

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; James M. Eufemia, Chief of Police and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was amended to place the promotion of Mark Niro ahead of the Public Comment session and to add Resolution 2008-167, authorizing an Executive Session. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Schneider and approved by all.

APPROVAL OF MINUTES

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

RESOLUTION 2008-155: PROMOTING MARK NIRO TO RANK OF POLICE SERGEANT

Resolution 2008-155 was moved by Councilmember Bond and seconded by Council President Sikorski.

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

Resolution adopted, 5-0.

WHEREAS, there exists a need for an additional Police Sergeant in the Hightstown Police Department; and

WHEREAS, after competitive written and oral examination, Ptl. Mark Niro has been found to possess the experience and qualifications necessary to fill this position; and

WHEREAS, it is the recommendation of the Chief of Police and the desire of the Mayor and Council that Ptl. Niro be promoted to fill the position of Police Sergeant;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Mark Niro is hereby promoted to the rank of Police Sergeant with the Hightstown Police Department effective this date, June 16, 2008.

Sergeant Niro was sworn in to his new post by Mayor Patten. Officers of the Hightstown Police Department, including the force's new police dog, Neko, were in attendance for the event.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

J. P. Gibbons, 602 N. Main Street, thanked the Police Department for their service to the community, and expressed his strong support for them.

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-11,

AMENDING CHAPTER 13, "HOUSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO PROHIBIT USE OF ATTICS AS SLEEPING SPACES

Ms. Gallagher briefly reviewed Ordinance 2008-11, and noted that Construction Official George Chin has provided certain clarifications with respect to this ordinance, and has recommended that it be revised to specifically exempt Cape Cod houses.

Mr. Raffetto noted that, if proper permits were received for existing sleeping spaces in attics, those could be grandfathered under this ordinance; however, there would be no further ability for residences within the Borough to use an attic for sleeping purposes. He added that, if the language of the ordinance was changed to exempt Cape Cod homes or in other ways, the ordinance would need to be re-introduced.

Councilmember Quattrone noted that some permits are issued for which inspections are not completed, and that inspections should be referenced in the ordinance in addition to permits. Councilmember Bond stated that this ordinance should be revised so that all existing attic sleeping spaces are not necessarily grandfathered. Councilmember Harinxma asked Mr. Raffetto how the definition of an attic is determined, noting that, in some homes there is very little space while in others it is much larger. Mr. Raffetto said that the ordinance's suggested language refers to the New Jersey edition of the International Residential Code 2006, and defines an attic as that area between the ceiling joists of the top story and the roof rafters.

After some further discussion, it was generally agreed that further action on this Ordinance would be tabled until it could be further revised, but that the public hearing would be held as advertised.

Construction Official George Chin was in attendance and stated that he had recommended exempting Cape Cod homes because they are actually one-and-a-half story homes, and the upper space is designed to be occupied. Unlike other older homes, Cape Cod homes have fire blocking and standard staircases to the upper floor. In other older homes, staircases are steep or winding, and it can be dangerous to exit quickly. In addition, they were built with "balloon frames," which use continuous studs from basement to attic, letting a fire spread quickly. In addition, in most older homes, there are fewer electrical outlets in the attic area, requiring more extension cords. Air conditioners are often necessary in attic spaces, and using an air conditioner with an extension cord can be dangerous – that, he said, is how a recent fire on Franklin Street started. He added that attic spaces in older homes often have insufficient ventilation, which can lead to mold.

Councilmember Harinxma asked Mr. Chin if, once this ordinance was adopted, a homeowner would be able to renovate an attic space to make it into a bedroom, provided that the proper improvements were made to address safety issues. Mr. Chin said that they would not be permitted to do so.

Mayor Patten opened the public hearing on Ordinance 2008-11.

Richard Pratt, 214 Stockton Street, stated that he "fully supports" this ordinance. It recently came to light, he said, that the attic at 220 Stockton Street was being occupied and rented. There was only one way out, and two small windows that didn't open. This ordinance, he said, is a "step in the right direction."

Mike Vanderbeck, 344 Stockton Street, acknowledged the safety concerns expressed, and asked if there is a provision in this ordinance for those homes that obtained permits to create living/sleeping spaces in their attics and did so properly, addressing those concerns. Mr. Chin stated that, if proper C.O.'s were issued for the space, those homes would be grandfathered.

Eugene Sarafin, 600-628 South Main Street, suggested that, rather than grandfathering existing spaces and banning outright the future use of these spaces for sleeping, the building inspector or fire official should be authorized to approve such spaces based on his inspection. "Someone should be able to make that decision," he said.

J. P. Gibbons, 602 N. Main Street, expressed his strong objection to an outright prohibition. While, he said, he understands the safety concerns, the Borough would be prohibiting those who wish to renovate their property lawfully and correctly from doing so. He added that grandfathering is problematic because some homes may have been renovated, even with proper permits, prior to newer standards, and could still be unsafe. He said that he would support an ordinance that sets specific standards to be met when utilizing an attic area, "but a blanket prohibition that tells me I can't take my building, on which I pay high taxes, and create a third floor with three more bedrooms is very upsetting." He noted that there is "not a lot of extra room in the Borough, and with setbacks, homeowners are often not able to build onto their structure." He noted that some homes may have been sold with the potential of creating additional sleeping space in the attic, and some may have been assessed and taxed based on that. He also questioned how an attic space that is not safe for sleeping could be considered safe for other uses. Mr. Gibbons closed by saying, "the problem is that there are people there that should not be there, or violating existing codes. Enforce them."

Mr. Sarafin spoke again to say, "Amen."

No one else came forward and the hearing was closed.

Council President Sikorski moved that action on this ordinance be postponed in order to allow the Borough Attorney to make revisions to it. Councilmember Bond stated, "We need some discussion as to what those amendments will be," and

said that there should not be outright grandfathering for existing spaces. Evidence of an approved permit, he said, should be required. In addition, there should be regulations to allow a homeowner to modify their attic space if they can do so while meeting safety requirements. He said that he does have some concern about Victorian homes, some of which have fire escapes while others do not.

Mayor Patten questioned the purpose of this Ordinance, and noted that rental properties and owner-occupied properties are different. He suggested that people occupying their own home should be able to live in any space in that home that they wish to. "What is our real purpose?" he asked, adding "I don't know if we'll really solve the problem this way at all."

Councilmember Harinxma said that she is uncomfortable with an outright ban, and that there should be exceptions for those willing to do what they need to do in order to address safety concerns.

Mr. Chin stated that, right now, we are finding people sleeping in attics where windows don't open or there are no windows at all. He is looking for an ordinance that will prohibit sleeping in attics just as we currently prohibit sleeping in basements. "We need something to get them out of there," he said.

Councilmember Schneider said that, in the interest of preserving the rights of homeowners who try to obey our regulations, he would feel more comfortable with an ordinance prohibiting sleeping in any attic that fails to meet specific requirements regarding ingress, egress, wiring and framing. Mr Chin noted that ventilation is a concern as well.

Council President Sikorski asked Mr. Raffetto if, since this ordinance has been approved by the Planning Board, it would need to go back to them if revisions are made. "Any land use ordinance has to go before the Planning Board," Mr. Raffetto replied. The revised ordinance could be sent to the Board following its re-introduction, he said. Mayor Patten stated that this is actually not a land use ordinance. Mr. Raffetto said that the Municipal Land Use Law is "very broad" in its definition of land use, and that he would review this again to determine if it would be considered a land use ordinance.

Council President Sikorski again moved to table Ordinance 2008-11, and the motion was seconded by Councilmember Schneider.

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

Ordinance tabled, 5-0.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-12,

AMENDING CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING DECKS AND PATIOS WITHIN THE AA ZONING DISTRICT AND HEIGHT OF ACCESSORY BUILDINGS IN R-2 AND R-3 ZONING DISTRICTS

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2008-12.

Eugene Sarafin, 600-628 South Main Street, noted his presence at the hearing.

Elizabeth Balcewicz, 413 Stockton Street, asked if homeowners would be able to repair or renovate existing accessory structures which may be taller than 16 feet. Mr. Raffetto stated that this would be permitted, but if the building were taken down entirely, that would need to then go before the Planning Board. It was noted that, as long as 25% of the walls of the original structure remain, it could be rebuilt to its original height.

J. P. Gibbons, 602 N. Main Street, asked if a greenhouse or a garage would be considered an accessory structure. Mr. Chin stated that these would be considered accessory structures. An attached garage, however, would be considered part of the principal structure. Mr. Raffetto noted that an accessory use is defined as one that is incident and subordinate to the main use. Mayor Patten stated that public hearings are not intended to be dialogues, and Mr. Gibbons noted that a member of Council had asked Mr. Chin to comment.

Mr. Sarafin spoke again to ask if a windmill would be considered to be an accessory structure. "If so, I object," he said, as a windmill would be 40 feet high. Mr. Raffetto stated that, in that event, a homeowner could apply for a variance.

No one else came forward and the hearing was closed.

Council President Sikorski noted that this Ordinance limits the height of accessory structures in zones R2 and R3, and that they are already limited to 16 feet in R1 and R4 zones, and have been for many years. This was discussed and unanimously approved by the Planning Board, he said.

Ordinance 2008-12 was then moved for adoption by Council President Sikorski and seconded by Councilmember Bond.

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

Ordinance adopted, 4-1.

ORDINANCE 2008-12 **AMENDING CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING DECKS AND PATIOS WITHIN THE AA ZONING DISTRICT AND HEIGHT OF ACCESSORY BUILDINGS IN R-2 AND R-3 ZONING DISTRICTS**

WHEREAS, the Construction Official and Zoning Officer have made certain recommendations for revisions to Chapter 28 of the Borough Code; and

WHEREAS, the Planning Board has reviewed and concurred with these recommendations;

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

Section 1. Chapter 28, "Zoning," is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~):

a. Subsection 28-3.6(b)(9), regarding restrictions on uses within the R-2 Residential District, is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~):

9. Height. The maximum height shall be two and one-half (2.5) stories, not to exceed thirty-five (35') feet. For accessory structures, the maximum height shall be sixteen (16') feet.

b. Subsection 28-3.7(b)(9), regarding restrictions on uses within the R-3 Residential District, is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~):

9. Height. The maximum height shall be two and one-half (2.5) stories, not to exceed thirty-five (35') feet. For accessory structures, the maximum height shall be sixteen (16') feet.

c. Paragraph 5 of "Footnotes to Subsection 28-3.11(g)," which subsection is titled, "*Area and Yard Requirements for Individual Residential Lots in an Active Adult Age-Restricted Housing Development*," is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~):

[5] Decks and Patios may be permitted, subject to the specific approval by of the Planning Board Borough Engineer and Construction Official, of specific the submitted designs, ~~provided~~ which shall include an application, grading plan and all required fees and escrows, subject to the following:

[a] Decks and Patios shall be located in side and/or rear yard areas only, shall be set back at least five feet (5') from all property lines and shall not occupy more than twenty-five percent (25%) of any side or rear yard area within which the deck or patio is located.

[b] Decks located off the second floor may only be permitted where the subject yard abuts a major open space area at least one hundred feet (100') wide along the entire length of the subject lot line.

(c) A Patio shall mean an unroofed ground level surface area adjacent to the principal building and a Deck shall mean an unroofed surface area elevated above the ground adjacent to the principal building by not more than two (2) feet.

(d) Written approval of the Homeowners or Condominium Association, designated Committee or Board, or designated person shall be required prior to the issuance of a construction permit for a Deck or Patio.

Section 2. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-13, AMENDING CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO PROHIBIT PARKING ALONG ETRA ROAD

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2008-13.

Eugene Sarafin, 600-628 South Main Street, asked Chief Eufemia if he had been consulted with respect to this ordinance. Chief Eufemia replied that he had been consulted, and that he approves of the ordinance. Mr. Sarafin asked where people would park if not along the road. It was noted that new parking will be provided at the athletic center, and those on the right side of the street have driveways. Parking can also be found on John Plant Drive.

J. P. Gibbons, 602 N. Main Street, expressed support for the ordinance.

Claire Lumcong, 118 Etra Road, said that there has been a safety concern during sporting events when traffic is speeding down Etra Road and cars are parked closely along the roadside, but expressed concern that guests to her home could now be ticketed for parking in front of her house. She said that Peddie families cross Etra Road frequently, and there should be striping on the roadway to indicate that the speed limit drops from 40 mph to 25 mph. She also suggested rumble strips and a crosswalk in that area.

Richard Pratt, 214 Stockton Street, (a member of the Planning Board) noted that the new parking lot at Peddie's athletic center will offer "plenty of parking" for those that previously parked along Etra Road. There will also be a sidewalk running along the entire length of Etra Road, so people will not be walking in the street. Regarding Ms. Lumcong's suggestions, Mr. Pratt noted that, when he served on Council five years ago, he met with the county to discuss similar measures, but the county does not like to install crosswalks unless they are manned. He added that rumble strips are noisy, and "will keep you up at night."

No one else came forward and the hearing was closed.

Ordinance 2008-13 was moved for adoption by Councilmember Bond and seconded by Council President Sikorski.

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

Ordinance adopted, 5-0.

ORDINANCE 2008-13 AMENDING CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO PROHIBIT PARKING ALONG ETRA ROAD

WHEREAS, as a condition of the Planning Board's approval of Peddie School's athletic center expansion, the school is required to seek Borough and County approval for "No Parking" regulations along Etra Road; and

WHEREAS, Peddie School has submitted a letter to the Mayor and Council requesting same; and

WHEREAS, it is the desire of the Mayor and Council to prohibit parking along the entire length of Etra Road within the Borough;

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

Section 1. Section 7-13 of the *Revised General Ordinances of the Borough of Hightstown*, "Parking Prohibited at All Times on Certain Streets," is hereby amended to reflect that parking shall be prohibited at all times on both sides of Etra Road from South Main Street to the Borough line.

Section 2. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

RESOLUTIONS

RESOLUTION 2008-161, AUTHORIZING INTERLOCAL AGREEMENT WITH MERCER COUNTY FOR NEW JERSEY STATE POLICE COMMUNICATIONS MIGRATION TO COUNTY NETWORK

Chief Eufemia explained that the New Jersey State Police are proposing to discontinue their current network structure for communications with individual municipalities, and instead install equipment at each county. Counties would then act as hubs for their municipalities. This will represent a new cost to the Borough of \$361 per month, and a possible one time cost of \$700 for installation of the router. He noted that discussions are ongoing with the State to use existing equipment in order to avoid the new monthly charge. However, it will be necessary to participate in the system in order to continue to receive needed information from the State police. Chief Eufemia estimated that this will save "millions of dollars" for the State police, however counties and towns will see added costs.

Resolution 2008-161 was moved by Councilmember Schneider and seconded by Councilmember Harinxma. Discussion ensued.

Councilmember Schneider noted that he is morally opposed to this shift in costs from the State to the counties and municipalities, and said that it is "most regressive." He asked what would happen if the Borough does not adopt the Resolution at this meeting. Chief Eufemia agreed that "we're in a tough spot," but recommended its approval. Ms. Gallagher noted that no costs will accrue to the Borough until 2009, but the agreement needs to be in place so that the process of assessing our site and installing the needed equipment can begin.

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

Resolution adopted, 5-0

WHEREAS, the New Jersey State Police have mandated that the current network structure architecture for communications between the State Police and 376 municipal agencies be discontinued, and that New Jersey counties serve as hubs for their respective municipalities for the Garden State Network; and

WHEREAS, the County of Mercer has requested that the Borough enter into an Interlocal Agreement for the New Jersey State Police communications migration to the County network, a copy of which is attached hereto and incorporated herein; and

WHEREAS, the costs to the Borough under this agreement, as detailed therein, will be a one-time installation charge of \$700 and a monthly line charge of \$361 per month; and

WHEREAS, no charges shall accrue to the Borough prior to January 1, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the attached Interlocal Agreement with the County of Mercer for the New Jersey State Police communications migration to the County network is hereby approved, and the Mayor and Borough Clerk are authorized to execute same; and

BE IT FURTHER RESOLVED that this authorization is contingent upon funds to be provided in the Borough's 2009 budget, and that no charges shall accrue to the Borough prior to January 1, 2009.

RESOLUTION 2008-162, RESOLUTION AUTHORIZING APPLICATION TO MERCER COUNTY FOR FUNDING ACTIVE RECREATION UNDER THE MERCER AT PLAY PROGRAM

Richard Pratt addressed the Mayor and Council to request their approval of Resolution 2008-162, which would authorize an application to Mercer County for funding toward the proposed skatepark. Mr. Pratt reviewed the history of the project, and noted that Matt Lucas has agreed to donate approximately one acre of his land for this purpose. The grant would require a 50% match, but Mr. Pratt feels that with the donation of this land and the skatepark committee's fundraising efforts, they will be able to account for up to \$300,000 in matching funds, which would entitle us to \$600,000 in funding from the county. The county has encouraged Mr. Pratt to submit an application as soon as possible.

Mayor Patten thanked Mr. Pratt for his efforts.

Resolution 2008-162 was moved by Councilmember Harinxma and seconded by Councilmember Schneider.

Councilmember Bond recalled that East Windsor recently received a similar grant, with the Borough's support. He asked if they will be supporting this application. "In theory, yes," Mr. Pratt replied, but added that, because we are now classified as a partnering town, "we don't need to bring East Windsor physically into it." Council President Sikorski asked if the Borough would be responsible for maintenance of the skatepark and what that cost would be. Mr. Pratt said that maintenance would be the Borough's responsibility, however, those costs would be covered by ongoing fundraising and would not be funded by taxpayers. Until the park is designed, he said, it is hard to estimate those costs, but it will be a concrete park, which has the lowest maintenance requirements of any skatepark material. No additional police would be needed, he said, because it is located on a route that they already travel. He noted that this skatepark would be more park like, with grass, greenery, trees and other things to do and visit, and announced that a fundraising event would take place on the coming Saturday. The skatepark, he said, will draw people into town, and events and competitions there will bring in continual revenue.

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

RESOLUTION 2008-162

RESOLUTION AUTHORIZING APPLICATION TO MERCER COUNTY FOR FUNDING ACTIVE RECREATION UNDER THE MERCER AT PLAY PROGRAM

WHEREAS, the Borough of Hightstown desires to provide enhanced active recreation opportunities for its residents; and,

WHEREAS, Mercer County has created a funding program for active recreation called "Mercer at Play"; and

WHEREAS, the Borough of Hightstown desires funding from the Mercer at Play program for the construction of a public skateboard park;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized to execute and file an application on behalf of the Borough of Hightstown for funding from the "Mercer at Play" program for construction of a public skateboard park.

RESOLUTION 2008-163, AWARDING CONTRACT FOR NORTH MAIN STREET SIDEWALK IMPROVEMENTS - JONICO, INC.

Following a brief review by Ms. Gallagher, Resolution 2008-163 was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 5-0.

RESOLUTION 2008-163

AWARDING CONTRACT FOR NORTH MAIN STREET SIDEWALK IMPROVEMENTS - JONICO, INC.

WHEREAS, the Department of Community Affairs has approved the use of \$19,000.00 in funds received for the North Main Street and Bank Street project to expand the limits of construction of new sidewalks and brick pavers onto the east side of North Main Street; and

WHEREAS, the Borough Engineer solicited competitive quotations for this work, and has recommended the award of a contract to the firm whose quoted prices represent the least cost to the Borough for this project, Jonico, Inc. of Lambertville, New Jersey; and

WHEREAS, the Chief Financial Officer has certified the availability of funding for this expenditure, which cost will be covered by the Small Cities grant received for North Main Street and Bank Street improvements;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough is hereby authorized to enter into an agreement with Jonico, Inc. of Lambertville, New Jersey for North Main Street sidewalk improvements, subject to the approval of the Department of Community Affairs, and that the Mayor and Borough Clerk are authorized and directed to execute same.

RESOLUTION 2008-164, AWARDING CONTRACT FOR BOARDWALK MATERIALS – AGGRESSIVE INDUSTRIES, INC.

Following a brief review by Ms. Gallagher, Resolution 2008-164 was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2008-164 AWARDING CONTRACT FOR BOARDWALK MATERIALS – AGGRESSIVE INDUSTRIES, INC.

WHEREAS, one bid was received on June 16, 2008 for the purchase and delivery of materials needed to complete a floating dock / boardwalk nature trail system at Rocky Brook Park in the Borough of Hightstown; and

WHEREAS, the Superintendent of Public Works has reviewed the bid submitted and has recommended the award of a contract to the only bidder, Aggressive Industries, Inc. of Minneapolis, MN, for their bid price of \$30,000.00; and

WHEREAS, the Borough Attorney has reviewed the bid submitted by Aggressive Industries, Inc. and has determined that it is in order with respect to legal compliance; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this expenditure;

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

1. The contract for the purchase of and delivery of boardwalk materials as outlined herein is hereby awarded to Aggressive Industries, Inc. of Minneapolis, MN, in the amount of \$30,000.00.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Aggressive Industries, Inc. subject to approval of the Borough Attorney.

BUDGET 2008

RESOLUTION 2008-165, AMENDING THE 2008 BUDGET

Ms. Gallagher reviewed the budget amendment to be approved with Resolution 2008-165, noting that it would incorporate a recent adjustment by the State in formula aid, as well as various grants with offsetting appropriations, and adjust various line items in the budget. The net effect of this amendment, she said, will be to reduce the projected tax rate by approximately two cents. She read the Resolution aloud and in full. The Resolution was then moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 4-1.

RESOLUTION 2008-165 AMENDING THE 2008 BUDGET
(included at end of these 6/16/08 minutes)

CONSENT AGENDA

Council President Sikorski moved the adoption of Resolutions 2008-156 through 2008-160 and Resolution 2008-166. The motion was seconded by Councilmember Harinxma.

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

Resolutions adopted, 5-0.

RESOLUTION 2008-156 AUTHORIZING APPLICATION AND AGREEMENT FOR TRANSPORTATION TRUST FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that an application for Transportation Trust FY 2009 Municipal Aid funding for the Morrison Avenue project is hereby approved, and the Mayor and Borough Clerk are authorized to submit an electronic grant application identified as MA-2009-Hightstown Borough-00212.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves its execution.

RESOLUTION 2008-157 AUTHORIZING APPLICATION AND AGREEMENT FOR NJDOT LOCAL AID CENTERS OF PLACE FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that an application for NJDOT Local Aid Centers of Place funding for the Memorial Park Parking Lot and Landscaping Improvements project is hereby approved, and the Mayor and Borough Clerk are authorized to submit an electronic grant applications identified as COP-2009-Hightstown Borough-00025 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2008-158 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	25,100.00	2,016,726.48	2,041,826.48
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	59,689.60	59,689.60
Water/Sewer	2,000.00	1,075,873.00	1,077,873.00
Capital Outlay – W/S	0.00	13,000.00	13,000.00
Debt Service - W/S	0.00	138,266.52	138,266.52
TOTAL	27,100.00	3,303,555.60	3,330,655.60

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 hereof¹.
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.

¹ Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-158.

RESOLUTION 2008-159 AUTHORIZING REFUND OF INSPECTION FEE

WHEREAS, Jason Peoples, 54 Barricklo Street, Hamilton, New Jersey, submitted payment on May 8, 2008 in the amount of \$60.00 to the Borough of Hightstown Construction Office for a C.O. inspection related to the sale of a house at 120 Monmouth Street; and

WHEREAS, the sale did not take place and the inspection was not conducted; and

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

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 \$60.00 to Jason Peoples, 54 Barricklo Street, Hamilton, New Jersey, 08610, representing a refund of the C.O. fee paid, as detailed herein.

RESOLUTION 2008-160 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 **\$304,556.84** from the following accounts:

Current	\$ 190,763.53
W/S Operating	65,520.21
General Capital	46,215.60
W/S Capital	399.77
Trust Account	56.70
Grant Account	1,451.03
Public Defender	<u>150.00</u>
Total	\$ <u>304,556.84</u>

RESOLUTION 2008-166 AUTHORIZING APPLICATION AND AGREEMENT FOR TRANSPORTATION TRUST FUNDING

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that an application for Transportation Trust FY 2009 Municipal Aid funding for the Park Avenue project is hereby approved, and the Mayor and Borough Clerk are authorized to submit an electronic grant application identified as MA-2009-Hightstown Borough-00213.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves its execution.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Torry Watkins, 68 Meadow Drive, referred to the promotion earlier in the meeting of Officer Mark Niro to the rank of police sergeant, and asked if any formal action was taken by Council to create a third sergeant position. Councilmember Schneider noted that this was discussed along with the new scheduling of the police department, and Mayor Patten stated that the action was taken at this meeting with Officer Niro's promotion.

J. P. Gibbons, 602 N. Main Street, "took exception" to a comment made earlier in the meeting by Council President Sikorski that the Planning Board had "vetted" an ordinance being considered for adoption, and felt that this would

suggest that he and others who "work their butts off outside of Hightstown" should have gone to the Planning Board meeting in order to hear and discuss it prior to the public hearing. Mr. Gibbons also said that he would contribute up to \$4,000 to cover the first year of the fees that Hightstown must pay to the county in order to participate in the State Police communications network, noting that "you do need that connection."

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-167, authorizing a closed session for the purpose of discussing personnel and anticipated litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 5-0.

RESOLUTION 2008-167 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 June 16, 2008 at approximately 8:45 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:

Anticipated Litigation Personnel

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: September 16, 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, adjournment was moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved. The meeting was adjourned at 9:08 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk