Mr. Pratt** spoke again to say, "Let's stop eroding this and leave it alone. I'm not saying go down to 80 units.... Maintain the continuity of the retail district and look out for the future of Hightstown."

**Mr. Vanderbeck** spoke again to suggest that, if the Ordinance is tabled, Council poll the Economic Development Committee to answer Councilman Quattrone's question, "Has the vision been lost?" "I feel that there would be a strong vote in the affirmative," he said.

**Ms. Palmer** spoke again to ask if only certain parts of this Ordinance could be adopted. Mr. Raffetto stated that if any changes were made, the Ordinance could not be adopted at this meeting, and it would have to be reintroduced. Ms. Palmer suggested that it be reintroduced to include only Ms. Roberts' suggestion regarding the vacation of Mechanic Street and the parking changes.

**Mr. Sarafin** spoke again and said that he would "guarantee that the structure won't be suitable to put upper floors in," and noted that the Plan indicates that any demolition would be subject to approval of the Planning Board. "This is the most expensive place in world to do business," he said. "That adds more expense." He suggested that the mill building be torn down, and said that it is an "ugly factory."

**Mr. Buriak** spoke again to say that the State has indicated that the mill building has no value on the Historic Register. "It has history," he said, "but that doesn't make it historic." Mr. Buriak went on to say that he "hasn't seen any justification that [this redevelopment project] will bring any revenue to the town." He said that, once the PILOT is complete, the Borough would net just slightly over \$100,000. He said that this project would cause us to "lose what is Hightstown ... we won't be able to define the edges. ... You are playing with the core of the town." He said that the development would

have a "far reaching effect on the character and nature that so many of us came here for. This is The Village ... the Historic District. It is a hugely impactful move." He asked Council once again to defeat this Ordinance.

**Frank Rivera**, 110 Broad Street, said that he has been listening to this discussion for four years, and "we've been painted into a corner. There *was* a vision," he said, "but now all I smell is paint." He asked Council to vote this plan down.

No one else came forward and Mayor Patten closed the public hearing.

**Motion:** Councilman Quattrone moved that action on this Ordinance be postponed to the next meeting. He said that he would like to hear from the Economic Development Committee regarding "whether we *did* lose our vision here." His motion was seconded by Councilmember Rosenberg. Mr. Rosenberg said that he has spoken with every EDC member, and had asked for a "white paper" in June, but hasn't yet received it. Now is the time, he said, to get an opinion.

Discussion continued.

Councilmember Thompson stated that the turning point in this process occurred six weeks ago when Council voted against this version of the plan. "The vision is gone," he said. "It is an uninspired plan and an uninspired developer. They have taken advantage of our good will and our enthusiasm to try to do what is right. We've watched the arrogance. We can't settle for good enough, or 'decent.' We don't want a 'decent' future for Hightstown. We want what's best for Hightstown. This is our only opportunity to make it better for the future."

Councilmember Harinxma said that she attended the meeting a few years ago where the initial version of the plan was presented, and there was a vision at that time. People were enthusiastic about it. Now, she said, she feels that this vision no longer exists.

Councilmember Schneider said that he grew up in Hightstown and plans to stay here. He does not believe this is a negative project for the town. He said that:

- One concession by the developer was their agreement to provide retail along North Main Street, but Mr. Schneider feels that is problematic.
- When the plan included only 80 units, there were 60,000 square feet of non-residential space, and parking would have been a big problem. He does not believe that parking on Bank Street should be considered. The current plan includes up to 130 residential units and 40,000 *fewer* square feet of commercial space. "We've traded," he said. "The negative quality of life impact of this *right now* is far less bad than when it was originally created." He recalled when Philips Lighting was operating at this site. The parking lots were full, he said, and when employees left at 5 p.m. each day, it created major traffic problems.
- The Borough created a redevelopment zone because we didn't want warehousing (and hundreds of trucks) at that site.
- Mr. Schneider feels strongly that taxpayers should not be paying to add space to the municipal building. "We can have the developer give us a new Borough Hall," he said, "but to make that work, the number goes higher and higher. We're already pushed to the limit as far as that goes."
- He believes that the existing mill building is ugly and should come down.
- "We didn't choose the purchase price," he said. "Any other developer will be living with that."
- We could delay this project but "the numbers will keep getting worse."

Councilmember Schneider said that he is "always willing to talk about this." "I do know the history," he said, "and I'm not dismissing anyone. I'm looking out for the best interest of everyone in the neighborhood."

Council President Sikorski stated that, based on Councilman Quattrone's suggestion, and in order to absorb all comments, he will be voting to postpone action on this ordinance until the next meeting.

**Calling the question:** At this time, Councilman Quattrone called the question regarding his motion to postpone action to the next meeting. Mayor Patten noted, and Mr. Raffetto confirmed, that no second was needed and that it would require a two-thirds vote to end the debate.

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

As four affirmative votes were not cast by members of Council, debate continued.

It was noted that the redevelopment subcommittee includes Borough Attorney Frederick Raffetto, Borough Engineer Carmela Roberts, Bond Counsel and redevelopment expert Ed McManimon of McManimon & Scotland, Kevin McManimon also of that firm, and Planning Board Chairman Steve Misiura, in addition to other members.

Mayor Patten asked Ms. Roberts to comment regarding impact studies which had been mentioned during the public hearing. She stated, "In order to get a real and solid answer, you need to know what the plan is going to be – the number of units, where they will located, and so on. Any studies performed at this point would give you an idea of how things *might* occur, but until something comes before the Planning Board, we won't have the final answer." Mayor Patten asked when the real substance of the plan would be known. Ms. Roberts said that there is no concept on the table at this point that follows the plan, so this would occur when the site plan is submitted to the Planning Board for approval.

Mayor Patten stated, "No one can say yet that it will have a negative impact without knowing the plan."

Mayor Patten asked what types of arguments were made at the Planning Board when they recommended no changes to the proposed ordinance. Council President Sikorski said that there was nothing substantive that they could specifically recommend to change, because the revisions made with this ordinance are so slight. He noted that the new provision regarding shared parking *is* a significant change to the Borough's benefit, and without which we would not feel comfortable.

EDC member Eugene O'Connor had entered the meeting by this time, and Councilmember Rosenberg was interested in hearing from him on this matter, but the public hearing had been officially closed.

Mr. Raffetto stated that Council could opt to reopen the public hearing, either at this meeting or, if postponing action, at the next meeting. Mayor Patten recommended that it be continued at the next meeting, since action would be postponed until then.

**Motion on the table:** At this time, a vote was taken on the motion currently on the table to postpone action on this Ordinance to the next meeting (December 17).

**Roll Call:** Councilmembers Harinxma, Quattrone, Rosenberg, Schneider and Sikorski voted yes. Councilman Thompson voted no.

**Motion carried (action postponed), 5-1.**

**NEW MOTION:** It was moved by Council President Sikorski that the public hearing on this Ordinance be continued at the December 17 meeting. The motion was seconded by Councilman Quattrone.



Councilmember Rosenberg stated that he does not feel it is necessary to reopen the public hearing, as he was simply interested in hearing from Mr. O'Connor. Mayor Patten stated that this may not be fair to others who may want to be heard as well.

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

**Motion carried (public hearing to be continued), 6-0.**

At this time, a brief recess was called. The meeting reconvened at 9:08 p.m.

## **PUBLIC HEARING AND FINAL 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 provided a brief review of this Ordinance, which would authorize the Borough to acquire certain parcels within the Stockton Street parking lot, either amicably or through eminent domain. At the time the project was undertaken, he said, the Borough obtained rights of entry for these properties with the understanding that we would eventually acquire them outright. This will result in the parking lot being one cohesive block and lot under the Borough's ownership, and is part of what was represented to the State in connection with obtaining the grant which partially funded the parking lot's redevelopment. It will remove the possibility for property owners to take back those parcels and require the Borough to remove the improvements which have been constructed. Some of the parcels are under unknown ownership, and the Borough will take appropriate actions to resolve those. At least half of the parcels, Mr. Raffetto said, are owned by owners who have agreed to transfer them to the Borough for nominal consideration, and if the ordinance is approved, the Borough will move forward immediately with the acquisition of those parcels.

Mayor Patten opened the public hearing on Ordinance 2007-28.

**Jeffrey Bond**, 210 South Main Street, stated that he owns four of the 13 parcels listed, and has agreed to turn them over to the Borough for one dollar. Peddie School, he said, will also be giving up some of their property and he hopes that other owners will follow suit. Allowing the use of this property by the Borough has made for a more cohesive project and allowed for more parking, especially near the old *Gazette* building. He is happy to give up the property as it will relieve him of any liability in a slip and fall suit, and he would expect that the assessments of those owners who turn over a portion of their property to the Borough would be reduced accordingly.

**Mel Adlerman** stated that he and his wife own Block 33, Lot 20, one of the lots referenced in this Ordinance. He declined to discuss price at this time, but said that, currently, he uses part of that area for parking. He has spots there for six cars, and would not be willing to give up the property unless the Borough would grant him access to that area in perpetuity. Mr. Raffetto stated that it would be possible to work out something like that if the Borough agrees to do so. He noted that this Ordinance simply provides the authority for the Borough to acquire the properties it references. We are not dealing at this meeting with any specific acquisition. If the ordinance is approved, he said, the Borough will be in contact with each affected owner to begin negotiations for the acquisition.

**Eugene Sarafin**, 600-628 South Main Street, expressed support for the ordinances and said that businesses do need dedicated parking.

No one else came forward and the hearing was closed.

Ordinance 2007-28 was moved for adoption by Council President Sikorski, seconded by Councilman Quattrone.

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

Ordinance adopted, 6-0.

ORDINANCE 2007-28

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

**WHEREAS**, it is necessary for the Borough to acquire certain properties that are currently under private ownership in connection with the Stockton Street Parking Lot, a public project within the Borough; and

**WHEREAS**, the properties to be acquired by the Borough are identified as follows:

<u>Block</u>	<u>Lot</u>	<u>All or Portion</u>
33	2	Portion
33	3	All
33	6	Portion
33	7	All
33	8	All
33	10	All
33	11	All
33	13	All
33	15	Portion
33	20	Portion
33	29	Portion
33	30.01	Portion
33	34	Portion; and

**WHEREAS**, the New Jersey "Local Lands and Buildings Law," N.J.S.A. 40A:12-1, et seq., and the New Jersey "Eminent Domain Act," N.J.S.A. 20:3-1, et seq., authorize a municipality to acquire interests in real property for public purposes by conveyance (including dedication) or by condemnation, respectively.

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

1. That, in connection with the afore-mentioned public project relating to the Stockton Street Parking Lot, the Borough is hereby authorized to undertake acquisition proceedings in order to acquire by conveyance (including dedication), pursuant N.J.S.A. 40A:12-1, et seq., or by condemnation, pursuant to N.J.S.A. 20:3-1, et seq., the properties referenced above.
2. That the Borough Attorney and Borough Engineer are hereby authorized and directed to undertake all necessary actions in order to undertake the matters set forth above on behalf of the Borough.
3. That the Mayor is authorized to execute and the Municipal Clerk to attest all necessary documents, which shall be in a form acceptable to the Borough Attorney, in order to effectuate the intentions of the within Ordinance.
4. That, following the introduction of this Ordinance, a copy of the Ordinance and a notice of the public hearing date shall be mailed to each of the record owners of the properties listed above, by regular mail and certified mail, return receipt requested, at least seven (7) days prior to the date scheduled for the public hearing
5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

6. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

## INTRODUCTION AND FIRST READING: ORDINANCE 2007-27,

### AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF HIGHTSTOWN, NEW JERSEY

Mr. Raffetto reviewed the provisions of this Ordinance, noting that the Board of Public Utilities has reviewed and approved the proposed ordinance.

Ordinance 2007-27 was moved for introduction by Council President Sikorski, seconded by Councilmember Rosenberg.

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

**Ordinance introduced, 6-0.**

The public hearing and final reading for Ordinance 2007-27 was set for December 17, 2007.

## INTRODUCTION AND FIRST READING: ORDINANCE 2007-29,

### AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* WITH RESPECT TO THE KEEPING OF FARM ANIMALS

Mr. Raffetto reviewed the provisions of this ordinance, drafted by him in response to the request by Council President Sikorski at the last meeting. He said that he drafted this using sample ordinances from other towns. The ordinance would prohibit the keeping of farm animals within the Borough as well as the erection of any building used to house them, and would require compliance within 60 days of the ordinance's adoption. The ordinance was prompted by a situation on Stockton Street where one family has harbored chickens, and the issues that have been raised are cleanliness, roaming of the chickens, odors and the attraction of rodents. Nearby residents have complained to Council and to the Health Officer, and requested that Council consider an ordinance similar to that which existed in the Borough several years ago.

Ordinance 2007-29 was moved for introduction by Council President Sikorski, seconded by Councilman Quattrone. Discussion ensued.

Mayor Patten asked Council President Sikorski what the Board of Health had determined when it reviewed this issue.

Council President Sikorski stated that the Board agreed not to change any of the Borough's ordinances in this regard but rather to address the complaints under the Borough's nuisance regulations. He said that this ordinance was not the Board's recommendation, but his own. "In 1976," he said, "we had an ordinance that prohibited the keeping of farm animals. In light of the fact that densities are increasing, this is an advisable course of action that would give us some leverage." He said that he has heard from others who are concerned about chickens in the South Main Street area and have not publicly voiced those concerns. "As we get more overcrowded situations," he said, "this provides another mechanism for officials to monitor behavior that is detrimental to the general good."

Councilmember Harinxma asked if it might be possible, instead of an outright ban, to set standards instead, such as that the animals cannot be kept within a certain number of feet from the property line, or that a property must at least a

minimum size in order to keep the animals. Mr. Raffetto stated that it is possible to structure the ordinance in this way, if that is Council's wish.

Councilman Thompson asked, "Is this an issue?" and said that it appears to him that this is more of a dispute between neighbors. "The issue," Ms. Harinxma said, "is rodents." "There's more to it than that," Councilman Quattrone said. "As it stands right now, you could have horses, pigs, cows ... we are too crowded for this. We don't have the luxury of having farm animals in Hightstown." Ms. Harinxma again suggested that, rather than an outright ban, standards be set for the keeping of such animals. "This is a very serious problem. I am very comfortable with it as it reads," Mr. Quattrone said.

Mr. Raffetto was asked if this ordinance would apply to animals such as rabbits or exotic birds. He stated that it would not, as the ordinance references just those animals typically kept on farms. Mayor Patten asked if the Health Officer could bring charges on the basis of a public health nuisance without such an ordinance in place. Mr. Raffetto stated that he could, and said that it is his understanding that this has already taken place.

Councilmember Schneider said that he would like to see other ordinances, and would be inclined to agree with Councilmember Harinxma regarding the setting of certain standards as opposed to an outright ban. He expressed concern that those who still have barns on their properties may be required to take them down as a result of this ordinance as written. "A toned down version of this might be reasonable," he said, adding that, if this ordinance were the *only* way to deal with the rodent problem, he would be likely to support it. He noted that he has not heard any complaints from other residents of the neighborhood.

After brief further discussion, it was generally agreed that, in light of the fact that an ordinance cannot be introduced in one year and adopted in the next, this ordinance would be voted down, and the Borough Attorney will research and provide other options for Council's consideration after the new year.

At this time, the roll was called for the introduction of Ordinance 2007-29.

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

**Ordinance DEFEATED, 5-1.**

## INTRODUCTION AND FIRST READING: ORDINANCE 2007-30, AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* WITH RESPECT TO ANIMAL LICENSING FEES

Ms. Gallagher explained that, for many years, municipalities were not able to charge more than \$7 for the municipal portion of a dog license fee. The Borough's fee has been at that level for at least the past 13 years. Recent legislation will now allow towns to charge up to \$21 for their portion of the fee. Six other towns in Mercer County have already increased their fees, and Ms. Gallagher recommended that the Borough increase its fees as well for both dog and cat licenses effective January 1, 2008. Currently, the municipal portion of the dog license fee is \$7, plus \$1.20 that goes to the State. If the dog is unneutered or unsprayed, an additional \$3 is collected that also goes to the State. She recommended an increase in the municipal dog license fee to \$10.80. That would make the total fee \$12 for a spayed or neutered dog and \$15 for an unsprayed or unneutered dog. She further recommended that cat licenses be increased similarly, from \$7 and \$10 to \$10 and \$14.

By increasing the fees in this way, Ms. Gallagher said, the Animal Control Trust Fund (into which all municipal license fees are deposited) will be able to cover the costs that it should properly be covering, such as advertising, the cost of license tags and a small portion of salaries in the Clerk's office. Currently, the municipal budget must subsidize a portion of these costs. She anticipated that this ordinance would save approximately \$2,000 per year in the Borough's budget.

Ordinance 2007-30 was moved for introduction by Councilman Thompson, seconded by Councilmember Schneider.

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

**Ordinance introduced, 6-0.**

The public hearing and final reading for Ordinance 2007-30 was scheduled for December 17, 2007.

## RESOLUTIONS

### RESOLUTION 2007-265, RESOLUTION MAKING APPLICATION TO THE LOCAL FINANCE BOARD

PURSUANT TO *N.J.S.A. 40A:2-26(E)*

Chief Financial Officer George Lang reviewed the provisions of this Resolution. He stated that we have Bond Anticipation Notes (B.A.N.s) dating back 10 years. These are considered temporary financing, and at some point, the unfunded portion of our ordinances must be permanently financed. We need to issue bonds. To make it work with our existing debt service schedule, we need to use a "non-conforming schedule" which, he said, most towns do. That will allow us to create a schedule that fits with our existing debt, and help us avoid a "big hit." We can go out 13 years, he said, and in some cases that will spread out the debt. In other cases, it will accelerate it. "We don't have a lot of choice right now," he said, as the last time that bonds were sold was in 2002, and there have been no general capital bonds sold since 1995. We need the approval of the Local Finance Board for a non-conforming schedule, and this Resolution allows us to make application to them for that.

Councilmember Schneider asked what the difference in budget impact between a conforming and non-conforming schedule would be. Mr. Lang said that the difference in the 2008 budget could be as much as \$200,000, due to a B.A.N. issued in 1997 that is coming due. "The bond issue will let us spread that cost," he said. "It is better to have a more level debt service." He noted that some of our present bonds will be fully paid within the next two years.

Resolution 2007-265 was moved by Councilman Quattrone, seconded by Councilmember Schneider.

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

**Resolution adopted, 6-0.**

### RESOLUTION 2007-265      RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(E)

**WHEREAS**, the Borough of Hightstown, in the County of Mercer, New Jersey, desires to make application to the Local Finance Board for its approval of a non-conforming maturity schedule in connection with the issuance of \$7,265,000 General Obligation Bonds, consisting of: (i) \$4,000,000 General Improvement Bonds, and (ii) \$3,265,000 Water/Sewer Utility Bonds of the Borough to permanently finance various improvements;

**WHEREAS**, the Borough believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

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

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

## CONSENT AGENDA

Resolutions 2007-258 through 2007-264 were moved by Councilmember Schneider, seconded by Councilman Thompson.

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

**Resolutions adopted, 6-0.**

### **RESOLUTION 2007-258 ACCEPTING MEMBERSHIP OF WILLIAM E. MONDAY III IN HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, William E. Monday III of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Monday 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 William E. Monday III in Hightstown Engine Company No. 1 is hereby accepted.

### **RESOLUTION 2007-259 RATIFYING ISSUANCE OF LICENSE FOR AUCTION - ALFRED'S AUCTIONS, INC.**

**WHEREAS**, an application for a license to hold an auction at 11:00 a.m. on Sunday, December 2, 2007 at 132 Franklin Street in the Borough of Hightstown was submitted by Alfred's Auctions, Inc. on November 27, 2007, together with the required fee; and

**WHEREAS**, said auction was advertised and had been scheduled to take place prior to the next Council meeting wherein approval of the license could be obtained; and

**WHEREAS**, the application was reviewed and approved by the Chief of Police; and

**WHEREAS**, said auction was held as scheduled on Sunday, December 2, 2007;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that issuance of a license to Alfred's Auctions, Inc. for their auction held on Sunday, December 2, 2007 at 132 Franklin Street is hereby ratified and approved.

### **RESOLUTION 2007-260 AUTHORIZING REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, tax overpayments have been received by the Borough as follows:

<b>Refund to:</b>	<b>Amount of Overpayment:</b>	<b>Block &amp; Lot #</b>	<b>Property Address:</b>
First American Real Estate Tax Service P.O. Box 961250 Fort Worth, TX 76161-9887 Attn: Tax Refunds	<b>\$2,185.95</b>	Block 63.01, Lot 48	120 Meadow Drive
	<b>\$1,874.64</b>	Block 61, Lot 53	16 Grape Run Road
	<b>\$2,531.74</b>	Block 56, Lot 5	216 South Main Street
	<b>\$2,059.21</b>	Block 3.01, Lot 58	18 Maple Avenue

; and

**WHEREAS**, the Tax Collector has requested permission to refund the overpayments;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to refund the tax overpayments set forth herein.

**RESOLUTION 2007-261          AUTHORIZING REFUND OF TAX OVERPAYMENT DUE TO VETERAN'S DEDUCTION**

**WHEREAS** John West, 132 Mechanic Street (Block 15, Lot 7) applied and qualified for a veteran's tax deduction in 2007; and

**WHEREAS** the application of this deduction resulted in an overpayment of \$250.00 for 2007; and

**WHEREAS** the Tax Collector has requested permission to refund to Mr. West the amount of the overpayment;

**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 \$250.00 to John West, 132 Mechanic Street (Block 15, Lot 7), as detailed herein.

**RESOLUTION 2007-262          AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR  
2008-09 PARIS GRANT FUNDING**

**WHEREAS**, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation and storage needs of county and municipal governments; and

**WHEREAS**, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

**WHEREAS**, the Borough of Hightstown desires to collaborate with the County of Mercer in the following projects:

1. Records Management, Staffing and Development (to include records management best practices policies and procedure training for municipal staff);
2. Records Preservation (including microfilming of historic, permanent, and long-term retention records);
3. Records Storage and Disposal (including purging, disposal and purchase of appropriate storage materials);

**WHEREAS**, the Borough of Hightstown acknowledges that the County of Mercer would be both the lead agency and the applicant for such a proposal;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incidental thereto.

**RESOLUTION 2007-263          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>
<b>CURRENT BUDGET:</b>		
<i>Inside Cap:</i>		
Municipal Clerk – Other Expense	490.00	
Litigation – Other Expense	3,000.00	
Police – Salaries & Wages	1,400.00	

Postage, Shipping & Express – Other Expense	350.00	
Telephone – Other Expense	1,320.00	
Gas/Heating Oil – Other Expense	1,422.00	
Housing Code Enforcement – Other Expense	200.00	
Municipal Clerk – Salaries & Wages		490.00
Engineering Services & Costs – Other Expenses		3,000.00
Electric – Other Expenses		1,350.00
Housing Code Enforcement – Salaries & Wages		200.00
<i>Outside Cap:</i>		
Implementation of 9-1-1 – Salaries & Wages		1,400.00
MCIA Recycling – Other Expense		1,422.00
Senior Citizen Program Service Ctr.		320.00
<b>TOTAL:</b>	<b>\$8,182.00</b>	<b>\$8,182.00</b>

#### RESOLUTION 2007-264      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 **\$1,137,485.14** from the following accounts:

Current	\$ 511,693.62
W/S Operating	186,015.60
General Capital	420,106.35
Grant	11,113.32
Trust	5,338.00
RCA – COAH	1,592.00
Escrow – Subdivision & Site Plan	<u>1,626.25</u>
 Total	 <u><b>\$1,137,485.14</b></u>

## UNFINISHED BUSINESS

### 2008 GARBAGE COLLECTION

Ms. Gallagher distributed copies of the 2008 garbage collection schedule. Collections will be made Tuesday through Friday, primarily by election district, although streets that are split within a district will fall in one or the other for garbage collection purposes. The schedule will be included with the garbage carts to be delivered on December 10, and posted on the Borough's website.

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Jan Guthrie**, 425 Stockton Street, stated that she lives near the home that is keeping chickens on Stockton Street. "They're not cute," she said, "and rats are not cute." She said that she must walk her puppy on a leash rather than take



the chance that he could get hold of a dead rat. She feels that enforcing this through the nuisance ordinance is ineffective, and would like to see an ordinance enacted to specifically prohibit the keeping of farm animals. She noted that, by the Borough's laws, one can have only two dogs but any number of chickens.

**Michael Theokas**, 142 Mill Run East, said that the Borough's downtown looks great now with the holiday lighting. He asked Council to "speak as loud as we can to and with" our legislators regarding school funding. That is on the table in Trenton now, he said, and our legislators are "sympathetic to our woes." He encouraged all members of the governing body to get involved in this issue and speak out publicly regarding changing the public school funding structure. "We talk about a lot of little things," he said, "but that's a big thing. It will go a long way toward helping us all out tax-wise."

**Joe Balcewicz**, 413 Stockton Street, agreed that it would be good for Council to review other ordinances enacted in New Jersey regarding the keeping of farm animals. He said that one resource which would be useful is Rutgers Cooperative Extension, which published a leaflet with guidelines for home animal agriculture. It includes some of the restrictions that Councilmember Harinxma was mentioning, he said, and has been written into Mansfield's code. He offered to provide a copy for the Borough's use. He added that it recommends a minimum of one acre for the keeping of such animals.

No one else came forward and the floor was closed.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Harinxma reported that the Parks and Recreation Commission has begun running weekly exercise classes (a Pilates class and a class for children) at the firehouse. They are in their fourth week, and fairly well attended, she said. She feels that if publicity is stepped up, attendance could increase.

Ms. Gallagher reported that bids for the Borough-owned lot at 250 Academy Street were received for the fourth time on November 27, and one bid in the amount of \$15,000 was received. She said that this will be on the agenda for discussion in closed session at the next meeting, and Council will need to accept or reject the bid at that meeting.

Ms. Gallagher also reported that the Borough's 2006 audit is now complete and has been filed with the State. Copies have been provided to the Mayor and Council, and the next meeting agenda will include a Resolution of Compliance for that audit, as well as a Resolution to approve a corrective action plan. She asked Mr. Lang to comment.

Mr. Lang stated that the Borough's financial statements as prepared at the beginning of the year did not change with the audit, and the audit included only one formal recommendation, regarding deposits to be made within 48 hours.

Mayor Patten asked Mr. Raffetto if a time limit may be placed on speakers at public hearings for ordinances, so long as they are permitted to come back to the podium when others are done speaking. Mr. Raffetto stated that this is acceptable and has been done in other towns in order to avoid one speaker holding the floor for an extended period of time while others are waiting to speak. He also noted that, under Robert's Rules of Order, Council may, by a two-thirds vote, cut off any speaker if he or she is "not adding anything" to the discussion, and that any member of the governing body may make a comment (respectfully) to a speaker who is repeating him or herself.

## EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2007-256, authorizing a closed session for the purpose of discussing litigation and contract negotiations. The Resolution was moved by Council President Sikorski and seconded by Councilman Thompson.

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

**Resolution adopted, 6-0.**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on December 3, 2007 at approximately 10:10 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

**Contract Negotiations – Professional Services; Disposition of Borough-owned property  
Litigation – WorldWater & Power**

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: March 3, 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, adjournment was moved by Council President Sikorski, seconded by Councilman Quattrone and unanimously approved. The meeting was adjourned at 10:53 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk