

**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**

	<b>PRESENT</b>	<b>ABSENT</b>
<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; and Frederick Raffetto, Esq., Borough Attorney. Chief Financial Officer George Lang arrived later in the meeting.

**APPROVAL OF AGENDA**

Resolution 2007-170, "Authorizing Application and Agreement for Local Aid Centers of Place Funding," was added to the agenda, and Resolution 2007-164, "Authorizing Use of Cash Maintenance Guarantee Toward the Replacement of Certain Sidewalks at Grant Preserve," was removed. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Harinxma and approved by all.

**APPROVAL OF MINUTES**

Minutes of the June 4, 2007 open session meeting were moved for approval by Council President Sikorski, seconded by Councilmember Quattrone and approved as submitted by all but Councilmember Thompson, who abstained.

**PUBLIC COMMENT I**

Mayor Patten opened the floor for public comment.

**Phyllis Deal**, 305 Stockton Street, thanked the Mayor and Council for their humanitarian efforts and reported that "Kat," a cat for whom a home was being sought, has been adopted. She noted that there are two kittens and another cat who need homes as well and said that it is impossible to find homes for them through existing organizations.

**Torry Watkins**, 68 Meadow Drive, stated that power was out in parts of Hightstown and East Windsor for over an hour following a recent thunderstorm, but in his neighborhood it was out for two hours. He asked that JCP&L representative Gerry Ricciardi be asked to attend another Council meeting to discuss the quality of electric service. He recalled that Mr. Ricciardi "made certain commitments" about upgrading the system a few years ago and did check back with Mr. Watkins about a year ago. When Mr. Watkins informed him that there were still problems, Mr. Ricciardi told him that JCP&L had not yet completed the planned upgrade. Mr. Watkins asked that the Borough look into this "on behalf of all citizens and ratepayers in the Borough who are suffering from lousy electric service." His area, Mr. Watkins said, is at the "tail end of the loop." Mayor Patten noted that a tree came down on South Main Street during that storm, which may have impacted that area. He noted that Mr. Ricciardi would be meeting with Mr. Blake during the coming week and that some lines are being redone.

**J. P. Gibbons**, 602 North Main Street, stated that:

- He was impressed with the fact that Mr. Sarafin commended the Mayor and Council at the last meeting for a "great job."
- He missed the last Planning Board meeting but plans to attend the next one to support the concept of removing Borough Hall from the Redevelopment Plan.
- He said that additions to this meeting agenda were not identified prior to public comment, and the Resolution to amend the budget is not open for discussion before adoption, both of which he found objectionable.
- He commented regarding Resolution 2007-164, and questioned whether D. M. Properties is "still in business."

No one else came forward and the floor was closed.

## **ENGINEER'S ITEMS**

### **RESOLUTION 2007-162, AUTHORIZING PAYMENT NO. 8 AND CHANGE ORDER NO. 2 AND FINAL - JONICO, INC. (RECONSTRUCTION OF COLE AVENUE AND CLINTON STREET)**

Following a brief review by Ms. Roberts, Resolution 2007-162 was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 5-0.

### **RESOLUTION 2007-162      AUTHORIZING PAYMENT NO. 8 AND CHANGE ORDER NO. 2 AND FINAL - JONICO, INC. (RECONSTRUCTION OF COLE AVENUE AND CLINTON STREET)**

**WHEREAS**, the Borough Council has previously awarded a contract for the Reconstruction of Cole Avenue and Clinton Street (the "contract") to Jonico, Inc. (the "Contractor"), in the original amount of Two Hundred Ninety-Five Thousand One Hundred Thirty-Three Dollars (\$295,133.00); and

**WHEREAS**, the contract was the subject of a previous Change Order (known as Change Order #1) in the amount of \$82,436.29, which brought the total contract price to \$377,569.29; and

**WHEREAS**, the Contractor has submitted Payment Request #8 in the amount of Forty-Seven Thousand Five Hundred Twenty-Nine Dollars and Sixty-One Cents (\$47,529.61), and Change Order #2 and Final for this project in the amount of Eight Thousand Three Hundred and Twenty Dollars and Sixty Cents (\$8,320.60); and

**WHEREAS**, Change Orders #1 and 2 bring the total contract cost to Three Hundred Eighty-Five Thousand Eight Hundred and Eighty-Nine Dollars and Eighty-Nine Cents (\$385,889.89), and result in an increase in the total cost of the contract in the amount of Ninety Thousand Seven Hundred Fifty-Six Dollars and Eighty-Nine Cents (\$90,756.89); and

**WHEREAS**, Change Orders #1 and 2 represent a net increase in the overall contract price in the amount of 30.8%; and

**WHEREAS**, since the total Change Orders exceed 20% of the original contract price, the Borough shall be required to comply with all requirements set forth by law which are applicable to Change Orders of that magnitude; and

**WHEREAS**, the Borough Engineer has recommended that Payment #8 be made to the Contractor and that Change Order # 2 and Final be approved; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funding for Change Order #2 and Final;

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

1. That Payment Request #8 from Jonico, Inc., in the total amount of \$47,529.61 is hereby approved and the Treasurer is hereby authorized to issue payment for same.
2. That Change Order #2 and Final is also hereby approved in the amount of \$8,320.60.
3. That, since the total amount of the Change Orders exceed 20% of the original contract price, the Borough shall be required to comply with all requirements set forth by law which are applicable to Change Orders of that magnitude.

## **RESOLUTION 2007-163, AWARDING CONTRACT FOR MORRISON AVENUE IMPROVEMENTS – EAGLE PAVING CORP.**

Ms. Roberts recommended award of the contract for Morrison Avenue improvements to Eagle Paving Corp. Although she has not worked with them before, her partner and others she knows have, and they have assured her that Eagle can do the work. She noted that NJDOT has not funded the last block of the street, where we would like to do some important water main work. She explained that we will be adding a water main, not replacing the existing main, and it will improve fire flow throughout the area. The price is slightly higher than her estimate, but that was prepared several months ago, she said, and prices are rising. After brief further discussion, Resolution 2007-163 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted 5-0.

## **RESOLUTION 2007-163      AWARDING CONTRACT FOR MORRISON AVENUE IMPROVEMENTS – EAGLE PAVING CORP.**

**WHEREAS**, two (2) bids were received on June 12, 2007 for Morrison Avenue improvements in the Borough of Hightstown; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the firm's recommendation that the contract be awarded to the low bidder, Eagle Paving Corp. of South Toms River, New Jersey; and

**WHEREAS**, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Eagle Paving is in order with respect to legal compliance; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this expenditure;

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

1. The contract for Morrison Avenue improvements is hereby awarded to Eagle Paving Corp. of South Toms River, New Jersey in the amount of Three Hundred and Seventy-Seven Thousand One Hundred and Ninety-Four (\$377,194.45) Dollars and Forty-Five Cents.

2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Eagle Paving Corp. subject to approval of the Borough Attorney.
3. Approval of this agreement is subject to the approval of the New Jersey Department of Transportation.

## ORDINANCES

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-14,  
BOND ORDINANCE AMENDING BOND ORDINANCES NUMBERED 2003-14, 2005-02, 2005-21, AND 2006-07 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECTS TO INCLUDE VARIOUS ROAD IMPROVEMENTS**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2007-14.

**J. P. Gibbons**, 602 North Main Street, questioned why the Borough would not use the money remaining in these ordinances to pay down the existing bonds rather than transfer it to other projects. It was noted that these funds are needed toward the Mercer Street project, and a new bond ordinance would require a new downpayment. Mr. Gibbons asked how the Borough saves money in this way and referred to it as a "shell game." He asked how the interest rate on a new bond would compare to the interest rates on these older bonds. Ms. Gallagher stated that she did not have information regarding the interest rates; however, the Chief Financial Officer has recommended that we proceed in this way.

**Eugene Sarafin**, 600-628 South Main Street, asked how much money is being transferred from these Ordinances.

A brief recess was called at this time to allow Ms. Gallagher to retrieve that information and to contact Mr. Lang.

Upon reconvening, Ms. Gallagher reported that the following amounts are available in the bond ordinances referenced, and if adopted, would be available for use for the Mercer Street project:

Ordinance 2003-14 (Second Avenue)	\$ 5,789.90
Ordinance 2005-02 (Oak Lane)	6,958.42
Ordinance 2005-21 (Wyckoff's Mill Road)	15,602.18
Ordinance 2006-07 (Cole & Clinton)	any remaining open balance after project is complete

She added that Mr. Lang would be arriving at the meeting a bit later.

Motion was then made by Councilmember Quattrone and seconded by Councilmember Harinxma to table further discussion of this Ordinance until Mr. Lang's arrival later in the meeting. The motion was unanimously approved. (For continued discussion, see page 14.)

## PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-15,

BOND ORDINANCE AMENDING SECTION 3(A) OF BOND ORDINANCE NUMBER 2005-04 AND PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR THE MERCER STREET REVITALIZATION PROJECT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2007-15.

**Eugene Sarafin**, 600-628 South Main Street, asked about the Section 20 costs for this project. It was noted that of the \$550,000 combined total appropriation, Section 20 costs were estimated at \$103,800.

No one else came forward and the hearing was closed.

Ordinance 2007-15 was moved for adoption by Councilmember Thompson and seconded by Council President Sikorski.

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

Ordinance adopted, 5-0.

### **ORDINANCE 2007-15      BOND ORDINANCE AMENDING SECTION 3(A) OF BOND ORDINANCE NUMBER 2005-04 AND PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR THE MERCER STREET REVITALIZATION PROJECT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

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 description of the purpose to be funded in Section 3(a) of bond ordinance #2005-04, finally adopted February 7, 2005 ("Bond Ordinance #2005-04") of the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") is hereby amended to read as set forth in Section 4(a) hereof.

Section 2. The improvement described in Section 4(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 4(a), there is hereby appropriated the supplemental amount of \$100,000, which includes a \$60,000 Local Aid Grant from the State of New Jersey Department of Transportation (the "Grant"), such sum being in addition to the \$450,000 appropriated therefor by Bond Ordinance #2005-04. Although no down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose described in Section 4(a) is being partially funded by a State grant, the sum of \$2,000 is provided as the additional down payment. The additional 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 3. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment or the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$38,000 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 4. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the Mercer Street Revitalization Project, consisting of the extension of downtown revitalization, including full replacement of curbs and sidewalks on Mercer Street between Rogers Avenue and South Academy Street, as well as the installation of paver sidewalks, street lights, benches and trash receptacles and a decorative fountain at The Point, 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 \$465,500, including the \$427,500 bonds or notes authorized by Bond Ordinance #2005-04 and the \$38,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$550,000, including the \$450,000 appropriated by Bond Ordinance #2005-04 and the \$100,000 appropriated herein.

Section 5. 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 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4(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 10 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 \$38,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$103,800 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, \$83,800 was estimated for these items of expense in Bond Ordinance #2005-04 and an additional \$20,000 is estimated therefor herein.

Section 8. Any grant moneys received for the purpose described in Section 4(a) hereof shall be applied either to direct payment of the cost of the improvement or if other then referred to in Section 2 hereof, 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 9. 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 10. 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 11. 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 2007-16,  
AN ORDINANCE TO AMEND SECTION 5.5, "HEDGES, BRUSH AND GRASS," OF CHAPTER 14,  
"PROPERTY MAINTENANCE," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
HIGHTSTOWN**

Ms. Gallagher explained that this Ordinance would amend the Borough's property maintenance code to restrict the height of grass and weeds to six inches. Currently, that limit is 10 inches.

Mayor Patten opened the public hearing on Ordinance 2007-16.

**Phyllis Deal**, 305 Stockton Street, stated, with the aid of a ruler, that six inches is "not very high" and recommended that the Borough's existing ordinance remain intact.

**Eugene Sarafin**, 628 South Main Street, asked if flowers would be limited in height as well. Mayor Patten stated that it would not apply to flowers. Mr. Sarafin asked how the Ordinance is currently enforced. He was informed that, following notification and non-compliance, the Borough cuts the grass and charges the homeowner.

**J. P. Gibbons**, 602 North Main Street, compared establishing a six-inch grass height limit with setting a speed limit at 55 mph in order to get drivers to travel at 70 mph instead of 80 mph. "The worst thing to do," he said, "is to establish an asinine or impractical law that will be ignored.... Don't take the average person that wants to comply with reasonable laws and make them a criminal because the standards are ludicrous and they don't mean anything." Mr. Gibbons said that he travels a lot and when he returns, his lawn is often higher than six inches. He recommended that, instead of altering the existing 10" limitation, the Borough undertake stronger enforcement measures. "Keep an eye on it, and put a warning out at eight inches," he said, adding that, if more resources were needed in order to do this, perhaps volunteers could be enlisted to hang warning notices. "We don't know what goes on in people's homes," he added. "They may need help." He urged Council to defeat Ordinance 2007-16.

No one else came forward and the hearing was closed.

Ordinance 2007-16 was moved for adoption by Councilmember Thompson and seconded by Council President Sikorski. Discussion ensued.

Council President Sikorski expressed agreement with some of the comments made by the public, and said that he also sees a problem with "dead and dying trees," as referenced in the same portion of the Borough Code. Some people, he said, "have a different sense of orderliness" than others. Some are "precise with their lawn" and others take a "more naturalistic approach." He questioned how Borough staff would find the time to commit to the additional inspections that may be needed and noted that certain things could prevent a homeowner from keeping his lawn trimmed to six inches, such as being away on vacation, prolonged rain, etc. "I'm inclined to feel more comfortable with the Ordinance as is," he said.

Councilmember Harinxma said that she feels that 10 inches is too high, and suggested that a compromise at 8" be considered, adding that she would still support this Ordinance with a six-inch limitation.

Mayor Patten suggested that we may need to “look at the total Ordinance,” and that the Environmental Commission could be asked for their recommendations.

Councilmember Quattrone stated that when grass reaches 10 inches, it is already going to seed, and when giving it another five days following notification, “when you do cut it, it looks bad.”

Councilmember Schneider noted that this Ordinance includes weeds in that limitation, and noted that dandelions grow very quickly. “At the moment,” he said, “with less rainfall, higher grass levels retain more moisture.” Right now, he said, he himself would be in violation of the six-inch limit, as he is seeding his lawn and the grass needs to be higher in order to retain the needed moisture. He added that if weeds were not included in the limit, he would be more comfortable with it, but he nevertheless feels that it is unreasonable to tell a resident that they cannot travel unless they pay someone to cut their lawn while they’re away. “Six inches is pushing it,” he said. “Some professional condo associations won’t cut the grass at all until it *reaches* six inches, and weeds will certainly be higher.”

Councilmember Harinxma stated again that she feels ten inches is too high.

After brief further discussion, it was generally agreed that Ordinance 2007-16 would be voted down and the matter referred to the Environmental Commission for their recommendations.

At this time, the roll call vote was taken.

Councilmembers Harinxma, Quattrone, Schneider, Sikorski and Thompson voted no. Councilmember Rosenberg was absent.

**Ordinance DEFEATED, 5-0.**

## INTRODUCTION AND FIRST READING: ORDINANCE 2007-17, AN ORDINANCE TO AMEND CHAPTER 7, “TRAFFIC,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

Ms. Gallagher reviewed the provisions of Ordinance 2007-17, which would prohibit parking along the curve on Leshin Lane. Concerns of the residents expressed at the previous meeting have been addressed by Chief Eufemia. The Ordinance was moved for introduction by Councilmember Thompson and seconded by Council President Sikorski.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2007-17 was set for July 10, 2007.

## RESOLUTIONS

### RESOLUTION 2007-153, AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-010 – FAMILY WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUOR)

Resolution 2007-153 was moved by Council President Sikorski and seconded by Councilmember Quattrone.



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

**RESOLUTION 2007-153      AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-010 –  
FAMILY WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUOR)**

**WHEREAS**, Family Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-010, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Family Wines and Liquors, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

**WHEREAS**, the Chief of Police has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Family Wines and Liquors, Inc. doing business as Hightstown Liquor at 107 Stockton Street:

2007-08 Plenary Retail Distribution License  
License #1104-44-002-010  
Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2007-165, A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO AWARD A  
CONTRACT FOR THE PURCHASE OF A BRUSH CHIPPER TO R.J. SHERMAN & ASSOCIATES,  
INC. (D/B/A VERMEER NORTH ATLANTIC SALES & SERVICE)**

Ms. Gallagher provided a brief review of Resolution 2007-165, and Councilmember Quattrone explained that the equipment being purchased from Vermeer is much safer than the equipment which was proposed by the other bidder. This is one of the most dangerous pieces of equipment we work with, he said, and safety features are extremely important.

Resolution 2007-165 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 5-0.

**RESOLUTION 2007-165      A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO AWARD A CONTRACT  
FOR THE PURCHASE OF A BRUSH CHIPPER TO R.J. SHERMAN & ASSOCIATES, INC. (D/B/A  
VERMEER NORTH ATLANTIC SALES & SERVICE)**

**WHEREAS**, the Borough Council of the Borough of Hightstown has previously authorized the Borough to advertise for open competitive bids for the purchase of a brush chipper for use by the Department of Public Works; and

**WHEREAS**, the Borough received two (2) bids in response to its advertisement; and

**WHEREAS**, the two (2) bids are described as follows:

- (1) Seely Equipment & Supply, Inc. of Farmingdale, N.J. - \$36,044.00; and
- (2) R.J. Sherman & Associates, Inc. (d/b/a Vermeer North Atlantic Sales & Service) - \$41,621.00; and

**WHEREAS**, following review of the bid packages, the Borough has determined that the proposed apparatus offered by the low bidder, Seely Equipment & Supply, Inc., deviates in material respects from the technical specifications prepared by the Borough; and

**WHEREAS**, the Borough has therefore determined that the bid submitted by Seely Equipment & Supply, Inc. does not represent the lowest "responsive" bid; and

**WHEREAS**, the Borough has determined that the bid submitted by the next low bidder, R.J. Sherman & Associates, Inc. (d/b/a Vermeer North Atlantic Sales & Service), does comply in all respects with the technical specifications prepared by the Borough; and

**WHEREAS**, as a result, the Borough has determined that the bid submitted by R.J. Sherman & Associates, Inc. (d/b/a Vermeer North Atlantic Sales & Service) does represent the lowest "responsive" bid; and

**WHEREAS**, the Borough wishes to award the contract to R.J. Sherman & Associates, Inc. (d/b/a Vermeer North Atlantic Sales & Service), on its bid of \$41,621.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funding for this purchase;

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

1. That the Borough hereby awards the aforementioned contract to R.J. Sherman & Associates, Inc. (d/b/a Vermeer North Atlantic Sales & Service), on its bid of \$41,621.00.
2. That the Mayor is authorized to execute and the Borough Clerk to attest a contract for this matter, which shall be in a form acceptable to the Borough Attorney, and any other documents that are necessary in order to effectuate this matter.
3. That the bid documents received from the unsuccessful bidder shall be returned forthwith.
4. That all relevant Borough officials and agents are hereby authorized and directed to perform such actions as are necessary in order to facilitate the intentions of this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. R.J. Sherman & Associates, Inc. (d/b/a Vermeer North Atlantic Sales & Service)
  - b. Arlene O'Rourke, Borough Treasurer
  - c. George Lang, Borough Chief Financial Officer
  - d. Candace Gallagher, Borough Administrator/Clerk
  - e. Larry Blake, Director of Borough Department of Public Works
  - f. Frederick C. Raffetto, Esquire, Borough Attorney

## RESOLUTION 2007-166, AMENDING THE 2007 BUDGET

Ms. Gallagher read aloud and in full Resolution 2007-166, amending the 2007 introduced budget. She explained that the net effect of the amendment would increase the tax rate by approximately one-third of one cent.

Resolution 2007-166 was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted 4-1.

## RESOLUTION 2007-167, RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

Following a brief review by Ms. Gallagher, Resolution 2007-167 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 5-0.

### RESOLUTION 2007-167

### RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

**WHEREAS**, the Borough of Hightstown has determined that certain property is no longer needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.; and

**WHEREAS**, the Borough owns the following property and desires to sell it online:

#### **1997 Vermeer Chipper**

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

1. The Borough Clerk/Administrator is hereby authorized to post an offer to sell the items listed herein on an auction website as follows:

Online auction site:	Ebay
Length of Auction:	10 days
Account:	hightstownnj
Auction fees:	As per Ebay fee schedule, attached
Method of Payment:	Borough Check or, if necessary, personal credit card of Candace Gallagher, Borough Clerk/Administrator
Shipping:	n/a
Possession:	Upon full payment by cash or certified check
Minimum Bid:	\$8,000.00

2. The Borough Clerk/Administrator is hereby directed to take all steps necessary to advertise this sale as required by law.
3. The Borough Clerk/Administrator is hereby authorized to effect the transfer of the herein listed property to the winning bidder upon full payment as detailed herein, without any further action by Council.

## CONSENT AGENDA

Resolutions 2007-168 through 2007-170 were moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 5-0.

### RESOLUTION 2007-168 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 **\$849,253.35** from the following accounts:

Current	\$ 738,895.02
W/S Operating	66,414.15
General Capital	32,160.66
W/S Capital	1,413.76
Grant	1,684.78
Trust	1,884.98
Public Defender	300.00
COAH	<u>6,500.00</u>
Total	<u><u>\$849,253.35</u></u>

### RESOLUTION 2007-169 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	19,556.00	1,627,201.25	1,646,757.25
Capital Outlay – Current	0.00	5,000.00	5,000.00
Debt Service - Current	0.00	152,603.00	152,603.00
Water/Sewer	78,082.00	941,931.00	1,020,013.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	146,580.00	146,580.00
TOTAL	97,638.00	2,873,315.25	2,970,953.25

**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<sup>1</sup>.
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 2007-170      AUTHORIZING APPLICATION AND AGREEMENT FOR NJDOT LOCAL AID CENTERS OF PLACE FUNDING**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that submission of an application for NJDOT Local Aid Centers of Place funding for the Memorial Park Parking Lot and Landscaping Improvements project, which application is attached hereto and made a part of this Resolution<sup>2</sup>, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

## **NEW BUSINESS**

### **KEEPING OF CHICKENS AND OTHER FARM ANIMALS WITHIN BOROUGH LIMITS**

Council President Sikorski stated that he has had several complaints from residents regarding chickens being kept in the Borough. He noted information provided at this meeting by Ms. Gallagher indicating that, although Borough ordinances currently do not prohibit this, at one time (during the early 1970s) they did – there was a provision at that time in the Board of Health ordinances which prohibited the keeping of certain animals, including fowl.

It was generally agreed that this matter should be referred to the Board of Health, and Ms. Gallagher will notify that Board of same.

## **COUNCIL COMMENTS AND COMMITTEE REPORTS**

Councilmember Harinxma reported that the Parks and Recreation Commission is kicking off its free summer concert series on the coming Wednesday evening in Association Park. Concerts will be held on June 20, July 18, August 1 and August 25. She noted that the August 1 concert will feature a variety of local talent. The Commission is working on other activities for the summer as well, she said, and noted that the efforts of Sandra Bontempo are sorely missed. She added that the Next Level basketball program is “taking off in leaps and bounds,” with increased enrollment this year. She thanked J. P. Gibbons for his generous donation to that program.

Councilmember Thompson commended Ms. Harinxma for her work with the Parks Commission and the summer concert series.

Council President Sikorski reported that the Historic Preservation Commission will meet during the coming week and will be reviewing results of the survey regarding the Historic District. He also reported that George Chin, Tim Murray and Annely Gomez in the Construction Office are “doing an excellent job addressing property maintenance issues.”

Councilmember Quattrone reported that:

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<sup>1</sup> Schedule is on file in Borough Clerk's office with original copy of Resolution 2007-169.

<sup>2</sup> Application is on file in Borough Clerk's office with original copy of Resolution 2007-170.

- The Fire Company's big ladder truck is out of service and will be out for about a month. The repairs needed will be expensive and could cost as much as \$15,000. Mr. Quattrone said that, while the truck is out of service, our neighboring towns will be ready to assist in an emergency, just as we do for them.
- The First Aid Squad's ambulance is out of service as well. It failed inspection and is currently undergoing repairs. Washington's ambulance is in house at present and responding to calls.
- Our Public Works department is working shorthanded. Right now, they are repairing a broken water main on South Main Street.
- The parade has been finalized, and all went well. He thanked all who helped with that.

Ms. Gallagher reported that the New Jersey State Legislature has adopted a Joint Legislative Resolution honoring Hightstown and the Mayor and Council in recognition of the Borough's inclusion as the only municipality in the State to be positively highlighted in the Rutgers University and New Jersey Foundation of Open Government's report, *Partly Cloudy: A Report on the New Jersey Sunshine Law*. Ms. Gallagher read the Resolution aloud, and it was met with applause from those in attendance.

Ms. Roberts reported that the preconstruction meeting for the Downtown Revitalization Phase III project will take place on the coming Wednesday.

#### PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-14 *(CONTINUED)*,

BOND ORDINANCE AMENDING BOND ORDINANCES NUMBERED 2003-14, 2005-02, 2005-21, AND 2006-07 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECTS TO INCLUDE VARIOUS ROAD IMPROVEMENTS

Chief Financial Officer George Lang arrived at the meeting at this time, and it was moved, seconded and unanimously approved that Ordinance 2007-14 be removed from the table and that discussion continue.

Mr. Lang explained that there are some older ordinances where there are unexpended funds. By amending those ordinances, as Ordinance 2007-14 would accomplish, we expand the use of that older money so that we do not have to issue any additional debt. We are simply changing the stated purpose of the ordinances. It would be more costly, he said, to introduce a new bond ordinance, and at this point, the older ones could not be canceled. Notes were issued on those in February, he said, and do not come due until January. There is no significant difference in interest rates, he added. Mr. Lang stated that those notes will be outstanding whether or not we adopt this ordinance, and doing so utilizes our existing resources more effectively.

The Mayor re-opened the public hearing on Ordinance 2007-14.

**Eugene Sarafin**, 600-628 South Main Street, stated, "Bravo!"

**J.P. Gibbons**, 602 North Main Street, asked if each of the Ordinances referenced here represents a separate bond issue. Mr. Lang stated that they are ordinances, not bond issues. The money is in the general capital fund, he said, and the debt has not been permanently financed. Instead, Bond Anticipation Notes were issued. Mr. Gibbons asked how long a bond for the Mercer Street project would extend. Mr. Lang replied, "That's permanent financing." He explained that when we sell bonds, many ordinances are grouped together and averaged out. Mr. Gibbons asked if there is any negative impact to the Borough in issuing new debt for the added amount rather than utilizing what remains in these older ordinances. Mr. Lang explained that this is a more conservative approach. "We are not using this as general

revenue,” he said. “This is money we need for the project. It is not an operating expense.” Mr. Gibbons appeared satisfied with this explanation.

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

Ordinance 2007-14 was then moved for adoption by Councilmember Thompson and seconded by Council President Sikorski.

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

Ordinance adopted, 5-0.

**ORDINANCE 2007-14                      BOND ORDINANCE AMENDING BOND ORDINANCES NUMBERED 2003-14, 2005-02, 2005-21  
AND 2006-07 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW  
JERSEY, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECTS TO INCLUDE  
VARIOUS ROAD 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 #2003-14, finally adopted May 19, 2003, is hereby amended to include, in addition to all other purposes set forth therein, improvements to Mercer Street (Downtown Revitalization Phase III Project) and other related road improvements in the Borough.

Section 2. Section 3(a) of Bond Ordinance #2005-02, finally adopted February 5, 2005, is hereby amended to include, in addition to all other purposes set forth therein, improvements to Mercer Street (Downtown Revitalization Phase III Project) and other related road improvements in the Borough.

Section 3. Section 3(a) of Bond Ordinance #2005-21, finally adopted June 20, 2005, is hereby amended to include, in addition to all other purposes set forth therein, improvements to Mercer Street (Downtown Revitalization Phase III Project) and other related road improvements in the Borough.

Section 4. Section 3(a) of Bond Ordinance #2006-07, finally adopted February 21, 2006, is hereby amended to include, in addition to all other purposes set forth therein, improvements to Mercer Street (Downtown Revitalization Phase III Project) and other related road improvements in the Borough.

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

## **PUBLIC COMMENT II**

Mayor Patten opened the floor for public comment.

**Eugene Sarafin**, 600-628 South Main Street, commended the governing body and Ms. Gallagher for their adherence to the Sunshine Law. “I’ve watched Council mature over the last few years,” he said. “You’re one of the best Councils I’ve seen.” He commended Mayor Patten for handling himself well publicly on TV regarding the Borough’s immigration policies, and said, “You’ve made us proud of Hightstown. We’re becoming known as a place of democracy. We have superb people that work for us. It’s marvelous to live here and see how far we’ve progressed. You’ve come a long way in the last couple of years.” He congratulated all and said that people who attend our meetings find them “very interesting.”

**Torry Watkins**, 68 Meadow Drive, also commended the Mayor and Council for their “ongoing displays of openness in government” and stated that the recognition by the Legislature is “well deserved.” He added, “If they would only follow suit in some of their own dealings and practice what they preach, it would be a better State and world.” He suggested that they begin by adopting Senate Bill 737 regarding Pay to Play.

**J.P. Gibbons**, 602 N. Main Street, also congratulated the Mayor and Council for the recognition by the Legislature. “You’ve come a long way,” he said, “and I do applaud it, but there are still some things that drive me up the wall.” He made specific reference to changes to the agenda that were not posted on the Borough’s website prior to the meeting and which were approved prior to public comment. He also asked why Resolution 2007-164 was removed from the agenda.

No one else came forward and the floor was closed.

Ms. Gallagher noted that detailed changes to the agenda are included in the two full packets which are provided to the public at each meeting.

## **EXECUTIVE SESSION**

Ms. Gallagher read aloud Resolution 2007-160, authorizing a closed session for the purpose of discussing contract negotiations. The Resolution was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 5-0.

### **RESOLUTION 2007-160      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 June 18, 2007 at approximately 9:05 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 – Local 32**

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: September 18, 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.

### **RESOLUTION 2007-161, RATIFYING AGREEMENTS WITH OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, AFL-CIO, LOCAL 32 (BLUE COLLAR AND WHITE COLLAR UNITS)**

Upon reconvening into open session, Resolution 2007-161 was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

Councilmember Thompson stated that he would be voting against this Resolution, “not because of a poor job but based on my philosophical position that a merit-based process is better for the Borough.”



Council President Sikorski stated that he also would vote against this because he was "uncomfortable with the procedure to take action on the same night" that it was discussed in closed session.

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

Resolution adopted, 3-2.

**RESOLUTION 2007-161      RATIFYING AGREEMENTS WITH OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, AFL-CIO, LOCAL 32 (BLUE COLLAR AND WHITE COLLAR UNITS)**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the following agreements are hereby approved, and the Mayor and Borough Clerk are authorized and directed to execute same:

1. Agreement between the Borough of Hightstown and the Office and Professional Employees International Union, AFL-CIO, Local 32 (White Collar Unit), for the period January 1, 2006 through December 31, 2009, which agreement is made a part hereof by reference.
2. Agreement between the Borough of Hightstown and the Office and Professional Employees International Union, AFL-CIO, Local 32 (Blue Collar Unit), for the period January 1, 2006 through December 31, 2009, which agreement is made a part hereof by reference.

Upon motion by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved, the meeting was adjourned at approximately 9:30 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk