

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

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

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the Consent Agenda were Resolutions 2008-255 through 2008-261. The agenda, as so amended, was moved by Council President Sikorski, seconded by Councilmember Quattrone and approved by all.

APPROVAL OF MINUTES

Minutes of the October 6, 2008 open session were moved by Council President Sikorski, seconded by Councilmember Bond and unanimously approved as submitted.

Minutes of the October 6, 2008 closed session were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, thanked everyone involved in working on the annual Community Fair, and said that we hope to close the street again next year for the event. She suggested that Hightstown find a way to highlight and publicize its unique architecture, as some other towns have done.

Janice Mastriano, 15 Leshin Lane, suggested that, next year, high school students be invited to create Halloween art and decorate the Borough's downtown storefronts.

Charles Carr, 131 Prospect Drive, referenced the possible rezoning of the Minute Maid property, and noted that Prospect Drive residents would be impacted by any future construction there. He asked that the Borough do what it can to "lessen the blow" if a massive construction project is undertaken at that site.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTIONS

Ms. Roberts reviewed the provisions of **Resolution 2008-249**, noting that, by awarding a combined contract for sludge transportation and disposal, the Borough will save approximately \$16,000.00 over the two-year contract period compared to what it would cost us to award separate contracts. She noted that these costs are still significantly higher, however, than in prior contracts (11 cents per gallon as compared to a total of 7.6 cents per gallon in previous contracts), due primarily to increases in fuel and other costs at the treatment facilities. Councilmember Quattrone asked if this would cause an increase in the rates to be charged to homeowners. Ms. Gallagher stated that it would not. Ms. Roberts noted that the Borough is currently evaluating the feasibility of purchasing equipment to dry the sludge, as disposal of dry sludge would be less costly; however, that analysis is not complete and it is necessary to enter into these contracts now because our current contracts are expiring. Ms. Gallagher explained that, if the Borough were to begin drying its sludge and disposing of it in a different way, these contracts would simply go unused, as they are based on unit prices, with no minimum purchase requirement.

Resolution 2008-249 was moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolution adopted, 6-0.

RESOLUTION 2008-249 AWARDING CONTRACT FOR SLUDGE REMOVAL AND DISPOSAL

WHEREAS, bids were received on September 25, 2008, for sludge removal and disposal for the Advanced Wastewater Treatment Plant; and

WHEREAS, in an effort to obtain the best prices for the Borough, sludge transportation was bid with and without sludge disposal for terms of one and two years; and

WHEREAS, the Borough Engineer has analyzed the bids received in light of the Borough's cost to dispose of sludge through a separate contract, and has recommended the award of a two-year contract for combined sludge transportation and disposal to the low bidder, Spectra Serve of Kearny, New Jersey; and

WHEREAS, by awarding a bid for combined transportation and disposal, rather than separate contracts for each, it is anticipated that the Borough will save \$16,080.00 over the two year contract period; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Spectra Serve and has found them to be in order;

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

1. The contract for removal and disposal of liquid sludge for the two-year period running from January 1, 2009, through December 31, 2010 is hereby awarded to Spectra Serve of Kearny, New Jersey, for the unit price of \$0.11/gal. and a total amount not to exceed \$264,000.00.
2. The Mayor and Clerk are hereby authorized to execute an agreement with Spectra Serve, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2009 and 2010.

Following a brief review by Ms. Roberts, **Resolution 2008-253** was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2008-253 AUTHORIZING AMENDMENT TO CONTRACT FOR PROVISION OF MAGNESIUM HYDROXIDE

WHEREAS, on October 8, 2008, the Borough Council adopted Resolution 2008-231, awarding a contract for the provision of magnesium hydroxide for the two-year period running from January 1, 2009, through December 31, 2010 to Premier Chemicals of Pittsburgh, PA, for the unit price of \$449.62/dry ton and a total amount not to exceed Seventy Thousand One Hundred Forty Dollars and Seventy-Two Cents (\$70,140.72); and

WHEREAS, the contract award was based on an estimated usage of 156 tons of the chemical over the two-year period; and

WHEREAS, due to changes in testing procedures at the plant, usage of magnesium hydroxide is now anticipated to be less than originally estimated, and the Borough Administrator has recommended that the contract for provision of same be reduced accordingly;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2008-31 is hereby amended to reflect that the maximum expenditure authorized under the contract awarded to Premier Chemicals as detailed herein is Fifty-Eight Thousand Four Hundred and Fifty Dollars and Sixty Cents (\$58,450.60), and that the language of the contract be so amended prior to its execution by both parties.

Following a brief review by Ms. Roberts, **Resolution 2008-254** 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 2008-254 AUTHORIZING AMENDMENT TO CONTRACT FOR PROVISION OF ALUMINUM SULFATE

WHEREAS, on October 8, 2008, the Borough Council adopted Resolution 2008-232, awarding a contract for the provision of Aluminum Sulfate for the two-year period running from January 1, 2009, through December 31, 2010 to Delta Chemical Corporation of Baltimore, MD, for the unit price of \$1.134/gallon and a total amount not to exceed Sixty-Six Thousand Nine Hundred and Six Dollars (\$66,906.00); and

WHEREAS, the contract award was based on an estimated usage of 59,000 gallons of the chemical over the two-year period; and

WHEREAS, due to changes in testing procedures at the plant, usage of Aluminum Sulfate is now anticipated to be less than originally estimated, and the Borough Administrator has recommended that the contract for provision of same be reduced accordingly;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2008-232 is hereby amended to reflect that the maximum expenditure authorized under the contract awarded to Delta Chemical Corporation as detailed herein is Fifty-Two Thousand One Hundred and Sixty-Four dollars (\$52,164.00), and that the language of the contract be so amended prior to its execution by both parties.

Ms. Roberts reviewed the provisions of **Resolution 2008-255**, declaring Empire Antiques and Eugene Pascucci to be default regarding obligations associated with developing their Monmouth Street property. She noted that items which remain outstanding on this project include landscaping improvements and the placement of concrete bumper blocks.

Resolution 2008-255 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2008-255 A RESOLUTION OF THE BOROUGH OF HIGHTSTOWN DECLARING DEVELOPERS EMPIRE ANTIQUE CORPORATION AND EUGENE PASCUCCI TO BE IN DEFAULT REGARDING OBLIGATIONS ASSOCIATED WITH DEVELOPMENT OF THE PROPERTY LOCATED AT 278 MONMOUTH STREET (BLOCK 24, LOTS 9 AND 10), AND AUTHORIZING THE BOROUGH TO TAKE APPROPRIATE ACTIONS

WHEREAS, in connection with development of the property located at 278 Monmouth Street, which is more commonly known and designated as Block 24, Lots 9 and 10 on the Hightstown Borough Tax Map (the "property"), Developers Empire Antique Corporation and Eugene Pascucci (the "Developers") have previously posted a Performance Bond with the Borough in order to guarantee the satisfactory completion and installation of improvements at the said property; and

WHEREAS, the Performance Bond, which bears Bond Number S05429 (the "Performance Bond"), was underwritten by First Indemnity of America Insurance Company (the surety company), and remains in the amount of \$150,459.84; and

WHEREAS, the Borough Engineer has advised that the Developer has failed or refused to complete certain work at the property, and/or has failed or refused to complete the said work in a satisfactory manner, despite diligent efforts on behalf of the Borough to secure satisfactory completion; and

WHEREAS, the items that remain incomplete are set forth in the attached letter from the Borough Engineer to the Borough Attorney, dated September 25, 2008, in which the Borough Engineer estimates that the cost of completion of said deficiencies is approximately \$18,320.00; and

WHEREAS, based upon the above, the Borough Engineer has recommended that the Borough should declare the Developers to be in default of their obligations regarding development of the property, so that the Borough may take all appropriate actions to compel completion of deficiencies at the property through the surety company; and

WHEREAS, the Mayor and Council wish to endorse the findings and recommendations of the Borough Engineer, and wish to authorize the Borough to proceed as recommended in order to ensure that the outstanding work is satisfactorily completed.

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

1. That the Borough hereby declares Developers Empire Antique Corporation and Eugene Pascucci to be in default of their obligations regarding development of the property located at 278 Monmouth Street, which is more commonly known and designated as Block 24, Lots 9 and 10 on the Hightstown Borough Tax Map.

2. That the Borough is hereby authorized to take all appropriate actions to compel completion of the deficiencies at the property, as specified in the above-referenced letter from the Borough Engineer to the Borough Attorney, through the surety company.
3. That the Borough Attorney is hereby authorized and directed to pursue this matter with the surety company, and to take all necessary actions that are consistent with this Resolution in order to seek the results intended by the Borough, including the commencement of litigation, if necessary.
4. That all relevant Borough officials and agents are hereby authorized and directed to take all necessary actions that are consistent with this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Empire Antique Corporation and Eugene Pascucci
 - b. First Indemnity of America Insurance Company
 - c. Carmela Roberts, P.E., Borough Engineer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-17, AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN RE-ZONING CERTAIN PROPERTIES, ADOPTING AN UPDATED ZONING MAP, AND AMENDING AND SUPPLEMENTING CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Ms. Gallagher reviewed the provisions of Ordinance 2008-17, and noted that the Planning Board has reviewed and approved the ordinance.

Mayor Patten opened the public hearing on this ordinance.

Ken Meiser, attorney for the present owners of the former Minute Maid property, stated that they filed a protest with the Borough Clerk that day, which "has certain procedural consequences." He stated that his clients have been working for over a year with a committee of the Planning Board and Council, attempting to work out the best uses of this property. He suggested that "it would make sense before any amendment to finish that process to see if we can work together to find the best solution." He stated that changing the property from Industrial to Highway Commercial, as this ordinance would accomplish, would have "no practical significance or benefit to the town," and will restrict its use to primarily commercial uses, which they feel will not work at that location. He said that, even "before the recession," they were not able to find anyone interested in developing it within the restrictions of the Highway Commercial, CC1 or CC2 zones. The new zoning, he said, would "keep the uses we can't find a use for and take away the one that we did find one use for.... We lose an opportunity and the Borough won't achieve its goals." He asked that adoption of this ordinance be delayed.

Steve Misiura, 352 South Main Street, spoke as chair of the Planning Board to state that the Board voted unanimously in favor of recommending this ordinance. It is an interim step, he said, and the committee does continue to meet to look at mixed uses. This ordinance will simply eliminate, as of now, uses permitted only in the Industrial Zone, which we would not want. It will protect the Borough against heavy truck traffic, and gives us more control over what types of uses will be allowed there. He recommended that the ordinance be adopted.

Charles Carr, 131 Prospect Avenue, stated that upcoming toll increases on the Turnpike are bound to result in more trucks coming through town, and there are no sidewalks on Summit Street. He asked Council to postpone adoption of the ordinance until more information regarding plans for the property is available to the public.

No one else came forward and the floor was closed.

Mr. Raffetto stated that, because a protest was filed by the owners of more than 20% of the property within the district, the Municipal Land Use Law provides that adoption of this ordinance would require an affirmative vote by at least two-thirds of Council (four members).

Ordinance 2008-17 was moved for adoption by Council President Sikorski and seconded by Councilmember Bond.

Council President Sikorski stated that he sits on the Planning Board, and "we gave this careful consideration." He said that he will vote in favor of the ordinance, and noted that it can always be revised if necessary.

Councilmember Bond expressed his full support for the ordinance, saying "We don't want to entertain an industrial site there. We want to go beyond that and have a nice development there."

Councilmember Quattrone agreed, and added that "this should have been done two years ago."

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

Ordinance adopted, 6-0.

ORDINANCE 2008-17 AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN RE-ZONING CERTAIN PROPERTIES, ADOPTING AN UPDATED ZONING MAP, AND AMENDING AND SUPPLEMENTING CHAPTER 28, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY

WHEREAS, the Borough of Hightstown has adopted an Official Zoning Map of the Borough, dated January 2005, which depicts the boundaries of all zoning districts within the Borough of Hightstown; and

WHEREAS, in order to conform more closely to the Borough's Master Plan, the Planning Board has recommended that the property known as the Minute Maid Property, located on Route 33 (Mercer Street), Block 48, Lots 32, 26, 27, 33, 34 and 35, which property is currently zoned as "Industrial," be rezoned as "Highway Commercial"; and

WHEREAS, the Planning Board has adopted Resolution 2008-15 in this regard, formally recommending this change and stating that rezoning of the Minute Maid property at this time to the Borough's existing Highway Commercial District designation is in accordance with the goals and objectives of both the Master Plan and the 2004 Reexamination Report; and

WHEREAS, the Borough Council, having considered the same, now wishes to approve the said re-zoning, and in addition, to rezone the only two remaining lots in the current Industrial District (Block 48, Lots 28 and 30) as "Highway Commercial"; and

WHEREAS, the Borough Engineer has prepared an updated Zoning Map which reflects and incorporates these changes; and

WHEREAS, a copy of the updated and amended Zoning Map, as prepared by Roberts & Reymann Engineering, L.L.C. and dated September 2008, is attached hereto and made a part hereof; and

WHEREAS, it is the desire of the Borough Council to adopt the attached updated and amended Zoning Map so that it shall now represent the Official Zoning Map of the Borough of Hightstown pursuant to N.J.S.A. 40:55D-32; and

WHEREAS, the Borough Council also wishes to revise the Borough Code accordingly.

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

1. That the Borough hereby re-zones the following properties from the "Industrial" Zoning District to the "Highway Commercial" Zoning District: Block 48, Lots 32, 26, 27, 33, 34 and 35, which collectively are known as the "Minute Maid Property," located on Route 33 (Mercer Street); Block 48, Lot 28, located at the corner of Summit Street and Route 33 (Mercer Street); and Block 48, Lot 30, located on Route 33 (Mercer Street).
2. That, in accordance with N.J.S.A. 40:55D-32, the Borough Council hereby approves and adopts the attached amended and updated Zoning Map, as prepared by Roberts & Reymann Engineering, L.L.C. and dated September 2008, to represent the Official Zoning Map of the Borough of Hightstown.
3. That the attached updated Zoning Map shall supersede the prior Zoning Map of the Borough of Hightstown, which was dated January 2005.
4. That Subsection 28-3-2, entitled, "Zoning Map," of Section 28-3, "Districts Established; Zoning Map," of Chapter 28, "Zoning," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented in the following respects (deletions are shown with ~~strike through~~; additions are shown with underline):

Subsection 28-3-2 Zoning Map.

The boundaries of the districts are hereby established as shown on the Zoning Map, Borough of Hightstown, Mercer County, New Jersey dated ~~January 2005~~ September 2008, which, with all explanatory matter thereon, is hereby adopted and made a part of this Chapter by reference. Such map shall be kept on file in the offices of the Borough Clerk for the use and benefit of the public.

5. That Subsection 28-3-18, "Industrial District," is hereby eliminated in its entirety, and subsequent sections renumbered accordingly.
6. That, prior to the adoption of this Ordinance, notice shall be given by the municipal clerk in accordance with N.J.S.A. 40:55D-62.1 at least 10 days prior to the scheduled public hearing to the owner(s) of the affected properties as well as to all property owners within 200' of the district's boundaries.
7. That, following the adoption of this Ordinance, a copy of this Ordinance and the attached updated Zoning Map shall be filed with the Mercer County Planning Board and the Mercer County Clerk's Office in accordance with N.J.S.A. 40:55D-16.
8. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
9. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
10. That this Ordinance shall take effect upon final passage and publication in accordance with the law, but not until a copy of this Ordinance and the attached updated Zoning Map have been filed with the Mercer County Planning Board and the Mercer County Clerk's Office pursuant to N.J.S.A. 40:55D-16.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-18,

AN ORDINANCE APPROPRIATING \$3,500.00 FROM THE CAPITAL IMPROVEMENT FUND BALANCE FOR THE PURCHASE OF CERTAIN POLICE RADAR AND RADIO EQUIPMENT

Following a brief review by Ms. Gallagher and Chief Eufemia, Mayor Patten opened the public hearing on Ordinance 2008-18.

Jan Guthrie, 425 Stockton Street, spoke in favor of the ordinance and said that she hopes the new radar equipment will be used on Stockton Street, "not only at night but during the day and during the week." She said that traffic tends to pick up speed around the bend near the Walter C. Black School.

Elizabeth Balcewicz, 413 Stockton Street, also expressed support for the ordinance and agreed that traffic on Stockton Street travels faster than 25 mph. "It's a school zone," she said. "I appreciate anything you can do."

No one else came forward and the floor was closed.

Ordinance 2008-18 was moved for adoption by Council President Sikorski and seconded by Councilmember Schneider.

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

Ordinance adopted, 6-0.

**ORDINANCE 2008-18 AN ORDINANCE APPROPRIATING \$3,500.00 FROM THE CAPITAL IMPROVEMENT FUND
BALANCE FOR THE PURCHASE OF CERTAIN POLICE RADAR AND RADIO EQUIPMENT**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The sum of \$3,500.00 is hereby appropriated from Capital Improvement Fund Balance for the purchase of one (1) Stalker Radar Unit and fifteen (15) replacement batteries for police radios.

Section 2. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-19,

**ORDINANCE CANCELING \$236,000 IN UNFUNDED AUTHORIZATIONS AND TO AMEND BOND
ORDINANCE NUMBERED 2008-10 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF
MERCER, NEW JERSEY, FINALLY ADOPTED JUNE 2, 2008, IN ORDER TO REDUCE THE
APPROPRIATION AND AUTHORIZATION AMOUNTS, THE AGGREGATED SUM OF THE DOWN
PAYMENTS AND TO AMEND THE AVERAGE USEFUL LIFE**

Ms. Gallagher reviewed the provisions of Ordinance 2008-19, which would cancel \$236,000 of the funding originally appropriated with Ordinance 2008-10 for trickling filter repairs. When that ordinance was initially adopted, it was noted that whatever portion was not needed would be cancelled, thereby reducing the Borough's debt. At this time, she said, it appears likely that we can reduce the ordinance by \$236,000 and still have enough remaining to cover replacement of the rock media in the trickling filters, which, based on the investigation and work underway right now, may be the most cost-effective solution for the Borough. The Chief Financial Officer has made this recommendation, she said, because, if the ordinance is not reduced, it will be necessary to add funding to the 2008 water-sewer budget before the end of the year to provide for the downpayment that is required. She noted that, in the event that any additional funds are needed once we are ready to proceed with the work next year, it is possible that they could be taken from connection fees recently received from Presbyterian Homes at Meadow Lakes, which are currently being held in reserve.

Mayor Patten opened the public hearing on Ordinance 2008-19. No one came forward and the hearing was closed.

Ordinance 2008-19 was moved for adoption by Council President Sikorski and seconded by Councilmember Bond.

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

Ordinance adopted, 6-0.

ORDINANCE 2008-19

ORDINANCE CANCELLING \$236,000 IN UNFUNDED AUTHORIZATIONS AND TO AMEND BOND ORDINANCE NUMBERED 2008-10 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED JUNE 2, 2008, IN ORDER TO REDUCE THE APPROPRIATION AND AUTHORIZATION AMOUNTS, THE AGGREGATE SUM OF THE DOWN PAYMENTS AND TO AMEND THE AVERAGE USEFUL LIFE

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$236,000 in unfunded bond authorizations provided for in bond ordinance #2008-10, finally adopted June 2, 2008 ("Bond Ordinance #2008-10") of the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") are no longer needed for the purposes reference in Section 3(a) of Bond Ordinance #2008-10.

Section 2. The amount of \$236,000 referred to above is hereby cancelled.

Section 3. Section 3(a) of bond ordinance #2008-10 is hereby amended in order to reduce the appropriation and authorization amounts for the improvement to \$124,948 and \$119,020, respectively.

Section 4. The total cost of the projects described in Bond Ordinance #2008-10 is hereby reduced from \$404,000 to \$155,400.

Section 5. The total amount of bonds or notes authorized by Bond Ordinance #2008-10 is hereby reduced from \$384,000 to \$148,000.

Section 6. The aggregate sum of the several down payments for the improvements described in Bond Ordinance #2008-10 is hereby reduced from \$20,000 to \$7,400. The difference (\$12,600) is hereby authorized to be deposited back into the Capital Improvement Fund for future appropriations.

Section 7. Section 6(b) of Bond Ordinance #2008-10 is hereby amended to read as follows:

"The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.04 years."

Section 8. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 9. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-20,

**AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*,
CHAPTER 7 THEREOF, REGARDING PARKING REGULATIONS IN MUNICIPAL PARKING LOTS**

Ms. Gallagher reviewed the provisions of Ordinance 2008-20, noting that it would effectuate recommendations of the Borough's downtown parking subcommittee by expanding two-hour parking in the municipal lots to four hours, and increasing the number of permit parking spaces. Councilmember Quattrone referred to the committee's recommendation for a Parking Enforcement Official, and asked how many hours per week that individual would be working. "Five to six hours, max," Councilmember Bond replied. Ms. Gallagher noted that the Parking Enforcement Official would be authorized in the next ordinance to be considered on this agenda, but is not included in this ordinance.

Ordinance 2008-20 was moved for introduction by Council President Sikorski and seconded by Councilmember Bond.

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

Ordinance introduced, 5-1.

The public hearing and final reading for Ordinance 2008-20 was scheduled for November 3, 2008.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-21, ESTABLISHING THE POSITION OF PARKING ENFORCEMENT OFFICER

Ms. Gallagher reviewed the provisions of Ordinance 2008-21, which would amend the Borough Code to establish the position of Parking Enforcement Officer, and set a salary range for that position of \$15 to \$22 per hour. The establishment of this position had been recommended by the downtown parking subcommittee. Discussion ensued.

Councilmember Schneider stated that it is likely that the changes which would be made with Ordinance 2008-20 would negate the need for a Parking Enforcement Officer, and we would be adding a position we don't need.

Councilmember Bond stated that a four-hour time limit will be more difficult to enforce, and the point in hiring an enforcement officer is for consistency. "They can chalk in the morning and come back in the afternoon and issue summonses if necessary," he said. "It is more consistent to do it that way, and a benefit to our businesses." He said that the officer would not need to be there "all day long, every day" and this was the recommendation of the committee, who discussed this at length. He added that this would also aid the police department, since "they have more important things to do than issue parking tickets."

Councilmember Schneider estimated that adding this position would cost \$132 per week, or between \$6,000 and \$7,000 per year, and again expressed his objection to this. "We scrimp on all our budgets," he said. "I don't think we need to do this now." He said that he would prefer not to establish the position until the time comes, if it does, that we have a problem.

Councilmember Quattrone stated that he would prefer not to increase the police budget in this way, and Council President Sikorski agreed, saying that he would prefer to delay action on this until we see if it is needed after the new regulations and parking spaces are in place.

Mayor Patten asked Chief Eufemia to comment. He stated that he checks the parking lots each morning, generally between 8:10 and 8:25, and they are nearly empty except for the permit parking areas. The lots fill up more during lunchtime, he said, and added, "Perhaps we should watch it for awhile."

Motion: At this time, motion was made by Councilmember Rosenberg to postpone action on this ordinance indefinitely. The motion was seconded by Councilmember Bond, and unanimously approved.

RESOLUTIONS

Ms. Gallagher reviewed the provisions of Resolution 2008-248, which would amend the agreement with Patriot Consulting to include a study of the feasibility of East Windsor's providing municipal court services to the Borough of Hightstown. The Borough would seek \$10,000 in additional SHARE grant funding from the State to cover the cost of that study, and approval of the contract amendment would be contingent upon receiving that funding. Ms. Gallagher added that she had received figures that day from the Municipal Court Administrator detailing significant net revenues to the Borough as a result of municipal court operations, which have increased consistently over the past three years, and would provide those figures to Council. Discussion ensued.

Councilmember Schneider objected to this, saying, "I was not in favor of the police study and I'm not in favor of this one." He said that he has seen a study which showed that large courts are less efficient than smaller courts, and added that our court is the least likely department to benefit from being part of a larger system. As the Borough owns the municipal building, he said, we are not adding costs by holding court sessions here; however, if East Windsor were to provide the service, it is likely that they would expect some contribution from the Borough toward their building costs. The court provides revenues to the Borough, he said, and is "something I'd want to hold onto." This is \$10,000 of the State's money spent that won't bear us any fruit, he said, and he would prefer not to see the State spending money that won't accomplish anything.

Council President Sikorski said that he finds it "difficult to accept that one would be opposed to a scientific study before any action would be taken," and called this a "no-brainer." Consolidation and regionalization is the "wave of the future," he said, and, even if the study were completed and the findings negative, the Borough would still benefit because having taken steps to have the feasibility of these shared services "scientifically investigated by an outside agency" would bolster the Borough's standing with respect to receiving Extraordinary Aid.

Councilmember Harinxma expressed support for the study, saying that "any moves toward seeing where we might be able to improve our budget are worth looking into."

Resolution 2008-248 was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 5-1.

RESOLUTION 2008-248 AUTHORIZING AMENDED AGREEMENT WITH PATRIOT CONSULTING SERVICES

WHEREAS, on March 17, 2008, the Borough Council adopted Resolution 2008-101, authorizing a professional services agreement with Patriot Consulting Group of Monmouth Beach, New Jersey ("the Consultant"), to study the feasibility of sharing police services with East Windsor and to make recommendations concerning said proposal, which study has been fully funded by a SHARE grant awarded to Hightstown and East Windsor by the State of New Jersey, Department of Community Affairs; and

WHEREAS, the Joint Committee has recommended that the scope of this agreement be broadened to include an additional study of the feasibility and financial impact of East Windsor providing Joint or Shared Municipal Court Services to the Borough of Hightstown; and

WHEREAS, the Consultant has agreed to perform these services for an additional fee of \$10,000.00; and

WHEREAS, it is intended that the SHARE grant previously awarded will be amended in order to fully fund this added cost; and

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

WHEREAS, in addition, the Borough Administrator has recommended that Section 1(d) of the existing professional services agreement, which provided for payment by the Borough to the Contractor for any additional expenses, be deleted, and the Contractor has agreed to this change; and

WHEREAS, the entire professional services agreement with Patriot Consulting, as proposed herein to be amended, is attached hereto and made a part hereof;

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

1. That the amended professional services agreement with Patriot Consulting Group of Monmouth Beach, New Jersey, which is attached hereto and made a part hereof is hereby approved, and the Mayor and Municipal Clerk are authorized to execute same.
2. That this authorization is specifically subject to and contingent upon amendment of the "SHARE" grant previously awarded by the State of New Jersey, Department of Community Affairs, in order to include the cost of these additional services.
3. That the Consultant is hereby authorized and directed to prepare all necessary documents and to undertake all necessary actions in order to make application for amendment of the "SHARE" grant awarded to Hightstown and East Windsor as outlined herein.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. 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. Frederick C. Raffetto, Esquire, Hightstown Borough Attorney

CONSENT AGENDA

Council President Sikorski asked Ms. Gallagher to comment regarding the Resolutions dealing with Dedications by Rider. She stated that these Resolutions request permission from the State to dedicate funds donated to the Borough for various purposes specifically to those purposes, which would allow them to remain available in a trust fund for use from year to year.

Resolutions 2008-250 through 2008-252 and 2008-256 through 2008-261 were moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-250 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 **\$438,090.30** from the following accounts:

Current	\$ 189,688.14
W/S Operating	78,333.33
General Capital	351.19
W/S Capital	3,570.00
Trust	50,607.11
Grant	2,590.46
Lien Trust	104,063.47
Escrow – Subdivision & Site Plan	<u>8,886.60</u>
Total	\$ <u>438,090.30</u>

RESOLUTION 2008-251 AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEE

WHEREAS, Richard Pratt, 214 Stockton Street, Hightstown, New Jersey, submitted payment in the amount of \$134.00 to the Borough of Hightstown Construction Office for construction permit no. 20080033; and

WHEREAS, Mr. Pratt has decided not to proceed with the work for which the permit was issued; and

WHEREAS, the Construction Official has requested that the fee be refunded to Mr. Pratt;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue a refund in the amount of \$134.00 to Richard Pratt, 214 Stockton Street, Hightstown, New Jersey, 08520, representing a refund of the permit fee paid as detailed herein.

RESOLUTION 2008-252 AUTHORIZING REFUND OF DUPLICATE PAYMENT FOR VENDOR FEE

WHEREAS, duplicate payments in the amount of \$25.00 were received by the Borough of Hightstown covering the vendor fee for Prudential/Highpoint at the 2008 Community Fair; and

WHEREAS, the Treasurer has requested permission to refund the duplicate payment to Buddy Benton, 120 Main Street, Hightstown, New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue a refund in the amount of \$25.00 to Buddy Benton, 120 Main Street, Hightstown, New Jersey, 08520, representing a refund of the duplicate vendor fee paid as detailed herein.

RESOLUTION 2008-256 REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR ANIMAL WELFARE COMMITTEE DONATIONS PURSUANT TO *N.J.S.A. 40A:5-29*

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A. 40A:5-29* permits municipalities to receive amounts for costs incurred for Animal Welfare Committee Donations; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Animal Welfare Committee Donations per *N.J.S.A. 40A:4-39*.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTONS 2008-257 REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR POLICE K-9 UNIT DONATIONS PURSUANT TO *N.J.S.A. 40A:5-29*

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A. 40A:5-29* permits municipalities to receive amounts for costs incurred for Police K-9 Unit Donations; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Police K-9 Unit Donations per *N.J.S.A. 40A:4-39*.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**RESOLUTION 2008-258 REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR
HIGHTSTOWN SKATEPARK DONATIONS PURSUANT TO *N.J.S.A. 40A:5-29***

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A. 40A:5-29* permits municipalities to receive amounts for costs incurred for Hightstown Skatepark Donations; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Hightstown Skatepark Donations per *N.J.S.A. 40A:4-39*.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**RESOLUTION 2008-259 REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR
HIGHTSTOWN BOROUGH FAIR DONATIONS PURSUANT TO *N.J.S.A. 40A:5-29***

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A. 40A:5-29* permits municipalities to receive amounts for costs incurred for Borough Fair Donations; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Borough Fair Donations per *N.J.S.A. 40A:4-39*.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION 2008-260**REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR GREEN MACHINE STREET SWEEPER DONATIONS PURSUANT TO *N.J.S.A. 40A:5-29***

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A. 40A:5-29* permits municipalities to receive amounts for costs incurred for Green Machine Street Sweeper Donations; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Green Machine Street Sweeper Donations per *N.J.S.A. 40A:4-39*.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION 2008-261**REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR PEDAL BOAT DONATIONS PURSUANT TO *N.J.S.A. 40A:5-29***

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A. 40A:5-29* permits municipalities to receive amounts for costs incurred for Pedal Boat Donations; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Pedal Boat Donations per *N.J.S.A. 40A:4-39*.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Justin Gorner, 27 Norton Avenue, lodged a complaint about high taxes he and others in Enchantment are paying. He said that 50% of the residents there are retired and on fixed incomes, with no children, yet they pay a "heavy duty school tax." When they were purchasing their home two years ago, he said, they were told that the taxes would range from \$8,000 to \$8,800, but his taxes this year will be \$10,000. He said that Enchantment is now about 65% full, and "when people come in they're told different numbers so no one is sure of what the tax base is." He said that two other Enchantment homeowners were in attendance at this meeting, and they "would like to know where we're going with this." He stated that, in Monroe Township, taxes were abated by 10 to 15 percent, and asked Council to consider this. Secondly, Mr. Gorner stated that Robertson Douglas was told by the Borough that Enchantment could not be a gated community. In light of that, he asked if police patrols could be increased to offer more security.

Mayor Patten informed Mr. Gorner that our Tax Assessor is in the office each Tuesday from 4:30 to 6:30 and could discuss his property assessment with him.

Eugene Sarafin, 600-628 South Main Street, stated, "I have no problem insulting people and I don't mind being insulted," but noted, "for the record," that the minutes indicate that a speaker during public comment at the last meeting said that Mr. Sarafin asked, at a polling place, how someone had voted. Mr. Sarafin stated that the incident took place in the parking lot outside the polling place after he overheard individuals saying that they would defeat a school bond issue he had worked hard on.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-247, authorizing a closed session for the purpose of discussing contract negotiations. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2008-247 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 October 20, 2008 at approximately 8:10 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Contract Negotiations (Interlocal Dispatching Services)

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: January 20, 2009, 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, adjournment was moved by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk