

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 Bond</i>	✓	
<i>Councilmember Harinxma</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Rosenberg</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the Consent Agenda was Resolution 2008-224. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved.

APPROVAL OF MINUTES

Minutes of the September 2, 2008, open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Esther Velasquez, 178 Grant Avenue, stated that the owners of the Mill on Bank Street have continuously allowed their hedges to overgrow onto the sidewalk and into the sight triangle for traffic turning onto Academy Street. She said that she complains to them each year, but it should not be the responsibility of other residents to constantly remind them to trim their hedges. She said that it is her understanding that they have been contacted by the Borough, but she has not seen any progress yet.

Kathy Patten, 135 South Street, stated that, although the budget was adopted at the last meeting, "no one did it with pleasure" in light of the 15.5 cent municipal tax increase. She noted, however, that Hightstown's taxes have increased at a lower rate than seven other towns in Mercer County, including East Windsor. A chart from the New Jersey DCA, she

said, shows that, between 2003 and 2007, Hightstown's taxes increased by 41%; however, East Windsor's taxes increased by 48 percent, and Washington Township's (now Robbinsville) by 159 percent. "We are not the only ones," she said, "and we're right there in the middle in Mercer County." She said that this illustrates the lack of control that towns have over their municipal budgets, particularly when the State legislature has "chosen to pass on difficulties to, and increase the burden of, local taxpayers." She suggested that one thing that Council *can* do toward providing tax relief to our residents is to vote at this meeting to introduce Ordinance 2008-16, regarding the Redevelopment Plan, "so we can move forward in a proactive way to produce a ratable that will give us some tax relief." She asked Council not to allow their "desire for the perfect be the enemy of the very good here." "We can't wait around," she said. "... For those who have expressed grave concern about our budget, here's your chance to do something."

Torry Watkins, 68 Meadow Drive, stated that he agrees that the Mill project should move forward, but does not feel that this is the key to getting property taxes under control. He said that he "took exception" to Ms. Patten's "math," and added that the reason that several towns in the county have higher tax increases than Hightstown's is because our taxes are the highest, so percentage increases are smaller here. He agreed with Ms. Patten that the State is unwilling to do anything about tax reform, but does not feel that the Borough is doing a good enough job controlling expenses. "Hightstown is inherently inefficient on a cost per capita basis," he said. "It's built into the system." He added that "the key is to make government more efficient by merging and consolidating." He noted before closing that, while walking to this meeting, he counted six bicycles being ridden on the sidewalks.

No one else came forward and the floor was closed.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2008-16,

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

Ordinance 2008-16 was moved for introduction by Council President Sikorski and seconded by Councilmember Schneider. Mr. Sikorski stated that the ordinance (which is identical to the Redevelopment Ordinance defeated by Council in 2007) addresses the Borough's concerns regarding the stub of Mechanic Street by providing that its vacation by the Borough would be optional. It is important to move forward with this, he said, and he sees more advantages than disadvantages in doing so, so he is willing to proceed at this time.

Councilmember Rosenberg noted that he will once again vote "no" on this ordinance, and said that the only thing that has changed since the ordinance was defeated in 2007 is that a lawsuit has been filed against the Borough by the owner of the property. He feels that to adopt this ordinance would be "backing down" and setting a bad precedent.

Councilmember Harinxma said that she also is not happy with the ordinance and will vote against it.

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

Ordinance introduced, 4-2.

The public hearing and final reading for Ordinance 2008-16 was set for October 6, 2008.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-17,

AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN RE-ZONING CERTAIN PROPERTIES, ADOPTING AN UPDATED ZONING MAP, AND AMENDING AND SUPPLEMENTING CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*, NEW JERSEY

Following a brief review by Ms. Gallagher and Mr. Raffetto, Ordinance 2008-17 was moved for introduction by Council President Sikorski and seconded by Councilmember Bond.

It had been noted by Ms. Gallagher that, while the Planning Board had recommended the rezoning of the Minute Maid property, which this ordinance will accomplish, there are two other parcels within the Borough's current Industrial zone that would also be rezoned with this ordinance, in effect eliminating that zone. As such, Mr. Raffetto said, the Planning Board will need to review the Ordinance prior to its adoption.

After brief further discussion, the roll was called.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-17 was set for October 20, 2008.

CONSENT AGENDA

Resolutions 2008-217 through 2008-224 were moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-217 AUTHORIZING SETTLEMENT AGREEMENT WITH EAST WINDSOR REGIONAL SCHOOL DISTRICT

WHEREAS, the Borough, the Township of East Windsor and the East Windsor Regional School District ("EWRSD") are parties to an Agreement regarding their collective utilization of a joint fueling facility (the "joint fueling facility"); and

WHEREAS, the EWRSD had previously alleged that there was a certain sum due and owed from the Borough to the EWRSD in connection with the Borough's use of the joint fueling facility, which sum was disputed by the Borough; and

WHEREAS, following extensive review by and discussions between both parties, the Borough and the EWRSD have reached a mutual agreement and resolution of this matter, the terms and conditions of which are set forth in the settlement agreement which is attached hereto and made a part hereof; and

WHEREAS, the agreement calls for a total payment by the Borough to the East Windsor Regional School District in the amount of \$3,275.69, and the Chief Financial Officer has certified the availability of funds for this payment;

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

1. The Mayor is authorized and directed to sign, and the Clerk to attest, the attached settlement agreement with the East Windsor Regional School District.
2. The Treasurer is authorized and directed to issue payment to the East Windsor Regional School District in the amount of \$3,275.69, as detailed in the settlement agreement, immediately upon execution of said agreement by both parties.

3. A certified copy of this Resolution shall be forwarded forthwith to:
- a) Frederick Raffetto, Esq., Borough Attorney
 - b) George Lang, Chief Financial Officer
 - c) Arlene O'Rourke, Treasurer
 - d) The East Windsor Regional School District Board of Education;
 - e) Ronald Bolandi, Superintendent of Schools, East Windsor Regional School District
 - f) Kurt Stumbaugh, Business Administrator, East Windsor Regional School District
 - g) David C. Coates, Esq.

RESOLUTION 2008-218 AUTHORIZING RECEIPT OF BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for the removal and transportation of liquid sludge from the Borough's Advanced Wastewater Treatment Plant and for various chemicals used by the Water Plant and the Advanced Wastewater Treatment Plant, and the Borough is authorized to receive same after proper advertisement.

**RESOLUTION 2008-219 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-193 TO
BETTER BEGINNINGS DAY CARE CENTER**

WHEREAS, Better Beginnings Day Care Center wishes to hold an off-premise merchandise raffle at 318 North Main Street on December 17, 2008; and

WHEREAS, the group has submitted application number RA-193 for this raffle along with the required fees; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-193 to Better Beginnings Day Care Center for their merchandise raffle to be held on December 17, 2008.

**RESOLUTION 2008-220 AUTHORIZING CHANGE ORDER NO. 2 AND PAYMENT NO. 2 –
S. BROTHERS, INC. (WESTERLEA AVENUE IMPROVEMENTS)**

WHEREAS, on May 5, 2008 the Borough Council awarded a contract for Westerlea Avenue improvements to S. Brothers, Inc. of South River, New Jersey in the amount of \$234,017.50; and

WHEREAS Change Order No. 1 to this contract was subsequently approved in the amount of \$10,996.00, bringing the total contract price to \$245,013.50; and

WHEREAS the Borough Engineer has recommended the approval of Change Order No. 2 to this contract in the amount of One Thousand Six Hundred and Ninety-Two Dollars (\$1,692.00), as detailed on the attached listing; and

WHEREAS the contractor has submitted Payment Request No. 2 for work done in the total amount of \$138,869.92, representing \$10,640.00 for water and sewer related construction and \$128,229.92 for general roadway construction; and

WHEREAS the Borough Engineer has recommended approval of this payment request, subject to receipt of the required certified payrolls;

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

1. Change Order No. 2 to the contract with S. Brothers, Inc. of South River, New Jersey in the amount of One Thousand Six Hundred and Ninety-Two Dollars (\$1,692.00) is hereby approved, subject to the approval of NJDOT, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 2, the revised contract price is Two Hundred Forty-Six Thousand Seven Hundred and Five Dollars and Fifty Cents (\$246,705.50).
3. Payment Request No. 2 from S. Brothers, Inc. in the amount of \$138,869.92, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-221 AUTHORIZING JET VAC SEWER CLEANING SERVICE

WHEREAS, in 2003, the Borough began a five-year program to clean three to five miles of sanitary sewer pipe each year; and

WHEREAS, the Superintendent of the Advanced Wastewater Treatment Plant has obtained competitive quotes for the 2008 portion of this service and has recommended that the Borough engage Root Away Sewer and Drain Cleaning, Inc. of Trenton, New Jersey to perform the cleaning for an estimated ten day period at a cost of \$1,250.00 per eight-hour day, as detailed on their quotation dated July 14, 2008; and

WHEREAS, the Chief Financial Officer has certified that funds for this expenditure are available;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough is hereby authorized to engage Root Away Sewer and Drain Cleaning, Inc. of Trenton, New Jersey to perform jet vac sewer cleaning services as detailed herein.

RESOLUTION 2008-222 AUTHORIZING PURCHASE OF F-250 TRUCK

WHEREAS, the Superintendent of Public Works and Water has recommended the purchase of a 2009 Ford F250 Pickup with snow plow attachment from Motors Fleet of Ocean, New Jersey for use by the Borough's water plant at the total price of \$31,394.47, as detailed on the attached quotation; and

WHEREAS, this vehicle is available under State Contract No. A70986; and

WHEREAS, funding for this purchase was made previously provided by Council through the adoption of Bond Ordinance #2008-10 on June 2, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the purchase of a 2009 Ford F250 Pickup with snow plow attachment from Motors Fleet of Ocean, New Jersey for the total price of \$31,394.47, as detailed on the attached quotation, is hereby approved.

RESOLUTION 2008-223 AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,277,367.01** from the following accounts:

Current	\$ 1,004,840.25
W/S Operating	100,765.59
General Capital	147,503.89
Grant	3,618.75
Trust Account	3,624.03

Public Defender	150.00
RCA COAH	<u>15,864.50</u>
Total	\$ <u>1,277,367.01</u>

**RESOLUTION 2008-224 REQUESTING CHANGE IN TITLE OF 2008 BUDGET APPROPRIATION
FOR CERTAIN RECYCLING SERVICES**

WHEREAS, *N.J.S.* 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of *N.J.S.* 40A:4-85, the Council of the Borough of Hightstown, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2008:

That the appropriation provided for in the approved budget entitled:

**Operations Excluded from "CAPS":
MCIA Recycling - Other Expenses**

be reduced by the sum of..... \$11,500.00

and that an appropriation in the like amount of..... \$11,500.00

be added to the budget appropriation entitled:

**Operations Within "CAPS":
Recycling - Other Expenses**

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough for the reasons hereinafter set forth:

The Borough changed recycling contractors from the Mercer County Improvement Authority (an interlocal agreement) to a private contractor, resulting in savings of approximately \$2,100.00 per month. The change in contractors requires the Borough to charge the cost of recycling to Recycling – Other Expenses.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of Local Government Services for approval.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, expressed concern about a utility pole and equipment near her home that is surrounded by the branches of a tree. If a branch came down, she said, it could take down wires to several residences. Ms. Deal also echoed earlier comments regarding the hedges at the Mill property which have become overgrown. "They're in bad shape," she said. "If any of us had hedges like that, we'd be ticketed."

Chris Moraitis, 208 Stockton Street, stated that Council has introduced the same Redevelopment Ordinance that was defeated in 2007 now that there is a "new member on Council and a lawsuit," and added, "how quickly our knees can buckle under a little bit of pressure." The housing market is poor, he said, and he is "disappointed" in Council's vote to

introduce this ordinance. He said that it demonstrated a "lack of humility," given the "significant public opposition" to the Ordinance, and that it is "naïve to think that, by developing, we'll have any significant tax deduction past a couple of years from now." He expressed concern that, if the developer does then opt to build 130 units, it would impact the ability of Borough homeowners to sell their own properties "when they're flooding the market." Mr. Moraitis called this a "strategic mistake" by the Borough.

Eugene Sarafin, 600-628 South Main Street, thanked Councilmembers Harinxma and Rosenberg for their "no" votes on the introduction of Ordinance 2008-16, and objected to starting Council meetings at 7 p.m. rather than 7:30. He noted that this meeting took place within 30 minutes and said that Council does not discuss anything now that elections are approaching. He recommended that the Borough hire a consultant to meet with Mayor Mironov and discuss an overall plan for the Minute Maid property, because no one on Council "knows what development is." With respect to the Mill property, he said, Hightstown has "reached the tipping point," which, he said, is "Hispanic immigrants." He went on to say that, "if you want to buy a house in Hightstown, you'd better be Hispanic, because no one else wants to live here."

At this time, Esther Velasquez rose to say that she finds Mr. Sarafin's comments to be offensive. Mr. Sarafin turned and said, "Sit down, lady!" The Mayor requested that Mr. Sarafin address the governing body rather than individuals in the audience, and Mr. Sarafin stated that he *intends* to be offensive, particularly to the Mayor. He then told Mayor Patten to "go to hell."

Esther Velasquez, 178 Grant Avenue, said that she is "offended by [Mr. Sarafin's] constant maligning of the Latino community in Hightstown." If he has an issue with them, she said, he should take it upon himself to call them to discuss it "so we know where he's coming from." She said that she hears these comments from Mr. Sarafin at "meeting after meeting," and is offended that nothing is done to curtail his behavior. "He knows nothing about us," she said.

Mayor Patten noted that Ms. Velasquez may wish to speak with civil rights groups about her concerns.

Jan Guthrie, 425 Stockton Street, said that, since property taxes aren't paying for the development of the Mill property, "why not pass the Ordinance and take the chance of developing it?" Ms. Guthrie also noted that her experience of the Latino community in Hightstown is that they have been helpful to her husband as he brought things to the curb, and are "nice people" and should not be condemned.

Christie Palmer, 121 Park Avenue, offered her apologies to Ms. Velasquez, "on behalf of most of Hightstown's citizens," for the comments made by Mr. Sarafin. She went on to note that, in Association Park, there is a tree that is completely dead and should be taken down, as well as a number of branches that need to be pruned. Regarding redevelopment, Ms. Palmer said that she is concerned that the same ordinance that was previously defeated is now being considered again, and noted that there are legislators now that are trying to pass something that will make PILOT programs illegal. In addition, she said, the school district indicated that they would sue the Borough if that passed. She asked Council to look at this again and revise it.

Kathy Patten, 135 South Street, said that she would like to end the meeting on a positive note, and announced that the Community Fair will take place downtown at Memorial Park on Saturday, October 11, and, for the first time, Main Street will be closed for the event between The Point and Franklin Street. Our downtown businesses will be participating, and she thanked Councilmember Rosenberg for helping to coordinate that. The day will begin with a 5K race to benefit the skatepark project, and there will be more than 150 vendors and crafters displaying their wares. In addition, there will be a "Ducky Derby," chili cook-off, paddleboat rides, pony rides, a petting zoo, and child ID program.

No one else came forward and the floor was closed.

Upon motion by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk