

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:05 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; James M. Eufemia, Chief of Police and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the consent agenda were Resolutions 2008-99 and 2008-100. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved.

APPROVAL OF MINUTES

Minutes of the March 3, 2008 open session were moved by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved as submitted.

PRESENTATION

REVALUATION OF BOROUGH PROPERTIES

George D'Angelo of Vital Computer Resources addressed the Mayor, Council and public to offer an overview of the process about to be undertaken. He explained that the purpose of revaluation is to bring all assessed values to 100% of actual market value as of October 1, 2008, and the new assessments will be effective as of January 1, 2009. Our revaluation, he said, was ordered by Mercer County because our assessed values have fallen so far below market values (and are currently at around 41%). They will use comparative sales within the Borough to determine the new values, and will be using those sales which occur closest to October 1 (many of which may not have occurred yet).

Vital's employees will carry a badge and a letter signed by the Borough's tax assessor, and our police department has been provided with descriptions of the automobiles they'll be driving. Residents should not hesitate to ask for identification or to contact the police department to verify the identity of a vehicle. The firm's representatives will physically measure the outside of each house and any other improved properties in the Borough, and will walk through the interior checking the number of rooms, amenities, etc. If no one is home when they arrive, they will leave a card with a number to call to make an appointment for them to return for the inspection, which can take place during either the day or the evening, or on Saturday. They will try at least three times to gain entry.

Mr. D'Angelo stated that, since the ratio in Hightstown is at about 41%, it is possible that assessments may double, however the tax rate will be substantially reduced accordingly and the same amount of tax revenue will be generated. Residents will be notified by mail of the new valuation, and can make an appointment to come in to discuss their new assessment and have their questions answered. He can also arrange to make a second presentation at a later Council meeting, prior to the letters going out.

Tax Assessor Ken Pacera was present and noted that this revaluation was initiated by the county tax board after our ratio fell below a certain point. Most other towns in the county have already undergone revaluation, he said. While assessments will increase, the tax rate will go down. It is likely, he said, that taxes will increase for 25% of the properties, decrease for 25%, and remain about the same for the remaining 50%.

Mayor Patten opened the floor for questions from the public. Following is a summary of the Q&A session:

Q: Will the town own the data following the revaluation, and be able to update it? Does Vital have a website?

A: Yes, the town will have the data and will be able to update it. The website is www.vitalgov.net.

Q: Will the public have easy access to all reassessed values?

A: Once the book has been approved and certified by the tax assessor, this information becomes a public record and will be available. However, when the notices are first sent out, they represent tentative assessments, which could change. Any change made to the assessment of a property that is located in a "homogenous area" will affect other properties in that area as well.

Q: What happens after three unsuccessful attempts to gain entry to a property? Wouldn't that create a presumption that the homeowner has something to hide?

A: In that instance, the firm would consult the old records and, if refused entry, they are able to make the highest reasonable estimate of the property's value.

Q: Is the revaluation process intended to create more tax revenue?

A: No. The total revenue to be generated will remain the same. It is the distribution among the Borough's taxpayers that will change.

Q: The real estate market is in flux right now. How does that impact the accuracy of the revaluation?

A: The market "is always a moving target." Vital will look at sales that took place this year and last year, and prefers not to go back further than that.

Q: Are allowances made for houses on busy streets, such as Stockton Street?

A: That is taken into consideration. Ideally, there would be three or four sales on that street that could be compared to sales elsewhere.

Q: Are comparable sales used from Hightstown only? How far back will you go?

A: Vital would prefer to go back no farther than 2007. In a small town, there are not that many sales, but, for residential

properties, they plan to work as best they can with sales that take place within the Borough. For commercial properties, it will be necessary to use comparative sales outside of the Borough as well.

Q: Will there be an inequity between homes assessed earlier in the process and those assessed later?

A: No. All values will be determined as of October 1, 2008, regardless of when the property was examined.

Q: What training have the revaluation firm's employees undergone? Are they certified? What is their age and salary range?

A: Those doing the commercial inspections are certified tax assessors. The field workers are trained according to State requirements (at least 150 hours of training) and have been employed by Vital for between two and 16 years. Salaries range from \$27,000 per year to \$55,000 per year.

Q: Given the state of today's economy, foreclosure sales will take place "at fire sale prices." These would not be considered arm's length transactions. How do you handle those?

A: Those sales are "lower than low end" and are not considered.

Q: How invasive is the interior inspection process?

A: It is just a walk-through. No interior measurements are taken, and closets aren't generally opened unless it is not clear where a door leads.

No other questions were heard, and Mr. D'Angelo left the meeting at this time.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, stated that the police shared services feasibility study to be discussed at this meeting "is a worthless study without setting ground rules." We should know the terms going in, he said, including whether the costs would be determined on the basis of ratables or hours. "You're dreaming," he said. "You should negotiate the terms first." Mr. Sarafin then read aloud a "Declaration of Hightstown," based on the Declaration of Independence and calling for dissolution "of the political bonds between all our communities and the State" and declaring that "We, the governed, have certain rights which include the right to live in a State and Country where the costs of government, of safety and of health are borne equitably by all its citizens in their pursuit of happiness. ... That, whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government." The Borough, he said, should give notice to the Governor, Senate and Assembly that we want a new government.

Rob Thibault, 504 South Main Street, stated that Council is "nickel and diming" in the budget process by cutting a little here and there, and should instead be looking at the larger numbers, such as salaries and benefits. He recommended that LOSAP be eliminated and that the health plan be renegotiated and employees be made to pay the going rate for their health coverage. He further urged Council "not to waste time on ridiculous [matters]," referring specifically to "the chicken ordinance," as well as a Resolution on this agenda regarding cultural diversity and bigotry in Mercer County. He said that Council's time would be better spent "addressing problems facing your constituents."

Clare Lumkong, 118 Etra Road, stated that Hightstown was built on agricultural history, and many move here in order to have a more rural lifestyle. One of the reasons her family moved to Hightstown, she said, was to live closer to nature, and to enjoy composting, recycling, growing their own vegetables and minimizing energy usage. "Keeping chickens is a vital part of that lifestyle for us," she said, "and is an inherent part of raising a healthy, balanced family." She referenced a book titled *Last Child in the Woods: Saving Our Children From Nature-Deficit Disorder*.

Peter Lumkong, 118 Etra Road, stated, regarding Ordinance 2008-06, that he had "never seen an ordinance so mean spirited ... to just ban something that I don't think any Council members are familiar with. This has to do with a dispute between two residents. ... It makes no sense." He said that he and his family moved to Hightstown for a smaller town atmosphere in which to raise kids. They keep chickens and their neighbors enjoy that, he said. To ban this is "taking away one of our freedoms." This ordinance is very far-reaching, he said, and he asked Council to at least table it and take the time to consider more fully the value of having chickens or other animals in one's back yard.

Torry Watkins, 68 Meadow Drive, stated that, on the prior Saturday, there was a two-hour power outage in his area that resulted after a utility pole was knocked down by a car on Etra Road. A few years ago, he said, Gerry Ricciardi of JCP&L attended a Council meeting and described the utility's plans to make the system less vulnerable to outages; however, they "haven't carried out their end of the bargain." He asked that Mr. Ricciardi be invited to attend another Council meeting to review what the company is doing to address outage problems.

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-05, AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2008-05.

Eugene Sarafin, 600-628 South Main Street, stated, "Woe is us."

Rob Thibault, 504 South Main Street, stated that, rather than making preparations to exceed the cap, the Borough should be talking about cutting costs. Salaries and benefits are our biggest costs, he said, and he objected to employees receiving a \$5,000 stipend if opting out of medical benefits. He also objected to longevity stipends, which, he said, "are unheard of in the private sector," and to 3.5% salary increases. Mr. Thibault went on to refer to Peddie School as "an 800-pound gorilla in town that pays no taxes, gives the town \$23,000 per year, and pulls houses off the tax rolls." He said that the Borough subsidizes Peddie by educating their children in our schools, and that Peddie, with its \$300 million endowment, is "sponging off the Borough and Borough taxpayers. ... It's about time someone called them on being a good resident in this community." He added that the Stockton Street lot reconstruction was not done by Peddie but rather by a "for-profit subsidiary that expects to make money on that." He asked Council to demand an increase in Peddie's contribution, "or let's redraw the lines of the borough and cut out Peddie. ... They don't do anything for us, let's not do anything for them."

Eugene Sarafin, 600-628 South Main Street, disagreed, and stated that Peddie School has been a good neighbor to the Borough, and even now is installing a water pipeline on their property and at their expense that will benefit the Borough. He noted that, between 1948 and 1990, Peddie was "going broke," and had no money, but they did not ask the Borough for money then. It is wrong, he said, to say that they are not a good neighbor because one feels that the Borough now "should take a piece of their \$300 million." "We're on the map because of Peddie," Mr. Sarafin said. "Be proud of it." He added that, considering the current market, their endowment "could end up being zero."

Mayor Patten reminded all that this public hearing is regarding Ordinance 2008-05 and exceeding the cap.

No one else came forward and the hearing was closed.

Ordinance 2008-05 was moved for adoption by Councilmember Schneider and seconded by Council President Sikorski.

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

Ordinance adopted, 6-0.

ORDINANCE 2008-05 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$41,771.84 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$146,201.44, and that the CY 2008 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-06,

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

Mr. Raffetto reviewed the provisions of Ordinance 2008-06, noting that it came about as the result of an ongoing incident between neighbors which has not been resolved through our health officer. Council found, he said, that an ordinance prohibiting farm animals used to be on the books here, and directed him to draft a new one. It was discussed and Council suggested that the ordinance include acreage limitations similar to those in other towns. This is the language Council decided on as most appropriate, while recognizing that we don't have properties in the Borough that meet the acreage limitations and that it is, then, tantamount to an outright ban. Many other towns, Mr. Raffetto noted, especially small towns that are primarily built out, do regulate farm animals.

Mayor Patten opened the floor for the public hearing on this ordinance.

Eugene Sarafin, 600-628 South Main Street, recommended that the ordinance be modified to require a variance from the Board of Adjustment if someone wants to keep farm animals or fowl.

Rob Thibault, 504 South Main Street, agreed, and said that too much time has been spent on this ordinance. He asked how farm animals are defined and if this would "make criminals of those who have ferrets or minks or chinchillas," or inside birds, rabbits, or even earthworms. Some residents, like the Lumpkins, have kept fowl with no complaints from their neighbors, he noted. He asked if it might be legal for him to keep an animal not defined as a farm animal, such as an elephant. He objected to the ordinance, saying that there would be "unintended consequences to make lives miserable and make criminals out of those who aren't."

Joe Balcewicz, 413 Stockton Street, said, "This issue is much more than a neighbor dispute. It could arise tomorrow in any other neighborhood." This issue, he said, makes it clear that the Borough's public health nuisance ordinance is ineffective in dealing with this, and is too vague about what constitutes a "nuisance." This Ordinance, he said, "contains specific measurable parameters" and leaves no room for interpretation. He said that only animals commonly found on a farm would be regulated. Others, such as reptiles and exotic birds, would be excluded. This ordinance, he said, "strikes a balance between those who want to keep them and neighbors who want to enjoy their properties." The Borough is no longer agricultural, he said, and we need some regulation on farm animals. If Council wishes not to adopt it in its current form, he added, "you can tweak the parameters" rather than voting it down. "I favor it the way it is," he said, "but if the acreage required is too severe, it could be reduced."

Jan Guthrie, 425 Stockton Street, pleaded with Council to adopt the Ordinance at this meeting. "Chickens are affecting the neighborhood," she said. "They breed rats, attract disease, and create odors. Why should someone have to pay for an exterminator because their neighbor has chickens? Stockton Street is not a farm area." She added that while the problem may be starting there, it could easily exist elsewhere, as "you don't know what problems you'll have with new neighbors." She added that organic eggs are available at the supermarket.

Carol Montferrat, 414 Stockton Street, asked Council to "please pass the Ordinance" and said that other neighbors are affected by this as well, and the ordinance is needed. "The Borough needs to look out for our health and safety concerns and set standards," she said.

Peter Lumkong, 118 Etra Road, disagreed that an ordinance is needed. A lot of larger cities throughout the country have such ordinances, he said, but Hightstown is a small town of 5,000 people. He said that his family keeps chickens and has a "totally different experience" with their neighbors, possibly because they have a larger lot. "We share a property line with seven neighbors," he said, "and most of them encourage us. ... I am hard pressed to find the merit of an ordinance like this. ... This so far reaching, I've never seen anything like this for something that started because of a dispute." He offered to help somehow in resolving the dispute and to "facilitate being good neighbors."

Liz Balcewicz, 413 Stockton Street, thanked Council for their work on this issue and said that, if it were simply a neighbor dispute, she would have come to Council five years ago when her neighbors got their first three chickens. Even when they ordered 24, she said, she didn't say anything. The smells have been there for some time, but it became a bigger problem, and a health issue, when there were rats on both properties. She said that her yard "isn't hers anymore," and something needs to be done.

Clare Lumkong, 118 Etra Road, stated that her research indicates that chickens do not bring rats.

Mr. Sarafin spoke again to say that "putting this to the zoning board will satisfy both parties."

Mr. Lumkong spoke again to express his concern for all involved in this. He said that he did not feel that there was any merit to this ordinance, but sees now that there may be more to the story than he realized. There may be some room to regulate this, he said, whether through going through the zoning board or limiting the number of animals one may keep.

His family, he said, has kept chickens on their $\frac{3}{4}$ acre lot for more than five years without a problem. They have never had more than six chickens and have had as few as two. If a neighbor came to him and said that they were offended by the chickens, it is likely that they would get rid of them, he said. It may be that the Stockton Street property has gotten to the point where there are too many. He added, "We've never had a rat issue. It has to do with cleaning out the coop." Mr. Lumkong said that his family actually started out with two roosters, which were their pets. They were killed by a hawk and a fox, and their neighbors actually missed them and were sad that they were gone. "There are a lot of positives in raising chickens," he said. "In this day and age, looking at how people used to live has a lot to do with how we live going forward. By the end of the day, we are a family community. That should be the goal." Mr. Lumkong said once again that he is willing to try to arbitrate this matter. To ban chickens and farm animals would represent a loss of personal freedom to his family and his whole way of life. He suggested that the Borough allow a limited number of chickens.

Mr. Balcewicz spoke again to say that this is much more than a dispute between neighbors. Many towns have ordinances like this one, he said, adding, "What I have heard tonight is that people are being encouraged to keep chickens. If that is the case, there will be more families that have chickens or other kinds of animals and will want to follow that way of life. Not every family that wants to do that will do it responsibly. This ordinance is a way to define minimum standards that must be met if you want to keep animals like this on your property. He asked Council to "be proactive and establish guidelines ahead of time."

Linda Falcasky, 153 Mechanic Street, stated, "It is imperative that we have an ordinance on the books because you can't count on the reasonableness or unreasonableness of neighbors." An ordinance is necessary, she said, although maybe not as strict as that being considered at this meeting. "The community can do this together," she said. "It is a small issue, but a building stone to bigger things we face together."

Mr. Thibault spoke again to state his philosophy that "he who governs least governs best." A nuisance ordinance covers a wide range of possible issues, he said, but doesn't ban anything outright. Under our nuisance ordinance, he said, you can be cited if you're an irresponsible dog owner or if you over-apply lawn chemicals. "I don't see the need to get so specific about banning chickens," he said. "You can't take the time to write an ordinance against every single possible nuisance or annoyance." He noted that the Borough and the Borough health officer did the best they could to address this, responding 19 or 20 times to complaints there. They didn't find an odor issue and they have addressed the rodent issue. "That would have worked over the long term and can," he said. "I urge you not to vote against chickens."

Mr. Balcewicz spoke again to note that calling the Health Department to complain of an odor on a weekend or holiday is not effective because they do not retrieve the call until the next working day and you may have to wait three days for a response. "The nuisance ordinance *should* work," he said, "but you have to have a Board of Health willing to determine whether the situation is an annoyance to the complaining party. The definition of what is an annoyance to one is not the same as to another. Hard parameters need to be specified."

Shan Harewood, 320 Park Avenue, said, "it is preposterous to spend so much time arguing about chickens." The Health Officer has inspected the premises, he said, and could not find enough to justify fining them or removing the chickens, so it is apparently not that big of a problem. He recommended that Council either amend the ordinance to be less specific, or enforce the nuisance ordinance now in place, and "spend a little less time on chickens."

Walter Yetman, 102 Springcrest Drive, began speaking of issues he has had with his neighbor, Rob Thibault, regarding cats. Mayor Patten asked him to refrain from personal attacks. "People are concerned about their health," Mr. Yetman said. "Think about this carefully. If you're relying on neighbors trying to work things out, it won't happen."

No one else came forward and the hearing was closed.

Ordinance 2008-06 was moved for adoption by Council President Sikorski and seconded by Councilmember Harinxma. Discussion ensued.

Council President Sikorski asked Mr. Raffetto if it is possible to amend the ordinance to omit the requirement for at least two acres of property. Councilmember Schneider said that he, too, was hoping for some type of compromise where the Borough could impose certain limits and restrictions without going to an outright ban. "If there were just two chickens," he said, "this wouldn't be an issue. Clearly there is a need for an ordinance, but I'd like for it to recognize the actual parameters in Hightstown." He suggested that the ordinance be amended to remove references to minimum property size and limit the number of fowl to six. "What we need to recognize," he said, "is that a couple of animals kept acceptably shouldn't be a problem."

Councilmember Harinxma said that she was not aware that there were other families keeping chickens which aren't causing problems. She is not comfortable with a two-acre minimum, she said, but on a very small property it is unreasonable to have chickens. She asked if the ordinance under consideration would "grandfather" those who currently have chickens. "No," Mr. Raffetto replied. "Anyone keeping chickens would have to comply with the ordinance within 60 days." Mayor Patten asked if amending the ordinance would require its reintroduction. Mr. Raffetto stated that it would.

Councilmember Schneider moved that Ordinance 2008-06 be amended and reintroduced to remove the two references to a two-acre minimum property size, and to specify that no more than six fowl could be kept. Council was generally in agreement, and the motion was seconded by Council President Sikorski.

Councilmember Bond asked why this was introduced as it was in the first place, and said that it should have been tweaked before this.

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

Ordinance amended and re-introduced, 5-0.

The public hearing and final reading for Ordinance 2008-06, as amended and reintroduced, was set for April 7, 2008.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-07,

ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$128,000 RECEIVED AS A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2007 TRANSPORTATION INFRASTRUCTURE FUND TO SUPPLEMENT THE \$555,000 APPROPRIATED BY BOND ORDINANCE 2007-01 OF THE BOROUGH FOR VARIOUS ROAD IMPROVEMENTS

Ms. Gallagher reviewed the provisions of Ordinance 2008-07, which would add the \$128,000 grant received from the State for Morrison Avenue improvements to the total appropriation provided in Ordinance 2008-07 for those improvements. This will allow us to spend the money provided by that grant, she said, and it does not authorize any additional debt.

Ordinance 2008-07 was moved for introduction by Councilmember Quattrone and seconded by Council President Sikorski.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-07 was set for April 7, 2008.

RESOLUTIONS

RESOLUTION 2008-86, AUTHORIZING INTERLOCAL AGREEMENT WITH EAST WINDSOR TOWNSHIP FOR SENIOR SERVICES

Following a brief review by Ms. Gallagher, Resolution 2008-86 was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

RESOLUTION 2008-86 AUTHORIZING INTERLOCAL AGREEMENT WITH EAST WINDSOR TOWNSHIP FOR SENIOR SERVICES

WHEREAS, with the adoption of Resolution 2007-62 on February 20, 2007, the Borough Council approved an Interlocal Service Agreement with the Township of East Windsor for the provision of Senior Services for the period March 1, 2007 through February 29, 2008; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Senior Services to the Borough by the Township of East Windsor through February 28, 2009; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes the approval of Interlocal Service Agreements by Resolution; and

WHEREAS, the Mayor and Council have reviewed the proposed Interlocal Service Agreement for Senior Services for the period March 1, 2008 through February 28, 2009, which agreement is attached hereto and made a part hereof; and

WHEREAS, the Borough's net share of costs for these services, by the terms of this agreement, will be Twenty-Seven Thousand Five Hundred Seventy Dollars and Sixty-Two Cents (\$27,570.62) for this 12-month period; and

WHEREAS it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2008 and 2009 budgets;

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

1. The attached Interlocal Service Agreement with the Township of East Windsor for Senior Services for the period March 1, 2008 through February 28, 2009 is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2008 and 2009 budgets.

RESOLUTION 2008-87, AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR
2008-09 *SHARE* (SHARING AVAILABLE RESOURCES EFFICIENTLY) GRANT FUNDING TO
SUPPORT A RECORDS STORAGE FACILITY FEASIBILITY STUDY

RESOLUTION 2008-88, AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR
A RECORDS STORAGE AND DISPOSAL PROJECT TO INCLUDE A FEASIBILITY STUDY FOR A
RECORDS STORAGE FACILITY AND SERVICE CENTER

Ms. Gallagher reviewed the provisions of Resolutions 2008-87 and 2008-88, which were then 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 2008-87 AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR
2008-09 *SHARE* (SHARING AVAILABLE RESOURCES EFFICIENTLY) GRANT FUNDING TO
SUPPORT A RECORDS STORAGE FACILITY FEASIBILITY STUDY**

WHEREAS, the Governing Body of the County of Mercer is applying for a *SHARE* (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey Share Program in the amount of \$ 20,000 to support a County Records Storage Facility feasibility study; and,

WHEREAS, the County of Mercer is the lead agency in this program and agrees to make the full match requirement for the grant; and,

WHEREAS, the State of New Jersey has made *SHARE* grants 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 local units through the sharing in a feasibility study for a County Records Storage Facility that would be beneficial to all participating local units; and,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Hightstown, County of Mercer, New Jersey, that the Borough of Hightstown does hereby agree to join with the County of Mercer in applying for a grant for the purpose conducting a County Records Storage Facility feasibility study.

**RESOLUTION 2008-88 AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR
A RECORDS STORAGE AND DISPOSAL PROJECT TO INCLUDE A FEASIBILITY STUDY FOR
A RECORDS STORAGE FACILITY AND SERVICE CENTER**

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

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

WHEREAS, in the 2008-09 grant cycle, priority funding will be given to counties to perform records management projects for all of their municipalities; and

WHEREAS, the Borough of Hightstown desires to collaborate with the County of Mercer in a records storage and disposal project to include a feasibility study for a records storage facility and service center; and

WHEREAS, the Borough of Hightstown acknowledges its participation in this records storage facility and service center feasibility study; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, New Jersey, that Hightstown Borough does support and commit to participation in the PARIS grant for the purposes set forth above.

BUDGET 2008

RESOLUTION 2008-89, INTRODUCING THE 2008 BUDGET

Ms. Gallagher reviewed the budget as proposed for introduction, which would carry a 28-cent municipal tax increase. There is more work to be done on this, she said, and expressed hope that the tax increase could be lowered before final adoption. She noted that over 11 cents of the increase is due specifically to the governor's proposed cuts in State aid to municipalities, and another seven cents is due to the fact that we are unable to anticipate any Extraordinary Aid in the introduced budget. Because the Borough received \$150,000 in Extraordinary Aid last year, that creates a shortfall in the introduced budget. Mandatory increases in pension costs account for another five cents. *Without these impacts, each of which is a result of possible State cuts or mandated increases, the Borough would be facing a five-cent tax increase.*

Ms. Gallagher provided spreadsheets showing that:

- Departmental operating costs* were reduced by \$34,700 in this year's budget, and are 10% lower in 2008 than they were five years ago.
- In addition to the savings above, returning to in-house garbage collection has saved \$76,500 in this year's budget due to the elimination of a \$99,000 per year contract cost, offset by estimated additional fuel use (\$12,500) and debt service on the vehicles (\$10,000).
- Operating budgets for the Borough's various boards and commissions were cut in total by over \$4,000 in 2008.
- Amounts budgeted for professional fees were reduced by a total of \$13,700 in 2008.
- Amounts budgeted for costs* which are largely controllable by the Borough (which include all of the above and more) were reduced by nearly 25% in 2008 (\$155,530).
- Amounts budgeted for costs* over which the Borough has some, but minimal, control (which include utilities, litigation, postage, debt service on police vehicles purchased in prior years, gasoline, capital improvements and tipping fees) increased by a total \$56,300 in 2008. This incorporates a \$2,500 reduction in the amount budgeted for tipping fees.
- Amounts budgeted for costs*¹ which are largely uncontrollable by the Borough (which include insurance, pensions, social security, debt service, reserve for uncollected taxes, EMS and other interlocal agreements) increased by \$243,071 in 2008.

* Excluding salaries and wages

Council President Sikorski stated that he will vote in favor of introducing the budget, with the understanding that Council will still have the opportunity to make additional cuts prior to its adoption. "Circumstances here and in Trenton," he said, "may dictate further cuts in services, or asking some of our Unions to cooperate regarding higher co-pays for medical bills."

Resolution 2008-89, introducing the 2008 budget, was moved by Councilmember Bond and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2008-89 **INTRODUCING THE 2008 BUDGET**
(included at end of these 3/17/08 minutes)

UNFINISHED BUSINESS

AWARD OF CONTRACT FOR POLICE SHARED SERVICES FEASIBILITY STUDY AND PREPARATION OF SHARE GRANT APPLICATION

Council President Sikorski thanked Councilmen Quattrone and Rosenberg for their hard work in serving on the subcommittee which developed and reviewed the RFPs for a feasibility study regarding shared police services. It was the unanimous recommendation of the committee, he said, to retain Patriot Consulting Group to perform the study and to prepare the application for a \$45,000 SHARE grant to fund it. Their fee to prepare the application would be \$500, and would be split between the Borough and East Windsor Township. Performance of the study itself will be specifically contingent upon receiving the grant. Mr. Sikorski reviewed the qualifications and references of the firm's principals and asked Council to endorse this.

Council President Sikorski then moved a **verbal Resolution**, to be reduced to writing and numbered as **2008-101**, to authorize an agreement as discussed. His motion was seconded by Councilmember Harinxma.

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

Resolution adopted, 5-1.

RESOLUTION 2008-101 **A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR A POLICE SHARED SERVICES FEASIBILITY STUDY AND THE PREPARATION OF A "SHARE" GRANT APPLICATION**

WHEREAS, the Borough of Hightstown ("Hightstown") and the Township of East Windsor ("East Windsor") are interested in retaining the services of a professional to study the feasibility of sharing police services and to make recommendations concerning said proposal; and

WHEREAS, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically, at N.J.S.A. 40A:11-5); and

WHEREAS, Hightstown has determined and certified in writing that the amount of the contract may exceed \$17,500.00, and therefore the contract is subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.* (the "Pay-to-Play law"); and

WHEREAS, at the end of August of 2007, Hightstown, with the concurrence of East Windsor, issued a Request for Proposals ("RFP") solicitation pursuant to the Fair and Open process set forth under the Pay-to-Play law (N.J.S.A. 19:44A-20.5, et seq.) for interested professionals to perform said services; and

WHEREAS, seven (7) proposals were received in response to the RFP; and

WHEREAS, a joint Committee composed of Hightstown and East Windsor officials (the "Joint Committee") reviewed all of the proposals received and unanimously determined to interview three (3) of the firms; and

WHEREAS, the three (3) firms selected as finalists were chosen because of the quality of their proposals and their qualifications to perform the necessary services; and

WHEREAS, the Joint Committee conducted interviews on February 20, 2008; and

WHEREAS, after a review of the proposals and the interviews, the Joint Committee unanimously agreed to recommend that a contract be awarded to Patriot Consulting Group of Monmouth Beach, New Jersey (also referenced as "Patriot"); and

WHEREAS, this recommendation was made based upon the Joint Committee's determination that Patriot submitted the most advantageous proposal, price and other factors considered, including experience, familiarity with the subject, and qualifications and characteristics of personnel to be assigned to the study; and

WHEREAS, the proposal submitted by Patriot is in the amount of \$40,523.00; and

WHEREAS, a copy of the Patriot proposal is attached hereto and made a part hereof; and

WHEREAS, the Hightstown and East Windsor governing bodies wish to support the recommendation of the Joint Committee and to retain Patriot to perform the necessary services, subject to the provisions set forth below; and

WHEREAS, the parties have agreed that Hightstown will serve as the lead agent in this matter, and that Hightstown will therefore execute the contract for Patriot's services on behalf of the two municipalities; and

WHEREAS, it is intended that Hightstown and East Windsor will receive a "SHARE" grant from the State of New Jersey, Department of Community Affairs, in order to fully fund the costs associated with the necessary services; and

WHEREAS, any contract to be awarded to Patriot will be specifically subject to and contingent upon receipt of the "SHARE" grant to underwrite the costs of Patriot's services; and

WHEREAS, it is necessary for Hightstown and East Windsor to move forward immediately to make application for the "SHARE" grant, so as to determine whether this project may move forward; and

WHEREAS, Hightstown and East Windsor have agreed to divide equally the \$500.00 cost associated with applying for the "SHARE" grant, and to pay their proportionate share of said cost upfront; and

WHEREAS, with the above in mind, Hightstown wishes to move forward to approve a contract with Patriot on behalf of the two municipalities.

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 Hightstown hereby authorizes the retention of Patriot Consulting Group of Monmouth Beach, New Jersey, to study the feasibility of sharing police services with East Windsor and to make recommendations concerning said proposal.
2. That this authorization is specifically subject to and contingent upon receipt of a "SHARE" grant from the State of New Jersey, Department of Community Affairs, in order to underwrite the costs of Patriot's services. If said grant is not received, then this authorization is hereby determined to be null and void.

3. That Patriot is hereby authorized and directed to prepare all necessary documents and to undertake all necessary actions immediately in order to make application for the "SHARE" grant on behalf of Hightstown and East Windsor, with the \$500.00 cost of application to be split equally between the two municipalities.
4. That the Hightstown Mayor is authorized to execute and the Borough Clerk to attest an Agreement between Patriot and Hightstown, on behalf of the two municipalities, which shall be in a form acceptable to the Hightstown Borough Attorney, regarding these services.
5. That this contract is subject to and contingent upon the provision of adequate funding in the Borough's 2008 budget to cover the necessary services. When applicable, the Chief Financial Officer is authorized and directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
6. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Patriot Consulting Group
 - b. Township of East Windsor
 - c. Candace B. Gallagher, Hightstown Borough Administrator/Clerk
 - d. Frederick C. Raffetto, Esquire, Hightstown Borough Attorney

At this time, a brief recess was taken. The meeting resumed with consideration of the Consent Agenda.

CONSENT AGENDA

At the request of Council President Sikorski, Resolution 2008-95 was removed from the consent agenda for separate consideration. **Resolutions 2008-90 through 2008-94** and **Resolutions 2008-96 through 2008-100** were moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted, 6-0.

**RESOLUTION 2008-90 AUTHORIZING PAYMENT NO. 3 AND CHANGE ORDER NO. 2 - EAGLE PAVING CORP.
(MORRISON AVENUE IMPROVEMENTS)**

WHEREAS, on June 18, 2007, the Borough Council awarded a contract for Morrison Avenue improvements to Eagle Paving Corp. of South Toms River, New Jersey in the amount of Three Hundred and Seventy-Seven Thousand One Hundred and Ninety-Four (\$377,194.45) Dollars and Forty-Five Cents; and

WHEREAS, on September 4, 2007, the Borough Council approved Change Order No. 1 to this contract in the amount of Eight Thousand Three Hundred and Ninety-Nine Dollars (\$8,399.00), bringing the total contract price to Three Hundred Eighty-Five Thousand Five Hundred Ninety-Three Dollars and Forty-Five Cents (\$385,593.45); and

WHEREAS the Borough Engineer has recommended the approval of Change Order No. 2 to this contract in the amount of NEGATIVE Forty Dollars and Thirty-Four Cents (-\$40.34), as detailed on the attached listing; and

WHEREAS, the contractor has submitted Payment Request No. 3 for work done in the total amount of \$54,730.56, subject to receipt of the required certified payrolls; and

WHEREAS, of that amount, \$29,399.52 is for water and sewer related construction and \$25,331.04 is for general roadway construction; and

WHEREAS, the Borough Engineer has recommended approval of this payment request;

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 Eagle Paving Corp. of South Toms River, New Jersey in the amount of NEGATIVE Forty Dollars and Thirty-Four Cents (-\$40.34) 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 Three Hundred Eighty-Five Thousand Five Hundred Fifty-Three Dollars and Eleven Cents (\$385,553.11).
3. Payment Request No. 3 to Eagle Paving Corp. of South Toms River, New Jersey in the amount of \$54,730.56, as detailed herein, is hereby approved and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-91 AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2007 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a 2007 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Lawrence Blake, Public Works Superintendent, 148 North Main Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2008-92 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-188 TO PEDDIE SCHOOL

WHEREAS, Peddie School wishes to hold an off-premise 50/50 raffle at the Peddie School on May 30, 2008, and has submitted application number RA-188 for this raffle along with the required fees; and

WHEREAS, Peddie School is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-28133, which registration expires on December 31, 2009; 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-188 to the Peddie School for their 50/50 raffle to be held on May 30, 2008.

RESOLUTION 2008-93 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, April 5, 2008 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Chief of Police; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Auctions for this event;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held on April 5, 2008 at 278 Monmouth Street.

RESOLUTION 2008-94 AUTHORIZING A TRANSFER OF FUNDS IN THE 2007 BUDGET

WHEREAS, N.J.S.A 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the succeeding fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that transfers in the 2007 CURRENT budget as detailed on the attached listing² are hereby authorized.

**RESOLUTION 2008-96 RESOLUTION REGARDING CULTURAL DIVERSITY
AND ACTS OF DISCRIMINATION AND BIGOTRY IN MERCER COUNTY**

WHEREAS, Mercer County is a diverse and good place to live for people and families from many backgrounds, races, ethnicities and cultures; and

WHEREAS, we are home to many different people who want to live their lives peacefully, enjoying the promise that America brings to all of us; and

WHEREAS, sadly, some people in our community feel the need to write hateful words and messages, to carve swastikas in cornfields, toss leaflets onto lawns and try to intimidate and belittle those who may be different from themselves; and

WHEREAS, we believe that Freedom of Speech is not a license to speak or write hateful, racist and bigoted words or to commit bias acts; and

WHEREAS, ignorance and bigotry are not the values which make our country and our county great;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that we join the *American Conference on Diversity* in firmly stating our belief that each person, race, ethnicity and culture brings something special to each of our Mercer County communities, and we stand united against further acts that imperil the diverse fabric of our County and the future of our children.

² Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-94.

RESOLUTION 2008-97**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	206,700.00	324,255.00	530,955.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	59,689.60	0.00	59,689.60
Water/Sewer	49,300.00	355,311.00	404,611.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	315,689.60	679,566.00	995,255.60

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 2008-98**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 **\$355,060.19** from the following accounts:

Current	\$ 184,247.75
W/S Operating	97,193.76
General Capital	28,142.02
W/S Capital	31,549.52
Trust Account	7,236.69
Escrow – Subdivision & Site Plan	<u>6,690.45</u>
Total	\$ <u>355,060.19</u>

RESOLUTION 2008-99

ACCEPTING MEMBERSHIP OF RONALD G. CERANKOWSKI IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Ronald G. Cerankowski of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Cerankowski has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief John Archer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Ronald G. Cerankowski in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2008-100

ACCEPTING MEMBERSHIP OF JASON T. REED IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Jason T. Reed of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Reed has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief John Archer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Jason T. Reed in Hightstown Engine Company No. 1 is hereby accepted.

With respect to **Resolution 2008-95**, which would approve placement of directional signage in the Borough right-of-way by the First Presbyterian Church, Council President Sikorski expressed his "personal and general concern" and said that the "issue of aesthetics in the community and sign proliferation should be addressed." He noted that the Borough's four major churches are located on major streets and easily locatable. The Presbyterian Church, he said, has two illuminated signs on North Main Street and recently added two more without permits to indicate their parking area and sanctuary space. There are four signs, all visible from the street, two of which are illuminated throughout the night. Mr. Sikorski said that he has no objection to a sign at the corner of North Main and Chamberlin regarding Mt. Olivet Church because of the inaccessibility of that church's location, but again noted that the Borough's larger churches are on main streets. In addition, he said, the placement of another sign at the corner of North Main and Chamberlin could "confuse the sight line," and the church itself is only about 100 feet away from that location. He expressed concern about setting a precedent with other churches and noted that the sign installed by GHEWIP at the center of town does include the Presbyterian Church. "Are we trying to create a look for Hightstown?" he asked. "It should be aesthetically pleasing. We're doing overkill in this instance."

Councilmember Rosenberg agreed, and said that he is "visually assaulted" by signs as he enters the Borough. Mayor Patten asked about signs for churches and other community organizations that already exist throughout town. "If they already exist under our current zoning," Councilmember Rosenberg said, "there is nothing to be done. But these would be on our right-of-way."

Mayor Patten asked if anyone was willing to move Resolution 2008-95, noting that, if not moved, the Resolution would die. No one moved the Resolution and it was declared dead.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Rob Thibault, 504 South Main Street, referred to the budget presentation earlier in the meeting and stated that "*everything* is a controllable expense." Salaries and benefits, he said, represent about 45% of the Borough's total budget,

including water and sewer. "If you take that off the table," he asked, "where are you going to cut?" Raising taxes or cutting services is unacceptable, he said, and added "any pain that the taxpayers feel, the workers better feel it as well." He feels that Borough workers should absorb 14 cents of the 28 cent increase, either through givebacks or layoffs. Mr. Thibault went on to say that the country's top 15 cities have an average of 2.9 police officers per thousand residents, which is considered acceptable. He claimed that, by comparison, Hightstown has 4.1 officers per thousand residents. Mr. Thibault was immediately corrected by members of Council, as the Borough actually has *fewer* than the "acceptable" average of 2.9 police officers per thousand. Councilmember Schneider estimated that figure at about 2.75 percent for Hightstown.

Kathy Zaiser, 402 South Main Street, spoke as a member of the First Presbyterian Church to say that she was "concerned" by Council's discussion regarding the Church's request to place directional signage in the Borough's right-of-way. "You've been inconsistent," she said, "and have put forth no suggestions or recommendations on how to proceed. You've simply said you won't give us a fair playing field in this town."

Torry Watkins, 68 Meadow Drive, agreed with Mr. Bond's comment regarding Ordinance 2008-06, and asked "How did you let such a meaningless ordinance get to this point? Council has been irresponsible to date and is kicking the can farther and farther down the road. Some things Council has to step up and do ... they cannot be negotiated between neighbors. Rats are directly proportional to the number of chickens or other farm animals." He asked Council to "please come back with a responsible ordinance and pass it one way or another."

Walter Yetman, 102 Springcrest Drive, said that he heard a lot at this meeting about community, and about neighbors working out their differences, and said "I offer my hand to Rob [Thibault] and his family to work out our differences and work out an agreement acceptable to both of us."

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-85, authorizing a closed session for the purpose of discussing the disposition of Borough-owned property, litigation and tax appeal litigation. The Resolution was moved by Councilmember Harinxma and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2008-85 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 March 17, 2008 at approximately 9:35 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:

Disposition of Borough-owned property

LITIGATION: Greystone Capital Partners New Jersey LLC v. Borough of Hightstown; Presbyterian Home at Meadow Lakes v. Borough of Hightstown

TAX APPEAL LITIGATION: Hightstown Development Associates

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: June 17, 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.

Upon reconvening into open session, a **verbal Resolution**, numbered as **2008-102**, was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2008-102 A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO FILE A COUNTERCLAIM WITH RESPECT TO TAX APPEAL LITIGATION INVOLVING PROPERTIES OWNED BY HIGHTSTOWN DEVELOPMENT ASSOCIATION

WHEREAS, the Borough of Hightstown (the "Borough") anticipates that Hightstown Development Association (the "property owner") may file a Complaint with the Tax Court of New Jersey (the "Tax Court" or "Court") seeking to reduce the 2008 tax assessments on two (2) real properties that it owns located along Westerlea Avenue, which are utilized for multi-unit residential purposes; and

WHEREAS, the properties at issue are known and designated as Block 55, Lot 74 (assessed for \$3,000,000) and Block 61.01, Lot 26 (assessed for \$2,450,000) on the Hightstown Borough Tax Map (collectively, the "properties"); and

WHEREAS, the combined assessment of the properties is equivalent to \$5,450,000.00, which implies a true value of \$13,094,666.00 when factoring in the Borough's current assessment ratio; and

WHEREAS, the property owner has filed tax appeals during the years 2005 through 2007 concerning the properties, which matters remain pending at current before the Tax Court; and

WHEREAS, should the property owner wish to file a 2008 Complaint regarding the assessments on the properties, then the said Complaint must be filed with the Court on or before the statutory filing deadline of April 1, 2008; and

WHEREAS, the Borough's Tax Assessor is of the opinion that the true market value of the properties is in excess of \$13,094,666.00; and

WHEREAS, the Tax Assessor has therefore recommended that, should the property owner file a 2008 Complaint contesting the tax assessments on the properties, the Borough should file a Counterclaim in order to seek an increase in the assessed values of the properties; and

WHEREAS, the Borough Council has previously authorized the filing of Counterclaims and/or affirmative cases seeking to increase the assessments on the properties during the years 2005 through 2007, for the same reasons; and

WHEREAS, the Borough Council wishes to provide its formal authorization for the filing of a Counterclaim on behalf of the Borough, as necessary, with respect to any 2008 appeals which may be filed by the property owner in this matter, which will seek an increase in the tax assessed values of these properties, as recommended by the Tax Assessor.

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

1. That, should the property owner file a 2008 Complaint with the Tax Court regarding the tax assessed value of the properties set forth above, then the Borough is hereby authorized to file a Counterclaim with the Court seeking to increase the assessed valuation of the said properties.
2. That, if necessary, the Borough Attorney is hereby authorized and directed to file the said Counterclaim in a timely manner, and to perform all other actions that are required in order to protect the Borough's interests.

3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Ken Pacera, Tax Assessor
 - b. Peter Sockler, MAI, Appraiser
 - c. Candace Gallagher, Business Administrator/Clerk
 - d. Frederick C. Raffetto, Esq., Borough Attorney
 - e. Nancy Martin, Tax Collector
 - f. Arlene O'Rourke, Treasurer

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk