

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

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

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police and Frederick Raffetto, Esq., Borough Attorney. George Lang, Chief Financial Officer, arrived later in the meeting.

APPROVAL OF AGENDA

The agenda was amended to include Resolutions 2007-150 and 2007-159, and to remove Resolution 2007-153, which would have authorized issuance of a 2007-08 liquor license to Family Wines and Liquors, Inc. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Rosenberg and approved by all.

APPROVAL OF MINUTES

Minutes of the May 21, 2007 regular meeting were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, commended the police department for their recent efforts in dealing with a dog that was living under abusive conditions, and noted that the female calico cat she spoke of at the last meeting still needs a permanent home.

Chris Moriatis, 237 Rogers Avenue, spoke of the Mill redevelopment, and stated that residents and officials must recognize that our original plan is not becoming reality. He referred to the most recent plan as “actually more of an apartment complex with an element of ownership,” and said that it “no longer adds value to the community.” He suggested that to move forward with that plan would be “harming the Borough’s long-term interests for the sake of doing something” and asked Council not to settle for less. “You should reject the plan,” he said, “and unwind the changes made over the course of the years.”

Janice Mastriano, 15 Leshin Lane, thanked the Mayor and Council for their work with the Animal Welfare Committee. She also thanked those members of Council who voted not to restore funding to the defeated school budget questions and said “Shame on those who did not.”

Andy Vividelli, 117 Monmouth Street, stated that Jeff Forman’s new development has taken away their parking value and decreased their property value considerably. He asked how one can find out “when Resolutions get posted” and “what is going on back there.” He asked if the area will be paved, and if he could meet with someone to discuss his concerns. Ms. Roberts explained that Mr. Forman has received three separate approvals from the Planning Board. She offered to meet privately with him to discuss this.

Bob Murdoch, 128 South Street, stated that he has supported the Mill redevelopment from the beginning, but has lost faith in Greystone during the process. He expressed concern that “they’ll come back after they’ve started and we’ll be left with a pit or a skeleton or a ruin and they’ll say ‘we walk unless we get what we want.’ They’ll want to rent units,” he said. He suggested that the amended redevelopment ordinance be conditioned upon “receiving from Greystone an interest in the land in the nature of a covenant running with the land that would prevent them or transferees from ever renting to anyone.” “This could be Hightstown’s Iraq,” he went on to say, “a bleeding sore in the center of town.”

Mayor Patten asked the Borough Attorney to comment. “As the plan stands,” Mr. Raffetto said, “there is a prohibition of rental units at the site. Now that it has been sent back to the Planning Board ... I am sure this issue will come forward.” He explained that, by statute, before any amendment to the Redevelopment Plan is made, it must be referred to the Planning Board, which will perform a public review and then forward their recommendations back to Council. To change the plan, Council would then have to introduce an ordinance and hold a public hearing prior to its adoption. “Council does not have to accept the Planning Board’s changes,” he said, “but if not, they have to set forth their reasons for not following their recommendations.” Mayor Patten asked how many votes by Council would be needed to amend the plan. Mr. Raffetto indicated that a simple majority vote would be necessary.

Eugene Sarafin, 628 South Main Street, made a reference to hymnals, in light of the recent installation of pews in Council chambers.

Amanda Porter, 214 Stockton Street, expressed her complete agreement with comments made earlier by Chris Moriatis regarding the Mill’s redevelopment. She said that she “started out excited” about the project, “but we’ve lost leverage along the way.” She said that she is “concerned that there is such pressure to do something and make something happen at whatever cost, we could give away a valuable asset to the town that we could never replace.” She noted that she was “devastated” to see what happened to the former Old Hights Theatre. “We need to treat the Mill as an irreplaceable asset and wait for the right opportunity,” she said.

No one else came forward and the floor was closed.

PRESENTATION

CONCEPTUAL PLAN FOR SKATE PARK - *Richard Harlan Pratt, Jill Johnston and Stacy Judge*

Planning Board member and former Councilman Richard Harlan Pratt was joined by Stacey Judge and Jill Johnston in presenting a conceptual plan for a skate park in the Borough. Mr. Pratt noted that they are "just presenting an idea ... no decisions have been made, and it's all open for discussion."

The idea evolved, he said, when he was serving on Council, but there was not a suitable location available at that time. Now, Matt Lucas has indicated that a skate park could be constructed at the rear of his property on Mercer Street, near the Board of Education property and next to the cemetery. Right now, he said, kids are skateboarding wherever they can. "This is a sport like any other," he said. "We need to provide a place for kids to do this. If we can get them out of places where we're concerned for everyone's safety, it would be great."

Mr. Pratt said that there are a number of skateboard site designers and great websites with ideas regarding liability issues, rules and regulations, funding sources, and more. He displayed a sample plan for a skate park, and said that he spoke with several teens and they would like an "urban/street plaza kind of thing," different from what other towns are doing. "This," he said, "is more a rendition of what we have downtown."

Mr. Pratt went on to say that they plan to "talk to everyone" – the Board of Education, East Windsor Township, the Economic Development Committee, and "anyone who'll listen." He said that they would like to utilize some of the unused property of the Board of Education as a green area to relax in, with plantings and trees (no paving). He added that Public Works Superintendent Larry Blake is very supportive of this idea, as it would reduce maintenance needs in the downtown area. Mr. Blake has recommended that trash and recycling containers be included in the area.

Ms. Judge spoke regarding funding for the proposed skate park. She said that this project would meet the requirements for funding through the Tony Hawke Foundation, and she is hoping that an application can be submitted by the October 1 deadline. Grants range from \$1,000 to \$25,000. It costs a lot of money, she said, to get a skate park like this going, and added, "it's important to give kids some type of ownership in the park itself," possibly by enlisting their help in fundraising. She said that there is grassroots support for this project from the skateboarders and their parents, who would want them skating in one spot that they know is safe. Ms. Judge added that the Parks and Recreation Commission looked at whether the facility should be supervised or non-supervised, and the JIF prefers that they be unsupervised, with signage in place. Skating would be at one's own risk. She also noted that the Commission was considering registering skate park users in some way so that we would have emergency information on file.

Ms. Johnston stated that a skate park would enhance business opportunities in the Borough. It would provide the opportunity a skate shop in town, or the expansion of existing bike shops. They have looked at the possibility, she said, of enlisting corporate sponsorship (such as Blades or CCM) to assist with some of the costs, possibly by funding planks on the bleachers. Ms. Johnston said that right now, because skating on public property is against the law in Hightstown, "kids run in different directions when they see the cops." It would be better, she said, to provide a safe spot for them to skate without getting into trouble. In order to use the facility, they could be required to sign a pledge that they would not use drugs or alcohol. She added that providing a place for this activity would give the kids less opportunity for drinking and drug use. Ms. Johnston added that statistics show that skateboarding is a relatively safe sport, compared to football, etc.

Mr. Pratt said that he has spoken briefly with East Windsor Mayor Janice Mironov about this plan, and she is "interested and behind the idea." She would like to know more about it, he said, as there are kids in East Windsor who would be interested also.

Mayor Patten thanked Mr. Pratt, Ms. Judge and Ms. Johnston for a thorough presentation, and opened the floor for questions or comments.

Councilmember Schneider asked if the plan shown would look “like a downtown.” Mr. Pratt said that Princeton Township is currently planning a skatepark, and held a town forum with the designer to determine what the kids liked. One thing that would be different is that the concrete used must be smoother than that which is downtown.

Glen Johnston was present, and noted that a skate park would enhance the relationship between our police and the kids, and open it up to allow them to discuss other things with the police more freely.

Phyllis Deal expressed support for the concept and said, “for 17 years, we haven’t been able to get a place for teens to gather. This area needs it.”

Gary Grubb expressed support also, and said that he was present when the Parks and Recreation Commission was first approached by young people about this concept. When the Commission really looked into it, he said, it found that it was a great idea. “I did sidewalk interviews,” Mr. Grubb said. Some of Hightstown’s police officers told him that they have skate parks in their own communities, and it is “one of the best things to bring youth together.” He asked Council to “give this a good chance.”

John Oliver, a resident of Monmouth Street, said that he currently takes care of a skate park, and noted that maintenance is “a big thing” and should be taken into consideration. He also recommended that the Borough encourage “community policing” of the facility, since “our officers are stretched now, and expensive.” Parents can be recruited, he said, to walk through. Mr. Oliver added that at least six to eight trash receptacles should be provided, and they must be located outside of the facility as they are not allowed inside.

Mr. Pratt was asked if the park would be lit at night. Mr. Pratt said that this is possible if that is what we decide we want.

ENGINEER’S ITEMS

RESOLUTION 2007-149, AUTHORIZING PAYMENT FOR DIVE INSPECTION AND EVALUATION OF FLOOD GATE – CALDWELL MARINE INTERNATIONAL, LLC

Following a brief review by Ms. Roberts, Resolution 2007-149 was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 5-0.

RESOLUTION 2007-149 AUTHORIZING PAYMENT FOR DIVE INSPECTION AND EVALUATION OF FLOOD GATE – CALDWELL MARINE INTERNATIONAL, LLC

WHEREAS, following flooding conditions during the recent Nor’easter storm, certain emergency repairs were necessary to the floodgate at Peddie Lake Dam, and were authorized and undertaken in accordance with the provisions of N.J.S.A. 40A:11-6; and

WHEREAS, Caldwell Marine International, LLC has submitted invoices no. 1148-01 and 1148-02, each in the amount of \$2,700.50, for dive inspections, evaluation of the flood gate and installation of the repaired flood gate; and

WHEREAS, the Borough Engineer has recommended payment to Caldwell Marine International, LLC for these invoices in the total amount of \$5,401.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue payment in the amount of \$5,401.00 to Caldwell Marine International, LLC for their invoices no. 1148-01 and 1148-02 as detailed herein.

RESOLUTION 2007-159, AUTHORIZING PAYMENT NO. 7 – JONICO, INC. (COLE AVENUE & CLINTON STREET RECONSTRUCTION)

Following a brief review by Ms. Roberts, Resolution 2007-159 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2007-159 AUTHORIZING PAYMENT NO. 7 – JONICO, INC. (COLE AVENUE & CLINTON STREET RECONSTRUCTION)

WHEREAS, on August 7, 2006 the Borough Council awarded a contract for the reconstruction of Cole Avenue and Clinton Street to Jonico, Inc. of Lambertville, NJ in the amount of Two Hundred and Ninety-Five Thousand One Hundred and Thirty-Three (\$295,133.00) Dollars; and

WHEREAS, the Borough Council subsequently approved Change Order No. 1 to this contract in the net amount of \$82,436.29, bringing the total contract price to \$377,569.29; and

WHEREAS, the Contractor has submitted Payment Request No. 7 for this project in the total amount of \$29,668.06, as detailed on the attached listing, and the Borough Engineer has recommended that this payment be approved, subject to receipt of the required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 7 by Jonico, Inc. in the amount of \$29,668.06 is hereby approved and the Treasurer is authorized to issue payment for same, subject to receipt of the required certified payrolls.

LINCOLN AVENUE DRAINAGE

Ms. Roberts reported that, following the April Nor'easter storm, she was asked to look at the rear yards of a number of homes on Lincoln Avenue. There was a tremendous amount of standing water, she said, and flooded basements, with no means to remove the standing water. She and Mr. Blake met with the residents there, and this has been happening for a number of years. One resident indicated that it has been ongoing since the Rogers School was built.

Ms. Roberts had a survey of that area done. There is drainage on Oak Lane, and some on Lincoln Avenue, but this area is just a low area with no means to relieve the water naturally. Because of how flat it is, we can't even put a pipe back there, she said, to try to relieve it. The only solution is to collect the water at the property line and bring it out to Lincoln Avenue. She proposed that an underdrain be installed to run nearly the length of the backyards behind the field, which would pipe the water to Lincoln Avenue. One easement would be needed, and the homeowner has offered to provide that. An easement would also be needed from the school district, she said, and added that, hopefully, they would willing to provide that at no cost in order to correct this situation.

Two cost estimates were prepared by Ms. Roberts. If the Borough purchased materials only, and the work was done by Public Works, the cost would be approximately \$9,200, plus legal and engineering costs with respect to the needed easement. If we went out to bid for the project, the total cost could jump to about \$32,000, plus additional engineering

and legal costs to prepare and review the bid documents. "Perhaps the school board might be willing to help the Borough with this to some degree," she said. "It makes sense for cooperation."

Mayor Patten said that he was contacted by some Lincoln Avenue residents during the flooding, and he visited the properties. In some cases, he said, the ground water was actually higher than the basement window, and this is an ongoing problem. It is the Borough's responsibility to address this issue, he said.

After brief further discussion, Councilman Quattrone expressed support for having Public Works do the labor for this work and for the Borough to fund the cost of materials, and Council generally agreed. Ms. Gallagher will look into locating funding, and Ms. Roberts will begin speaking with the homeowner to begin the process of obtaining the needed easement.

COLE AVENUE & CLINTON STREET UPDATE

Ms. Roberts reported that sidewalks and curbs have been installed on Cole Avenue and Clinton Street, and asphalt work is tentatively scheduled for completion on Thursday. Following that, signs will be installed and striping done. She advised Council that there will be another change order to this project totaling between \$8,000 and \$10,000 over the original contract (not including added costs for the water main work). The increased costs, she said, are related to replacement of an additional sanitary lateral, three sump pumps which were connected to our storm drains, and two manholes which had to be installed. We ran into gas piping, she said, which we didn't know about and which had not been marked. She has reviewed this with the Treasurer, she said, and there are adequate funds to cover the added costs. Ms. Roberts said that she would like to present the change order for approval by Council at the next meeting.

Councilman Quattrone stated that this is not surprising, as "you don't know what you're going to find when you go into the ground." "Cole and Clinton have been tough," Ms. Roberts said. "Many of our roads have come in just at or under budget. This was difficult – some things just had to be done."

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-11,

AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Chief Eufemia reviewed the provisions of Ordinance 2007-11, which included changes in parking regulations on several streets "to make things safer for pedestrians and motor vehicles." He noted that the ordinance would prohibit parking on the curve on Leshin Lane. "Folks park there on both sides to attend events," he said, "and it creates a bottleneck... Prohibiting parking there would flow traffic and provide a higher level of safety."

Mayor Patten opened the public hearing on Ordinance 2007-11.

Janice Mastriano, 15 Leshin Lane, stated that the proposed restriction would simply push the parking further down the street. She submitted a petition signed by 37 residents stating, *"We, the undersigned, residents of Leshin Lane, object to the proposed ordinance that will ban all parking on our street. This ordinance will create much hardship for us especially when we have visitors to our homes. We do believe it is extremely unfair to penalize us (Hightstown taxpayers) for the failure of the P.A.L. to request all the visitors to their playing fields to park in their parking lot off Airport Road and refrain from parking on Leshin Lane. If you do decide to put this ordinance up for a vote, we strongly request that you erect signage stating parking for residents only by permit, and then issue parking permits for our and our visitors' use."*

Ms. Mastriano stated that there is currently a "No Parking" sign there but it is obscured by trees that haven't been trimmed.

Jason Taylor, 14 Leshin Lane, said that he is a member of P.A.L.'s Board of Directors, and he would have no problem asking them to avoid parking on Leshin Lane. The ordinance could be revisited if that doesn't work, he said. He said that he does recognize the problem caused by parking there, and asked if permits would be issued so that residents and their guests could park. "That may help," he said.

Eugene Sarafin, 628 South Main Street, asked Chief Eufemia if the prohibition would be 24 hours a day, or just at certain times. The Chief responded that parking would be prohibited at all times. He said that the problem can exist at all hours, day or evening, depending on the function. "We also took into account," Chief Eufemia added, "that each driveway can hold four full-size vehicles." He said that the problem with asking people not to park there is that, "for a week or so it will be fine, then it will go back to the way it was." Mr. Sarafin asked if there is room further up the street where they could park. "Generally," Chief Eufemia replied, "people will try to park as close as they can. ... There is still parking in that staff lot ... it's just closer to park [on Leshin Lane]." "You put a lot of thought in this process," Mr. Sarafin stated.

Dick Mastriano, 15 Leshin Lane, said that they have five children, and there are at least five cars in the family. "They'll get a ticket for parking on Leshin Lane after spending a year overseas," he said. "P.A.L. is the problem. Why penalize the taxpayers?"

Phyllis Deal, 305 Stockton Street, said that she believes if only residents were allowed to park there by permit, signage was installed to reflect that, and tickets were issued to offenders, "it would take a very short time before they got the word."

No one else came forward and the floor was closed.

Ordinance 2007-11 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Schneider. Discussion ensued.

Councilman Quattrone stated that "there is no attack here to P.A.L. or to the residents. If there is a safety problem, it has to be addressed." He expressed appreciation for the Chief's concern for safety. He added that he is not sure that parking restrictions are the answer, but we do have to look into it.

Councilmember Schneider asked Chief Eufemia how he would feel about restricting parking on Leshin Lane to residents only by permit. "I don't think that is the answer," the Chief replied. "We could look it over and move the lines down further, but ultimately, we can't have vehicles parked on those curves, period. ... Perhaps we can move the line down ... but I believe it must be no parking there on both sides." He added that he feels this would shift parking into the parking lot rather than farther down Leshin Lane.

After brief further discussion, it was generally agreed that Ordinance 2007-11 would be amended prior to its adoption to remove the references to Leshin Lane, and that those regulations will be reworked and a new ordinance introduced at the next meeting. The Borough Attorney agreed that the Ordinance could be adopted with those lines simply deleted.

Councilman Quattrone re-moved Ordinance 2007-11 for amendment and adoption as discussed. The motion was re-seconded by Councilmember Schneider.

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

Ordinance adopted, 5-0.

**AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

WHEREAS, the Chief of Police has recommended various changes to the Borough's traffic regulations; and

WHEREAS, it is the desire of the Mayor and Council to effectuate those changes;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, as follows:

Section 1. Subsection 10, "Stopping or Standing Prohibited During Certain Hours on Certain Streets," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended by the addition of the following NEW location:

Name of Street Side	Hours	Location
<u>South Main Street</u>	<u>East</u>	<u>All times From the southern side driveway entrance of the First Baptist Church to the northern side driveway entrance of 145 South Main Street</u>

Section 2. Subsection 11-1, "Time Limit Parking," is hereby amended by the addition of the following NEW location:

Street	Side	Time Limit	Location
<u>Academy Street North</u>		<u>2 hours</u>	<u>From easternmost Post Office driveway to a point 150' west</u>

Section 3. Subsection 13-1, "Parking Prohibited at All Times on Certain Streets," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended by the addition of the following NEW locations:

Name of Street Side	Location
<u>Academy Street South</u>	<u>Mercer Street to Railroad Avenue</u>
<u>Academy Street North</u>	<u>Mercer Street to easternmost Post Office driveway</u>
<u>Academy Street North</u>	<u>Railroad Avenue to westernmost Post Office driveway</u>

Section 4. Subsection 13-1, "Parking Prohibited at All Times on Certain Streets," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to DELETE the line item regarding parking on the northeast side of Academy Street from Mercer Street to Railroad Avenue, as follows:

~~Academy Street Northeast From Mercer Street to Railroad Avenue~~

Section 5. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 6. 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 that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 7. This Ordinance shall take effect upon final passage and publication in accordance with the law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-12,

ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AUTHORIZING THE EXECUTION OR ACKNOWLEDGEMENT AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH THE MERCER COUNTY IMPROVEMENT AUTHORITY'S 2007 COUNTY GUARANTEED LEASE BANK LEASING PROGRAM

Mr. Lang reviewed the provisions of Ordinance 2007-12, which would provide for the funding of the purchase of three police cars through the M.C.I.A. He noted that this represents some savings to the Borough over a normal lease. In addition, he said, this will be budgeted as debt service (outside the cap) yet will not count against our overall debt. He noted that police cars are not bondable. In addition, this gives us the flexibility, he said, to structure our payments, and by arranging for two payments per year, it allowed us to reduce our 2007 budget by almost \$17,000 by scheduling just one payment during 2007. "It's a pretty good deal," he said, "and it's common practice to enter into these."

Mayor Patten opened the public hearing on Ordinance 2007-12.

Eugene Sarafin, 628 South Main Street, expressed amazement at the "legalese" of the lengthy ordinance and sublease. "Why all the details?" he asked. Mr. Raffetto stated that this is the standard document used by the M.C.I.A.

No one else came forward and the floor was closed. Mayor Patten commended Mr. Lang for his work on this, saying, "You continue to do an outstanding job for the Borough."

Ordinance 2007-12 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance adopted, 5-0.

ORDINANCE 2007-12

ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AUTHORIZING THE EXECUTION OR ACKNOWLEDGEMENT AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH THE MERCER COUNTY IMPROVEMENT AUTHORITY'S 2007 COUNTY GUARANTEED LEASE BANK LEASING PROGRAM

WHEREAS, the Mercer County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by the County of Mercer (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law;

WHEREAS, the Authority is authorized by the Act, including without limitation Section 11 thereof (N.J.S.A. 40:37A-54(a)), to purchase, lease or otherwise acquire public facilities, including capital equipment (the "Equipment") for the benefit of certain local governmental units located within the County, including (i) the County, (ii) municipalities within the County (collectively, the "Municipal Local Units"), (iii) school districts that provide service to one or more Municipal Local Units (the "School District Local Units") and (iv) other local governmental units that provide service to one or more Municipal Local Units, including County, municipal or regional authorities (the "Other Local Units" and together with the County, the Municipal Local Units and the School District Local Units, the "Local Units");

WHEREAS, the Authority desires to create a county guaranteed lease bank leasing program (the "Lease Bank Program" or the "Program") whereby a Local Unit can submit a request (the "Application") to the Authority to borrow funds from or on behalf of the Authority under the Authority's Lease Bank Program to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment;" the financing of the Equipment under the Lease Bank Program may be referred to herein as the "Project"), pursuant to which Program the Authority can provide a low cost, efficient means for financing Projects of the Local Unit;

WHEREAS, pursuant to the Act, specifically Section 34 thereof (N.J.S.A. 40:37A-77), a private lessor, including without limitation a leasing finance company procured through a competitive process (the "Finance Company"), may sell, lease, lend, grant or convey to the Authority or permit the Authority or its Local Unit lessees to use, maintain or operate any real or personal property, including without limitation the Equipment;

WHEREAS, pursuant to the Act, including without limitation Section 35 thereof (N.J.S.A. 40:37A-78), the Authority is authorized, without public bidding, to enter into and perform any lease, sublease or other agreement with, among others, a Local Unit, for the lease to or use by the Local Unit of all or any part of any public facility or facilities as determined in Section 11 of the Act (N.J.S.A. 40:37A-54(l)), including without limitation the Equipment;

WHEREAS, the Authority desires to create the Lease Bank Program to provide low cost, timely and turnkey lease purchase financing to Local Units desiring to lease finance their Equipment needs;

WHEREAS, under the Lease Bank Program and applicable law, including without limitation Section 34 of the Act (N.J.S.A. 40:37A-77), the Authority, as lessee, intends to enter into a master lease purchase agreement (the "Master Lease") with the Finance Company for the lease of Equipment to be determined in accordance with each Sublease (as hereinafter defined) entered into with Local Units under the Program, in a maximum Program amount (unless increased or renewed by the Authority, the County and the Local Finance Board, the "Maximum Program Amount") in an amount not to exceed \$10,000,000;

WHEREAS, under the Lease Bank Program, from time to time, as Local Units express the desire to enter into the Program and take the required authorization actions (the "Local Unit Official Action") therefore, the Lessor intends to provide funds, at tax-exempt rates to the Local Units against purchase orders or other evidence of such Local Units' Equipment needs within the overall Maximum Program Amount, whereupon the Equipment will be owned by the Finance Company, leased to the Authority under the Master Lease, and subleased by the Authority, as lessor, to the Local Unit, as lessee, which Local Unit will have the right to quiet use of and be obligated to maintain, the Equipment, all under a sublease purchase agreement (the "Sublease") to be entered into by the Authority and each such Local Unit in accordance with all applicable law, including without limitation Section 35 of the Act (N.J.S.A. 40:37A-78);

WHEREAS, upon expiration of the Sublease, the Equipment will be sold by the Finance Company through the Authority to the Local Unit for nominal consideration, which Local Unit will thereafter possess clear title to the Equipment;

WHEREAS, under the Master Lease and the Sublease, (i) the County and the Municipal Local Units will make general obligation Sublease payments directly to the Finance Company, as assignee under the Master Lease of such payments otherwise due the Authority under the Sublease, and (ii) the School District Local Units and the Other Local Units will make contractually obligated, subject to appropriation, Sublease payments directly to the Finance Company, as assignee under the Master Lease of such payments otherwise due the Authority under the Sublease;

WHEREAS, the Authority intends to issue to the Finance Company a performance bond (the "Bond") in a principal amount up to the Maximum Program Amount, which Bond will be issued directly to the Finance Company as sole Bondholder, and which Bond will be payable to the Finance Company only upon a deficiency in Sublease payments due and owing by the respective Local Units, in which case the County will have fully, unconditionally and irrevocably guaranteed the payment of the principal of the Bond up to the Maximum Program Amount, plus interest thereon, through (i) the final adoption of a guaranty ordinance by the Board of Freeholders, (ii) the execution by an authorized officer of the County of a guaranty certificate on the face of each bond and (iii) as may be required by any rating agency, Finance Company or other entity giving approval to the Lease Bank Program, an agreement setting forth the County's obligation to make any such guaranty payments in accordance with and within the parameters set forth in the guaranty ordinance, all in accordance with all applicable law, including Section 37 of the Act (N.J.S.A. 40:37A-80), (collectively, the "County Guaranty");

WHEREAS, the Bond will be authorized by the Act, all other applicable law, and a bond resolution (the "Bond Resolution") of the Authority to be adopted pursuant to N.J.S.A. 40:37A-60 and -62 of the Act;

WHEREAS, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), the Authority shall make a detailed report of the Lease Bank Program, and the Master Lease, the form of each Sublease, the Bond, the Bond Resolution and the County Guaranty (collectively, the "Financing Documents") to the Board of Freeholders of the County, and the County shall adopt a resolution (the "County Authorizing Resolution") in accordance with Section 13 conforming to the requirements of said Section 13, and, among other things, delegating specific transaction approvals under the Lease Bank Program, including the Financing Documents, to an authorized officer of the County (the "County Authorized Officer"), which approval shall be in substantially the form attached to the County Authorizing Resolution (the "County Authorized Officer Approval"); and

WHEREAS, the Borough of Hightstown in the County of Mercer, New Jersey (the "*Participant*"), has submitted a request to finance the Equipment set forth on **Exhibit A** attached hereto; and

WHEREAS, in order to participate in the Program, the Participant shall enter into a Sublease in substantially the form attached hereto as **Exhibit B**.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY 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 Participant's Project and the financing of the Participant's Project through the Financing Documents are hereby approved.

Section 2. The Mayor, the Clerk and the Chief Financial Officer of the Participant (collectively, the "*Authorized Officer*") are hereby each severally authorized and directed, upon the satisfaction of all the legal conditions precedent to the execution or acknowledgment and delivery by the Participant of the Sublease and the other Financing Documents to be so executed or acknowledged by the Participant, to execute or acknowledge and deliver such documents in substantially the form attached hereto as **Exhibit B**¹, with such changes thereto as the Authorized Officer, and solely within the discretion of any Authorized Officer, after consultation with counsel and any other professional advisors to the Participant and the Authority (the "*Consultants*" it being expressly understood by the Participant that the use of Consultants by the Participant is at the option of the Participant, and is not required by the Authority), deems in his sole discretion to be necessary, desirable or convenient for the execution thereof and to consummate the transactions contemplated hereby, which execution thereof shall conclusively evidence the Authorized Officer's approval of any changes to the forms thereof, including, without limitation, the insertion of the final financing terms in the Sublease that will result from the negotiation with the Authority as approved by the Consultants, so long as such final financing terms are within the parameters of those listed in the Application and the Findings.

Section 3. Each of the Clerk and the Chief Financial Officer of the Participant is hereby authorized and directed, upon the execution or acknowledgment of the documents set forth in Section 2 hereof in accordance with the terms of Section 2 hereof, to attest to the Authorized Officer's execution or acknowledgment of such documents, and each is hereby further authorized and directed, when required by the Authority, to thereupon affix the seal of the Participant to such documents.

Section 4. Upon the execution or acknowledgment and attestation of and, if required, the placing of the seal on the documents set forth in Section 2 hereof as contemplated by Sections 2 and 3 hereof, the Authorized Officer is hereby authorized and directed to (i) deliver such fully executed or acknowledged, attested and sealed Financing Documents to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof or in order to effect the transaction contemplated thereby.

Section 5. The governing body of the Participant hereby (i) ratifies all actions taken by any Authorized Officer of the Participant, (ii) authorizes the performance of any act and the execution or acknowledgment and delivery of any other document, instrument or closing certificates that the Authorized Officer, after consultation with the Consultants, deems necessary, desirable or convenient in connection with this contemplated transaction, and (iii) hereby directs the Authorized Officer to execute or acknowledge, attest and affix the seal to any such documents, instruments or closing certificates, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons.

Section 6. This ordinance shall constitute an appropriation for the purposes of N.J.S.A. 40A:4-57 and all other applicable law.

¹ The sublease and all other Exhibits are on file with the original ordinance in the Borough Clerk's office.

Section 7. This ordinance shall take effect at the time and in the manner prescribed by law.

Section 8. Upon the adoption hereof, the Hightstown Municipal Clerk shall forward certified copies of this ordinance to the Authorized Officer, Phillip Miller, Executive Director of the Authority, and Deborah Verderame, Esq., DeCotiis, FitzPatrick, Cole & Wisler, LLP, bond counsel to the Authority.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-13,
AN ORDINANCE TO AMEND CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Roberts, Mayor Patten opened the public hearing on Ordinance 2007-13.

Eugene Sarafin, 628 South Main Street, said that, during the past 42 years, the people living beyond him on South Main Street as well as other East Windsor residents have wanted to connect to our sewer system. "Why not help our neighbors?" he asked. He said that he had been worried about septage seeping into the P.A.L. field, and urged Council to "pass the Ordinance and connect some of those."

Ordinance 2007-13 was moved for adoption by Council President Sikorski and seconded by Councilmember Schneider.

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

Ordinance adopted, 5-0.

ORDINANCE 2007-13 AN ORDINANCE TO AMEND CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

WHEREAS the Borough Engineer has recommended that the Borough Code be amended to address the procedure for approving sanitary sewer and water services outside the Borough's corporate limits;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, as follows:

Section 1. Subsection 1, "Submission of Plan; Decision," Section 1, "Installation of Water and Sewer Extensions," of Chapter 19, "Water and Sewer," is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):

Whenever an owner of land in the Borough or partly within the Borough, or land controlled by another governmental entity, desires to improve it by the installation of a water or sewer extension to the existing system, the owner shall file a detailed and accurate plan of the proposed improvement, in triplicate, with the Borough Council. The plan shall show the street outline and specify the extent of the improvement desired and the proposed location with the grade of the area in question. One (1) copy shall be retained by the Borough Clerk, one (1) by the Superintendent of the Sewer Department and one (1) by the Borough Treasurer. After filing of the plan, the Borough Council shall consider it and determine whether it shall be approved. The Borough Council shall notify the owner of its decision not later than the next regular meeting of the Borough Council, provided that, in any case, the Borough Council shall have at least thirty (30) days for consideration.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCTION AND FIRST 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

Mr. Lang reviewed the provisions of Ordinance 2007-14, noting that it will allow us to use unexpended balances remaining in some ordinances toward Mercer Street and related road improvements.

The ordinance was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2007-14 was set for June 18, 2007.

INTRODUCTION AND FIRST 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 TO FINANCING PART OF THE APPROPRIATION

Mr. Lang reviewed the provisions of this Bond Ordinance, which would add a supplemental appropriation of \$100,000 to the Mercer Street project, including a \$60,000 grant that the Borough will be receiving for the fountain. "This gives us a little breathing room," he said. Net debt authorized by the ordinance is \$38,000. Mr. Lang noted that the Borough's net debt is less now than it was after adoption of the last bond ordinance, as we have paid down some debt in the meantime.

Ordinance 2007-15 was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2007-15 was set for June 18, 2007.

INTRODUCTION AND FIRST 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 briefly reviewed Ordinance 2007-16, which would limit grass height to six inches as discussed by Council at the last meeting. Currently, the limit is ten inches.

Ordinance 2007-16 was moved for introduction by Councilmember Rosenberg and seconded by Councilmember Harinxma.

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

Ordinance introduced, 3-2.

The public hearing and final reading for Ordinance 2007-16 was set for June 18, 2007.

RESOLUTIONS

Resolutions 2007 150, 151, 152 and 154 were moved as a group by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 5-0.

RESOLUTION 2007-150 A RESOLUTION SEEKING SHARE GRANT FUNDS FOR THE IMPLEMENTATION OF JOINT EMERGENCY MEDICAL SERVICES BETWEEN THE BOROUGH OF HIGHTSTOWN AND WASHINGTON TOWNSHIP

WHEREAS, the Township Council of Washington Township and the Borough Council of the Borough of Hightstown have agreed to apply for SHARE (Sharing Available Resources Efficiently) funding through the State of New Jersey SHARE program in the amount of \$85,312.86 to assist with the implementation of shared emergency medical services; and

WHEREAS, Washington Township has agreed to be the lead agency in this endeavor; and

WHEREAS, the Township Council of Washington Township is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Borough of Hightstown; and

WHEREAS, the State of New Jersey has made SHARE assistance available to assist local units to study, develop, and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our communities through the sharing of Emergency Medical Services that would be beneficial to both Washington Township and the Borough of Hightstown; and

WHEREAS, Washington Township and the Borough of Hightstown have executed an interlocal services agreement to successfully implement joint Emergency Medical Services;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough does hereby join with the Township of Washington in applying for a SHARE grant for the purpose of implementing joint Emergency Medical Services.

RESOLUTION 2007-151 AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-005 – WINE DEPOT CORPORATION, T/A HEDY'S LIQUORS

WHEREAS, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-005, 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 Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this 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 Wine Depot Corporation, doing business as Hedy's Liquors at 500 Mercer Street:

2007-08 Plenary Retail Consumption License with Broad Package Privilege
License #1104-32-001-005
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 2007-152 AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-007 –
CMMA, LLC (T/A THEO'S LAKESIDE TAVERN)**

WHEREAS, CMMA, LLC, has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-007, 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 CMMA, 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 CMMA, LLC, doing business as Theo's Lakeside Tavern at 101-103 Main Street:

2007-08 Plenary Retail Consumption License
License #1104-33-003-007
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 2007-154 A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO PREPARE BID
SPECIFICATIONS FOR A LEASE OF ADVERTISING SPACE ON THE BOROUGH'S GARBAGE
TRUCKS AND AUTHORIZING THE BOROUGH TO ADVERTISE FOR THE RECEIPT OF BIDS
FOR SUCH SPACE**

WHEREAS, the Mayor and Council of the Borough of Hightstown desire to solicit proposals through a publicly advertised bidding process for the lease of space for advertising on the Borough's garbage trucks; and

WHEREAS, the Mayor and Council wish for the Borough Attorney and Borough Administrator to prepare bid specifications for said lease and to provide assistance in the evaluation of bids submitted in accordance with such specifications; and

WHEREAS, the bid specifications shall contain a provision which authorizes the Borough to reject any or all bids at the sole discretion of the Borough.

NOW, THEREFORE, BE IT 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 Attorney and Borough Administrator are hereby authorized and directed to prepare bid specifications for the lease of space for advertising on the Borough's garbage trucks, and to advertise for the receipt of bids for such space through a competitive process in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.
2. That, following the receipt of proposals, the Borough Attorney and Borough Administrator are hereby authorized and directed to assist with the evaluation of bids submitted in accordance with such specifications.
3. That the bid specifications shall contain a provision which authorizes the Borough to reject any or all bids at the sole discretion of the Borough.
4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Candace B. Gallagher, Borough Administrator/Clerk
- b. Frederick C. Raffetto, Esquire, Borough Attorney
- c. Larry Blake, Director, Dept. of Public Works

CONSENT AGENDA

Resolutions 2007-155 through 2007-158 were moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 5-0.

RESOLUTION 2007-155 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 **\$395,246.21** from the following accounts:

Current	\$ 230,196.59
W/S Operating	75,090.20
General Capital	52,967.66
W/S Capital	7,662.74
Animal Control	61.82
Grant	7,456.88
Public Defender	3,000.00
Escrow – Subdivision & Site Plan	<u>21,510.32</u>
Total	<u>\$395,246.21</u>

RESOLUTION 2007-156**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO COMPLETE THE REVALUATION OF ALL REAL PROPERTIES LOCATED WITHIN THE BOROUGH OF HIGHTSTOWN, PURSUANT TO A CONTRACT EXECUTED BY THE BOROUGH AND VITAL COMPUTER RESOURCES, INC.**

WHEREAS, the Borough of Hightstown (the "Borough") has previously awarded a contract (the "contract") to Vital Resources, Inc., of Trenton, New Jersey (the "contractor"), to perform a complete revaluation of all real properties located within the Borough, which revaluation was initially anticipated to be completed for the tax year 2008; and

WHEREAS, due to a delay in approval by the State of the contractual language associated with this matter, which delay was not caused by the contractor, the parties do not believe that it will be possible for the revaluation to be completed, as originally contemplated, for the tax year 2008; and

WHEREAS, the parties believe that it will be in their mutual best interests for the contract to be extended so that the revaluation shall be completed and put into effect for the tax year 2009, rather than for the tax year 2008; and

WHEREAS, the parties have agreed that all of the same terms and conditions of the original contract shall be maintained, except for the timetable for completion of the project; and

WHEREAS, the Mercer County Board of Taxation has been consulted about this matter, and has approved this request;

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 contract previously awarded to Vital Resources, Inc., of Trenton, New Jersey, to perform a complete revaluation of all real properties located within the Borough of Hightstown, is hereby extended such that the revaluation shall be completed and put into effect for the tax year 2009, rather than for the tax year 2008.
2. That all of the same terms and conditions of the original contract between the parties shall be maintained, except for the timetable for completion of the project.
3. That extension of this contract shall be subject to the approval of the New Jersey Division of Taxation.
4. That the Borough Attorney and Borough Administrator are hereby authorized and directed to prepare all necessary documents in order to effectuate this revision.
5. That the Mayor is authorized to execute, and the Borough Clerk to attest, any documents that are necessary in order to effectuate said change.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. State of New Jersey, Division of Taxation
 - b. Mercer County Board of Taxation
 - c. Candace B. Gallagher, Borough Administrator/Clerk
 - d. Arlene O'Rourke, Borough Treasurer
 - e. George Lang, Borough Chief Financial Officer
 - f. Kenneth Pacera, Borough Tax Assessor
 - g. Frederick C. Raffetto, Esquire, Borough Attorney
 - h. Vital Computer Resources, Inc.

RESOLUTION 2007-157**AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN HIGHTSTOWN BOROUGH AND EAST WINDSOR TOWNSHIP FOR CONTRIBUTION OF THE MATCHING LOCAL SHARE FOR BUS SERVICES**

WHEREAS, the Borough of Hightstown is desirous of entering into a renewed interlocal agreement with the Township of East Windsor for the purpose of providing public transportation services for its citizens; and

WHEREAS, the term of said agreement shall be from July 1, 2007 through June 30, 2008; and

WHEREAS, the Borough's share of the cost of this service, by the terms of the agreement, is \$2,180.00, representing no increase from prior years; 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 that the Mayor and Borough Clerk are hereby authorized and directed to execute the document entitled "Interlocal Agreement for Contribution of the Matching Local Share for Bus Services," a true copy of which is appended hereto and incorporated herein by reference².

**RESOLUTION 2007-158 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:

	THIS RESOLUTION	PREVIOUS TOTAL	CUMULATIVE TOTAL
Current	144,365.00	1,482,836.25	1,627,201.25
Capital Outlay – Current	0.00	5,000.00	5,000.00
Debt Service - Current	0.00	152,603.00	152,603.00
Water/Sewer	61,167.00	880,764.00	941,931.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	146,580.00	146,580.00
TOTAL	205,532.00	2,667,783.25	2,873,315.25

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 hereof³.
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.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

² Agreement is on file with the original Resolution in the office of the Borough Clerk.

³ Included at end of these 6/4/07 minutes.

Phyllis Deal, 305 Stockton Street, asked if the standing water at Lincoln Avenue affects the school's field. Ms. Roberts stated that it sits at the property line. Ms. Deal asked if the Borough could approach the school district for some financial assistance with this. "We'll look into that," Mayor Patten said, "and anywhere else we can get money."

Eugene Sarafin, 628 South Main Street, commended the Mayor and Council, saying, "You do good work. ... I'm proud of you." He said that Hightstown is the "Center of Democracy" and praised the Borough's website and the binders provided at each Council meeting. "All are impressed," he said.

No one else came forward and the floor was closed.

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk