

OPEN SESSION

Council President Walter L. Sikorski 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; Carmela Roberts, Borough Engineer; George Lang, Chief Financial Officer; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was amended to include Resolution 2008-129 under Engineer's Items, and a discussion under New Business regarding the purchase of a new street sweeper. The agenda was then moved as so amended by Councilmember Bond, seconded by Councilmember Quattrone and approved by all.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-119, authorizing a closed session for the purpose of discussing Tax Appeal Litigation and Litigation. The Resolution was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Resolution adopted, 4-0.

RESOLUTION 2008-119 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 May 5, 2008 at approximately 7:15 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:

**TAX APPEAL LITIGATION: Hightstown Development Associates
LITIGATION: Presbyterian Home at Meadow Lakes v. Borough of Hightstown**

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: August 5, 2008 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.

The meeting reconvened into open session at 8:17 p.m. Council President Sikorski apologized to the public who had been kept waiting and explained that the Borough was attempting to reduce professional services costs by holding the entire closed session early in the meeting.

APPROVAL OF MINUTES

Minutes of the April 21, 2008 open session were moved by Councilmember Bond, seconded by Councilmember Schneider and unanimously approved as submitted.

PUBLIC COMMENT I

Council President Sikorski opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, objected to having been kept waiting due to the executive session that was just held, and stated that it was "stupid" to require Meadow Lakes to pay for a new water tower, which has resulted in a lawsuit against the Borough.

Craig Evans, 419 Stockton Street, said that he was informed by Ms. Gallagher that the newly adopted ordinance regarding farm animals and fowl does not allow for grandfathering. He asked Mr. Raffetto what statute allows that ordinance to be exempt from the zoning code, and said that it should be subject to land use statutes, as setback is a zoning issue. He noted that one property has been raising birds for over 30 years, and an established use should be exempt from the ordinance. Otherwise, he said, it would constitute an infringement of his civil rights.

Joe Balcewicz, 413 Stockton Street, said that he was surprised to see a discussion regarding possible amendments to the "chicken ordinance" on this agenda, and surmised that it was due to concern about possible legal action. If this Ordinance is rescinded, he said, it will "set a dangerous precedent." He noted that it was not written or acted upon in haste, and that the process took many months. "All were heard," he said, and added that Mr. Evans chose not to participate in those meetings. He pointed out that the Borough Attorney has told the press that the ordinance is legally sound, and, although some feel that it is essentially an outright ban, he has counted at least 180 properties in town that are large enough to keep animals under the terms of this ordinance. He encouraged the Council to "show courage and stand by what you passed last month."

Elizabeth Balcewicz, 413 Stockton Street, echoed comments made by Mr. Balcewicz and stressed that she has been attending Council meetings where this was discussed since last fall, "and no one at 419 Stockton voiced objections" to the ordinance. Instead, she added, they were quoted in the press. She expressed concern that summer is fast approaching, and "the rats are back." She said that she has a right as a taxpayer to enjoy her property, and that she will not "tolerate another summer like the Summer of Hell – 2007."

Jan Guthrie, 425 Stockton Street, stated that the "chicken ordinance" has been discussed by Council for 10 months, and it is the *neighbors* whose rights are violated by the keeping of chickens. She urged Council to keep the ordinance in place.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

NJDOT GRANT APPLICATIONS

Ms. Roberts reported that Transportation Trust Fund grant applications are due in June. She had recommended to Council in a recent memo that, in order to save money, the Borough resubmit applications this year for the two streets which were not funded last year – Morrison Avenue and Park Avenue. Since that time, she said, she learned that there is some interest in adding an application for Leshin Lane, which would increase the cost of preparing the applications. In either event, she recommended that Morrison Avenue be given first priority (in order to continue work started there, including the water main) and Park Avenue be given second priority in this year's application. This was discussed briefly and it was generally agreed to resubmit for Morrison and Park Avenue, and not to include Leshin Lane in this year's application.

Ms. Roberts also reported that, last year, the Borough submitted a Centers of Place grant application to redo the parking lot near Peddie Lake. That application, although not funded, was a good application with a lot of merit, and she recommended that the Borough reapply for this funding. There would be minor changes to the application after the Greenways work that was just completed. Consensus of Council after brief discussion was to reapply for the Centers of Place funding as well.

Ms. Roberts stated that her price to prepare and resubmit *all three* grant applications would not exceed \$1,000.

RESOLUTION 2008-120, RATIFYING PURCHASE OF GRINDER FOR PERTH RECIRCULATION SYSTEM

Following a brief review by Ms. Roberts, Resolution 2008-120 was moved by Councilmember Schneider and seconded by Councilmember Bond.

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

Resolution adopted, 4-0.

RESOLUTION 2008-120 RATIFYING PURCHASE OF GRINDER FOR PERTH RECIRCULATION SYSTEM

WHEREAS, there has existed a need for installation of a Grinder for the Perth Recirculation System at the Borough's Advanced Wastewater Treatment Plant in order to prevent clogging of the pipe line leading to the Digester; and

WHEREAS, the need for said equipment was discussed and agreed upon by the Borough's Water and Sewer Committee; and

WHEREAS, the AWWTP Superintendent obtained competitive quotations for this equipment and proceeded with procurement of same from JWC Environmental, c/o Watermark, of Exton, PA, at a price of \$13,841.00, in accordance with their quotation dated January 17, 2008; and

WHEREAS, the equipment has been installed to the satisfaction of the AWWTP Superintendent and the Borough Engineer; and

WHEREAS, the Chief Financial Officer has certified that funding for this purchase is available in previously adopted Bond Ordinance No. 2006-06;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that purchase of a Grinder for the Perth Recirculation System as detailed herein is hereby ratified and approved, and that the Treasurer is hereby authorized to issue payment for same.

RESOLUTION 2008-121, AUTHORIZING PAYMENT NO. 3 – JONICO, INC. (GREENWAYS, PHASE I)

Following a brief review by Ms. Roberts, Resolution 2008-121 was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Resolution adopted, 4-0.

RESOLUTION 2008-121 AUTHORIZING PAYMENT NO. 3 – JONICO, INC. (GREENWAYS, PHASE I)

WHEREAS, on December 17, 2007, the Borough Council awarded a contract for the Greenways, Phase I project to Jonico, Inc. of Lambertville, NJ in the amount of two hundred and seventy-six thousand one hundred and thirty (\$276,130.00) Dollars; and

WHEREAS the contractor has submitted Payment Request No. 3 for work done in the total amount of \$59,567.34; 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 that Payment Request No. 3 from Jonico, Inc. of Lambertville, NJ in the amount of \$59,567.34, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-122, AUTHORIZING PAYMENT NO. 1 – LUCAS CONSTRUCTION GROUP (RECONSTRUCTION OF OUTCALT STREET)

Following a brief review by Ms. Roberts, Resolution 2008-122 was moved by Councilmember Bond and seconded by Councilmember Schneider.

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

Resolution adopted, 4-0.

RESOLUTION 2008-122 AUTHORIZING PAYMENT NO. 1 – LUCAS CONSTRUCTION GROUP (RECONSTRUCTION OF OUTCALT STREET)

WHEREAS, on February 19, 2008 the Borough Council awarded a contract for the reconstruction of Outcalt Street to Lucas Construction Group, Inc. of Old Bridge, New Jersey in the amount of One Hundred Ninety-Five Thousand Three Hundred and Seventy-One Dollars (\$195,371.00); and

WHEREAS the contractor has submitted Payment Request No. 1 for work done in the total amount of \$40,148.64; 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 that Payment Request No. 1 from Lucas Construction Group, Inc. of Old Bridge, New Jersey in the amount of \$40,148.64, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-123, AUTHORIZING PAYMENT NO. 5 – THINK PAVERS HARDSCAPING, LLC

(NORTH MAIN STREET AND BANK STREET IMPROVEMENTS)

Ms. Roberts noted that this contractor will be replacing the streetlight that was damaged on Bank Street. Following her brief review, Resolution 2008-123 was moved by Councilmember Bond and seconded by Councilmember Quattrone.

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

Resolution adopted, 4-0.

RESOLUTION 2008-123 AUTHORIZING PAYMENT NO. 5 – THINK PAVERS HARDSCAPING, LLC (NORTH MAIN STREET AND BANK STREET IMPROVEMENTS)

WHEREAS, on September 17, 2007, the Borough Council awarded a contract for improvements on North Main Street and Bank Street in the Borough of Hightstown to Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of \$247,044.00; and

WHEREAS, on January 22, 2008, Council approved Change Order No. 1 to that contract in the amount of \$19,840.35, bringing the total contract price to \$266,884.35; and

WHEREAS the contractor has submitted Payment Request No. 5 for work done in the total amount of \$43,043.56; 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 that Payment Request No. 5 for Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of \$43,043.56 is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-129, AWARDING CONTRACT FOR WESTERLEA AVENUE IMPROVEMENTS – S. BROTHERS, INC.

Following a brief review by Ms. Roberts, Resolution 2008-129 was moved by Councilmember Schneider and seconded by Councilmember Bond.

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

Resolution adopted, 4-0.

RESOLUTION 2008-129 AWARDING CONTRACT FOR WESTERLEA AVENUE IMPROVEMENTS – S. BROTHERS, INC.

WHEREAS, ten (10) bids were received on May 2, 2008 for improvements to Westerlea Avenue 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, S. Brothers, Inc. of South River, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by S. Brothers 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 improvements to Westerlea Avenue is hereby awarded to S. Brothers, Inc. of South River, New Jersey in the amount of Two Hundred and Thirty-Four Thousand and Seventeen Dollars and Fifty Cents (\$234,017.50).
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with S. Brothers, Inc. 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

INTRODUCTION AND FIRST READING: ORDINANCE 2008-09, AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO INCREASE VARIOUS FEES

Ms. Gallagher reviewed the various fees to be increased with Ordinance 2008-09. She noted that fire official and construction office fee increases are needed in order to assure that revenues meet expenses in those offices.

Ordinance 2008-09 was then moved for introduction by Councilmember Bond and seconded by Councilmember Quattrone.

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

Ordinance introduced, 4-0.

The public hearing and final reading for Ordinance 2008-09 was scheduled for May 19, 2008.

RESOLUTIONS

RESOLUTION 2008-124, AUTHORIZING RECEIPT OF BIDS FOR RECYCLING SERVICES

Ms. Gallagher stated that Public Works Superintendent Larry Blake has recommended that the Borough seek bids for recycling services, as East Windsor recently reduced their costs significantly under a new contract. The Borough would include an option for "single stream" recycling wherein recyclables would not need to be separated.

Resolution 2008-124 was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Resolution adopted, 4-0.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Administrator is hereby authorized to prepare specifications and advertise for bids for recycling services, and the Borough is authorized to receive same after proper advertisement.

UNFINISHED BUSINESS

POSSIBLE AMENDMENTS TO ORDINANCE 2008-06

Councilmember Schneider stated that Ordinance 2008-06 did not accomplish what he thought it would, and if he had been aware of the lot size at 419 Stockton Street, he would have favored a 25' setback rather than a 35' setback. In addition, he said, it may not be reasonable to allow six farm animals, as some farm animals can be quite large. He said that the Borough does need an ordinance to regulate these issues, but the ordinance which was adopted "could stand further revisions." "The net result," he said, "was not the compromise position I had hoped it would be."

Councilmember Quattrone stated that he felt comfortable with the ordinance as it was adopted.

Councilmember Bond recommended that a subcommittee be formed to review this and report back to Council regarding what potential changes could and should be made. Council President Sikorski said that he sees no need for a subcommittee in this instance, and noted that the issue has been "thoroughly examined," and that the ordinance was refined in several instances.

The general consensus of Council was to revisit this matter at the next meeting when a full Council is expected to be present.

NEW BUSINESS

NJLM REQUEST FOR \$500 PLEDGE TO CHALLENGE COAH REGULATIONS

The meeting packets included a request (which was sent to all municipalities) from the New Jersey State League of Municipalities for a pledge of \$500 toward a possible challenge to the new COAH regulations. Discussion ensued.

Council President Sikorski asked Mr. Raffetto to explain the implications of the Borough's choosing not to participate in COAH. Mr. Raffetto stated that COAH is a voluntary process; however, if a municipality does not move forward to provide affordable housing either through COAH or the courts, it leaves itself open to lawsuits from developers who would seek to utilize that to their benefit in order to get a higher number of market rate units by using COAH as "a wedge." A court could approve a much higher density on a site than would otherwise be permissible. Some towns do take the gamble, Mr. Raffetto said, because they consider themselves to be fully built out, but it is a gamble. There are no fines, but there is the possibility that a developer could get a project approved that would not be acceptable otherwise to the Borough.

Councilmembers Bond and Quattrone expressed support for pledging the \$500, noting that it would only be spent if needed. "We can't stand too many more lawsuits," Councilmember Quattrone said. "We do have properties that would qualify and COAH on our side is the way to go. The new rules are extremely warped. I believe we should do this."

Councilmember Schneider objected to the pledge, on the basis that he feels that the Borough should not be participating in COAH at all. "COAH," he said, "has caused the non-development of the Mill." He stated that the Borough should not

be "subsidizing other's property taxes" and does not feel that there is any threat that builders could come in and ask for more, as the Borough is "not trying to keep out affordable housing. We're already qualified in existing units."

Council President Sikorski was against pledging the \$500, stating that the Borough has "enough lawsuits without volunteering \$500 for a lawsuit pushed by larger towns that have historically not been responsible."

Given the split Council, it was generally agreed to revisit this matter at the next meeting when a full Council is expected to be present.

PURCHASE OF STREET SWEEPER

Ms. Gallagher noted that Mr. Blake has recommended the purchase of a new street sweeper from monies available in the recycling trust fund. The cost would be under the bid threshold and the purchase would be undertaken in accordance with the provisions of the Local Public Contracts Law. This would replace existing equipment. Councilmember Quattrone and Councilmember Bond each expressed support for this purchase.

It was then moved by Councilmember Quattrone, seconded by Councilmember Bond that purchase of a new street sweeper as outlined above be approved. A roll call vote was taken.

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

Motion carried, 4-0.

It was noted that a demonstration of the model being considered would take place on the coming Wednesday morning.

CONSENT AGENDA

Resolutions 2008-125 through 2008-128 were moved by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Resolutions adopted, 4-0.

RESOLUTION 2008-125 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2008 BUDGET

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2008 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 2008 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	202,405.00	1,443,509.48	1,645,914.48
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	59,689.60	59,689.60
Water/Sewer	30,000.00	776,708.00	806,708.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	138,266.52	138,266.52
TOTAL	\$232,405.00	\$2,418,173.60	\$2,650,578.60

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2008 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 2008-126 AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE
ON AN ONLINE AUCTION WEBSITE**

WHEREAS, on February 19, 2008 the Borough Council adopted Resolution 2008-62, authorizing the sale of the Borough's 1979 Hahn Telesquirt Fire Truck 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, in accordance with State requirements, a certified copy of said Resolution was forwarded by the Borough Clerk to the Division of Local Government Services (DLGS) for their approval, which has not yet been received; and

WHEREAS, on April 28, 2008, the DLGS issued Local Finance Notice No. LFN 2008-9, which grants blanket approval for local units to hold online auctions through certain Internet-based vendors for online auctions of surplus personal property without the prior and specific approval of the Division, provided that certain procedures are followed as outlined in the Notice, which is attached hereto and made a part hereof; and

WHEREAS, in order to sell surplus property in this way, local units must pass a Resolution including, along with other required information, a statement that the sale will be conducted pursuant to Local Finance Notice 2008-9;

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

1. The Borough's 1979 Hahn Telesquirt Fire Truck, VIN HCP24815795, is no longer needed for public use.
2. Said truck shall be offered for sale at online public auction at www.ebay.com pursuant to Local Finance Notice 2008-9.
3. Said auction shall be listed through the Borough's eBay account, which is identified as "hightstownnj."
4. The terms and conditions of the agreement entered into with eBay for the auction of this vehicle are available on the vendor's website, www.ebay.com, and in the Borough Clerk's office.
5. The minimum bid for this vehicle shall be set at \$15,000.00.
6. eBay fees shall be paid by Borough check or, if necessary, by personal credit card of Candace Gallagher, Borough Clerk/Administrator.
7. Vehicle shall be sold AS IS, with no express or implied warranty.

8. The Borough Clerk/Administrator is hereby directed to take all steps necessary to advertise this sale in accordance with the requirements of *N.J.S.A. 40A: 11-36*.
9. The Borough Clerk/Administrator is hereby authorized to effect the transfer of the herein listed property to the winning bidder upon full payment by certified check or money order, without any further action by Council.

RESOLUTION 2008-127 AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – CUMBERLAND FARMS

WHEREAS, Cumberland Farms posted funds in escrow with the Borough relative to their Planning Board application for 315 Mercer Street; and

WHEREAS the work is now complete, and the Borough Engineer has recommended release of all remaining escrow held by the Borough on their behalf;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to return to Cumberland Farms any and all funds remaining in their escrow account as detailed herein, subject to payment of any outstanding fees.

RESOLUTION 2008-128 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 **\$14,388,068.49** from the following accounts:

Current	\$ 1,335,036.83
W/S Operating	35,445.35
General Capital	10,122,906.17
W/S Capital	2,877,627.50
Animal Control Account	43.20
Grant Account	230.00
Trust Account	490.25
Law Enforcement	1,249.14
Unemployment	1,751.90
Escrow, Subdivision & Site Plan	<u>13,288.15</u>
Total	\$ <u>14,388,068.49</u>

PUBLIC COMMENT II

Council President Sikorski again opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, asked why the Community Action Service Center's request for support for their grant application was not on this agenda. Ms. Gallagher stated that formal action is not needed until the application is submitted. Mr. Sarafin went on to say, "We all pay taxes, but when it comes to supporting our state government, we don't want to pay for it. You as Council, have to say something -- that people in our society want services and are willing to pay for them." He urged Council to ask our legislators to pass a state income tax increase and increase the tolls on the turnpike.

Linda Falcaskey, 153 Mechanic Street, said that she was "sorely disappointed" that Council is "backtracking" regarding Ordinance 2008-06 and pointed out that the person objecting now did not come to meetings where it was being discussed. No one should have to deal with this type of problem, she said, and urged Council to "make a decision and stick with it." On another topic, she said, "COAH is here to stay. The developers will get their way one way or another."

Craig Evans, 419 Stockton Street, stated that he works at night and it represents an expense for him to come to Council meetings; however, he has made written submissions to the Council. He said that he "didn't want to listen to the same unsubstantiated allegations over and over," and that he has been inspected by the Health Department 17 times with no negative findings. There are "no signs of rats" on his property, he said, and he will be boarding his birds while his family is away on vacation this summer. A 35-foot setback requirement, he said, "creates just a little island in the middle of a property. It's not workable." Mr. Evans closed his comments by saying that he claims his birds as a "matter of right."

Mr. Raffetto stated that the Ordinance which was approved by Council "is in furtherance of the health, safety and welfare of the public and enacted under police powers, which authorizes towns to enact ordinances generally."

No one else came forward and the floor was closed.

COUNCIL COMMENT AND COMMITTEE REPORTS

Councilmember Quattrone noted the importance of recycling and said that he is still doing recycling and garbage inspections. "It seems to be working better with the new garbage cans," he said.

Councilmember Schneider agreed that recycling is important, and suggested that a flyer of what can and cannot be recycled be made available to the public at Borough Hall.

Councilmember Bond presented the police report for April, and noted that Officer Marchione and our new K9 unit, "Neko," were on hand at the PAWS Walk and gave demonstrations. Neko is now an active part of our police force, he said. Mr. Bond also invited all in attendance to the formal dedication of the fountain on the upcoming Saturday. He noted that this fountain was installed without Borough tax dollars, except for a few hours of time by Public Works. Most of the cost, he said, came from NJDOT and private funding. He noted that brick pavers are still available for sale at Old Hights Print Shop.

Council President Sikorski reported that he attended three meetings during the past week other than Council meetings, including meetings with Meadow Lakes which were attended also by Mayor Patten and Councilmember Bond.

There being no further business, adjournment was moved by Councilmember Bond, seconded by Councilmember Quattrone and unanimously approved. The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk