

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; George Lang, Chief Financial Officer; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the agenda were Resolutions 2008-212 through 2008-216. The agenda was moved as so amended by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved.

APPROVAL OF MINUTES

Minutes of the August 4, 2008 open session were moved by Council President Sikorski, seconded by Councilmember Schneider and approved by all but Councilmembers Harinxma and Rosenberg, who abstained.

Minutes of the August 4, 2008 closed session were moved by Council President Sikorski, seconded by Councilmember Schneider and approved by all but Councilmembers Harinxma and Rosenberg, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, said that two hour parking regulations downtown are "inconvenient and unnecessary" and do not allow enough time for someone to spend a day dining, shopping, having one's nails done, etc. She suggested that, instead, the Borough install parking meters or find a way of identifying those cars that are parking here and

commuting to New York. She added that people that live over the downtown stores have a right to park their cars, as do shopkeepers. "There must be a more creative way to deal with this," she said.

Mitch Dorum, 16 Hagemount Avenue, objected to the Historic Preservation Commission's plan to seek \$1.5 million in grant funding for improvements to the Stockton Street Historic District, and stated that the Borough Engineer has no right planning this type of thing. He said that "the town is in debt for \$6 million and now they want to borrow another \$1.5 million." He further objected to narrowing the intersection at Stockton Street and Rogers Avenue as a traffic calming measure, and recommended that, instead, the police stop speeders there. He objected to cobblestone streets as "wanting to go back to the 1900's," and did not feel the Civil War Monument area should be landscaped because "no one goes there." The plan, he said, "is nuts."

Esther Velasquez, 178 Grant Avenue, spoke regarding the current effort to recall Mayor Robert Patten. He is "good and kind-hearted," she said, "and will do what is right." She noted that he was instrumental in the Borough's revitalization, and said that the "ghost town of yesteryear is now a flourishing business district and a destination." He has worked hard, she said, to make Hightstown a place "where all can live harmoniously and be treated with dignity and respect." She added that the recall effort "has taken on the flavor of racism" and referenced anonymous bloggers who "malign the character of a good man and spew venom." The hatred of others can escalate she said, and added that she is "sad now to have to stand here and say that I am concerned about myself and the Latino community."

Ken Hitchner, 450 South Main Street, recalled when Council unanimously adopted Resolution 2005-66, which "opened the door to make Hightstown more welcoming to immigrants." He pointed out that the Resolution was adopted by the Council and not the Mayor. "Three of you are still here," he said, adding, "J.P. will give you a pass on that, but I'm not ... because of what happened next." He said that when Mayor Patten "stepped in front of the cameras and opened the door further," Council members "hid in the shadows and have been hiding there since.... If you didn't like it, why not, as a Council, ask that he cease and desist, or censure him, or pass another Resolution?" Mr. Hitchner stated that the recall is "not about personality or leadership or the Mill," but about immigration. He went on to say that "the Mayor is not responsible for boarding houses, the rug mill, or spending months on chickens ... you are. The taxes are your responsibility. Bob has no real power but through you. ... He has no vote except in the case of a tie. He appoints committees but reaches across the aisle to do so." Council, he said, has the power and the authority, and has not exercised it well.

Lenore Islip, 30 Rocky Brook Road, East Windsor, stated that she is a parishioner at St. Anthony's Church and teaches ESL classes near there. She thanked the Mayor and Council for passing the Resolution in 2005 which "allows the police to do the job they're called to do – to protect all and provide an atmosphere where victims and witnesses can come forward without fear of detainment." She noted a recent letter to the press by Robert Ashbaugh, Deputy Inspector General for the New Jersey Department of Justice, commending Hightstown for that action and saying that we "got it right." She noted the contrast between the quality of life here and in towns like Riverside. "They took the wrong course," she said, "and we took the right course. Thank you all for your integrity and wisdom and willingness to stand up for justice." Ms. Islip's comments were met by applause from many in attendance.

Eugene Sarafin, 600-628 South Main Street, criticized Republican candidates John McCain and Sarah Palin, and said that there is a recall effort underway in Hightstown "because we have, in 2008, five taxi companies, and 18 taxi drivers" licensed here. He said that "we're creating an immigrant community" of uneducated individuals and "the cost to us is horrendous."

Phil LoBianco, 129 Orchard Avenue, stated that Hightstown has never looked this good and the Mayor is "doing his job." "Don't you have to do something really bad to get recalled?" he asked, adding "That's not going on." He said that the redevelopment effort is slow because Council is being very careful and taking time to make the right decisions, and he urged them to continue to do so. "Property taxes are rampant in this state," he said. "It's not Bob's fault." He pointed out that Mayor Patten gave up his salary and got \$200,000 for the Borough in Extraordinary Aid, and added that

Hightstown saw a lower tax increase this year than towns around us. Mr. LoBianco went on to say that the accusation that Mayor Patten is "encouraging undesirables" reeks of racism. "My grandparents didn't speak English either," he said. "Be patient." Lastly, Mr. LoBianco noted that the Resolution which was passed in 2005 encouraged those victimized by a crime to report it to the police and was not "opening a door." He asked the recall committee not to "come up his driveway."

J. P. Gibbons, 602 North Main Street, stated that, at the August 4 meeting he questioned the legality of passing a Resolution which was adopted that evening without having been listed on the agenda, and that the Mayor told him that he would get back to him, but he hasn't heard from him. He said that this is one of the reasons for the recall effort, and that he would like an answer to his question. Mr. Gibbons also noted that approval of licenses for four more taxi drivers and two more companies had been added to this meeting's agenda and recalled that a Latino resident suggested a few months ago that a Taxi Commission be established in the Borough. "How many cab companies do we need," he asked, "to service the people of the Borough?" Part of the parking problem, he said, is specifically due to taxis. He asked Council to "take a look at it."

Ms. Gallagher stated that, following the last meeting, the Borough Attorney advised her that the adoption of the Resolution referenced by Mr. Gibbons was indeed legal. She further stated that Mayor Patten had specifically asked her to respond to Mr. Gibbons with that information, but she failed to do so, and she offered her apologies for the oversight. Mr. Raffetto explained that, when voting on the Resolution, the agenda was then amended by implication, and the vote was legal.

Chris Emigholz, 148 South Street, agreed with Ms. Deal that the Borough should revisit the parking regulations downtown, and that the Borough should be as business-friendly as possible. One way to keep taxes down, he said, is to bring in more businesses and restaurants. Regarding the recall effort, Mr. Emigholz said that property taxes are going up everywhere, and to blame the Mayor for that "is like giving him credit for a sunny day." "More than half the towns [in the State] have had higher tax increases in absolute numbers," he said, "including towns in Mercer county." The blame, he said, should be placed on the school funding mechanism. He added that there are things the Borough can do to stem taxes, and we are doing them. Lastly, Mr. Emigholz pointed out that the redevelopment of the Mill is not within the Mayor's control.

Mary Sullivan, a business owner at 108 Main Street, stated that she purchased a parking permit and still got a ticket for parking behind her building, because she didn't realize that she could not use the permit to park in the two-hour spaces. She paid the court costs, but the cost of the ticket was waived for her and for others. She and others who work in that area would like to have the permit parking area expanded, she said, so that they could park near their offices. She said that she has never seen more than 26 cars in the Stockton Street parking lot. She is not looking forward to crossing the lot on winter nights to get to her car. She asked Council to reconsider the number of parking spots allotted, and "make it not a penalty to be here in Hightstown."

Mike Vanderbeck, 344 Stockton Street, said that he hopes Council will be able to find a solution to the parking issues that will work for all. He spoke of "the feeling in this town now," and said that Princeton residents who were here to listen to the jazz quartet told him that "someone should give an award to this town." "We're too close to it," he said, "to appreciate the magnitude of changes you've brought over the last few years." With respect to the recall effort, Mr. Vanderbeck said that "It's pointless," and noted that the petition does not include any statement of reasons for the recall. He suggested that Council "step up and say 'We don't support it -- not for Bob, but for the progress you've made thus far. People are coming here ... they love it. Consider putting an end to that, it's going nowhere.'"

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-15,

AMENDING CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*, REGARDING RATES CHARGED FOR PROCESSING GREY WATER, SEPTIC TANK WASTE, AND GREASE

Ms. Gallagher reviewed the provisions of this Ordinance, which would increase rates charged to outside haulers for acceptance of gray water, septic tank waste and grease. The rate increases had been recommended by William Searing, Superintendent of the Wastewater Treatment Plant, in order to offset cost increases associated with sludge disposal. Mr. Searing was in attendance and reiterated Ms. Gallagher's comments. Mayor Patten asked if he had compared the proposed rates with those charged elsewhere, and Mr. Searing stated that he had. The recommended increases, he said, will cover the disposal cost increase we are facing right now, but rates may need to be further adjusted once bids are received for chemicals and the new sludge transportation contract, which would begin in January 2009.

Mayor Patten opened the public hearing on Ordinance 2008-15.

Eugene Sarafin, 600-628 South Main Street, stated that the Ordinance adjusts the fee for acceptance of grease, and recommended that this section be eliminated because he feels that the risk of processing grease is too high.

No one else came forward and the floor was closed.

Councilmember Quattrone asked if the proposed five dollar increase for acceptance of grease is enough to cover the risk that we're taking. He noted that other facilities do not accept grease. Mr. Searing replied, "I don't know where the risk is; the grease is taken directly into the digester." Other plants don't accept grease, he said, because unless you have an anaerobic digester, as we do, there is no way to do that. He explained the technicalities of the process, and noted that we are able to reuse the methane that it creates, saving the cost of purchasing natural gas. He said that he feels the proposed fee is appropriate.

Mayor Patten asked Mr. Searing to elaborate on the methane production. Mr. Searing explained the process, and said that we are able to heat our digester two-thirds of the time with the methane produced by the processing of municipal waste, septic tank waste and grey water. Accepting grease allows us to produce enough methane to heat the digester 24/7. In addition, we can raise the temperature range, which allows for better digestion of the sludge and a reduction in its volume, saving disposal costs.

Councilmember Schneider asked Mr. Searing if he knows the actual cost of accepting grey water. Mr. Searing stated that septic revenues would rise \$26,000 through this rate increase, grey water revenues would rise \$4,000 and grease revenues would increase by about \$4,000, resulting in an approximate \$34,000 increase in revenues. Currently, those revenues are between \$390,000 and \$500,000 per year.

Councilmember Schneider asked about the progress with our trickling filters. Mr. Searing stated that, during the past week, some of the rock in the worst trickling filter was replaced following excavation. In digging down, they found a lot of sediment in the top three feet of stone. Those rocks had worn down and become smaller, and that traps the sediment and creates ponding. It must be excavated and removed, and replaced with larger stone. That was done during the past week in the central portion of the filter that has been ponding. He added that treatment plants "haven't used stone for about 20 years now."

Mayor Patten thanked Mr. Searing for his work and his attendance at this meeting.

Ordinance 2008-15 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 2008-15 AMENDING CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*, REGARDING RATES CHARGED FOR PROCESSING OF GREY WATER, SEPTIC TANK WASTE AND GREASE

WHEREAS, the Superintendent of the Borough's Advanced Wastewater Treatment Plant has recommended that rates for the processing of grey water, septic tank waste and grease be increased, and it is the desire of the Mayor and Council to accept his recommendation and raise the rates accordingly;

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

Section 1. Subsection 19-2.3(c) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~)

c. For processing of grey water delivered via tank truck by commercial entities:

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|-----|---|--|
| (1) | For the first 1,500,000 gallons delivered by a commercial entity within a calendar year | \$22.00 <u>26.00</u> per
1,000 gallons |
| (2) | For volume in excess of 1,500,000 gallons delivered by a commercial entity within a calendar year | \$19.00 <u>22.00</u> per
1,000 gallons |
| (3) | The contents of each tanker will be tested so as to determine the pH level of the material. | |

For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed	\$ 5.00 per 1,000 gallons
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For material with a measured pH found to be below 5.0, an additional surcharge will be assessed	\$10.00 per 1,000 gallons
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Section 2. Subsection 19-2.3(d) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~)

d. For processing of septic tank waste delivered via tank truck by commercial entities:

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|-----|---|--|
| (1) | For the first 1,500,000 gallons delivered by a commercial entity within a calendar year | \$43.00 <u>46.00</u> per
1,000 gallons |
| (2) | For volume in excess of 1,500,000 gallons delivered by a commercial entity within a calendar year | \$41.00 <u>43.00</u> per
1,000 gallons |
| (3) | The contents of each tanker will be tested so as to determine the pH level of the material. | |

For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed	\$ 5.00 per 1,000 gallons
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For material with a measured pH found to be below 5.0, an additional surcharge will be assessed	\$10.00 per 1,000 gallons
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Section 3. Subsection 19-2.3(e) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (additions underlined; deletions in ~~strikeout text~~)

- e. For processing of fats and grease derived solely from animal, and/or vegetable sources delivered via tank truck by commercial entities, BY APPOINTMENT ONLY: ~~\$100.00~~ 105.00 per 1,000 gallons

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

Section 5. 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 that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

RESOLUTIONS

RESOLUTION 2008-198, AMENDING THE 2008 BUDGET

Ms. Gallagher reviewed the provisions of Resolution 2008-198, which would amend the introduced budget to include Extraordinary Aid and additional State aid, and to make other minor modifications. The municipal tax increase would be 15.5 cents. Mr. Lang noted that school taxes would rise by 15.9 cents and county taxes by 8.9 cents, for a total tax increase of 40.3 cents. A pie chart was provided at the meeting illustrating the various components of the tax levy: the Borough would receive 24.7%, the county 19% and the school district 56.3%.

Ms. Gallagher read the entire Resolution aloud and into the record. Discussion ensued.

Council President Sikorski stated that, in light of large increases in school and county taxes over which we have no control, "this budget needs more drastic action than rubber stamping it for the sake of moving it forward." He said that, despite the Borough's exhaustive efforts and cuts made during the budget process, "if we have six at the meeting and someone wants something cut and the others don't, you lose your chance at a bite of the apple." He said that he would like to see the budget reworked to cut it by at least another \$100,000 (approximately four cents on the tax rate), and added that, until recently, we did not know how much Extraordinary Aid we would receive. He urged Council to vote against the adoption of this budget.

Ms. Gallagher strongly recommended against this course of action, stating that it would be a "disservice to the Borough." She said that she does not feel it is possible to cut the budget in this way, and added that a \$100,000 cut at this point in the year translates to a \$300,000 overall cut. She explained that the Borough made a good faith application to the State for Extraordinary Aid after cutting things to the bare bones. The budget submitted to them, she said, represented our best efforts to cut as deeply as possible while continuing to offer the services our taxpayers expect. The State recognized this, and awarded \$200,000 in aid. Even if it *were* possible to cut as much as \$100,000 at this point, she said, to do so would destroy our credibility with the State and jeopardize Extraordinary Aid funding in future years. She strongly advised that the budget be adopted at this time without further cuts.

Ms. Gallagher went on to say that, while she understands the desire to find a way to further reduce the budget, the types of major changes that would be needed in order to result in a reduction of that magnitude should be discussed much earlier in the process. "This is not the time," she said. She recommended that this budget be adopted and that 2009 budget talks begin in November. She added that 13.5 cents of the 15.5 cent increase in this budget is directly attributable to cuts in State aid and State-mandated pension cost increases. She further noted that money appropriated in this year's budget but not spent becomes surplus available for use in future years.

Chief Financial Officer George Lang was in attendance and expressed full agreement with Ms. Gallagher's comments. He noted that if the budget were cut and appropriations turned out to be insufficient, emergency appropriations would need to be made, which creates a double impact in the following year. Not only must those appropriations be raised in the following year's budget, but the amount of those appropriations is held against our surplus.

Council President Sikorski agreed that 2009 budget talks should begin in November and could include newly elected officials, but he indicated that he would still be voting against this budget. As to where the cuts could be made, he suggested that the Borough could ask for changes in our negotiated Union contracts and look at whether certain full time positions could be made part time. He expressed concern for those residents on fixed incomes.

Councilmember Schneider agreed with Ms. Gallagher and Mr. Lang that the budget should not be cut at this time, as the Borough has represented to the State that we have done all that we can. "We made our case to them," he said, "and they gave us \$200,000. If we're going to resubmit, they could take that aid away. We didn't lie ... I don't know where we'd cut." He said that "the legislators above our heads are happy to say that they are not passing on tax increases, but they are.... 13½ cents of our 15½ cent increase has been imposed on us by the State. ... They have raised property taxes by stopping funds from going to the towns." Councilmember Schneider went on to say that, while the Borough could cut services, that cost then gets passed along to the homeowner, who must provide for them on their own. He said that he is not in favor of stopping leaf collection, or no longer providing gasoline for our emergency vehicles. He said that he is not willing to see dramatic reductions in services, and does not know where we'd cut \$100,000. "We'd see no savings," he said. He urged Council to adopt the budget, saying, "If we don't have four votes, that \$200,000 [in Extraordinary Aid] is up in the air.... This is not our failing, but the State's."

Councilmember Harinxma agreed with the need to reduce the budget, but said that, at this point, it is too late, and she would not want to jeopardize our current or future aid.

Councilmember Rosenberg said that he had not been aware that this would be looked upon badly by the State.

Councilmember Schneider noted that adopting the budget does not preclude the Borough from working to save money in the current year, and that, as Ms. Gallagher stated earlier, whatever is not spent goes to surplus. The Borough has done well each year in that regard, he said, and again urged Council to adopt the budget as it stands.

Councilmember Bond said that he feels we would get no Extraordinary Aid at all if we cut the budget at this point. All but two cents of the increase is attributable to State cuts and mandates, and we faced a new recycling tax this year. He will vote for the budget based on that, he said, adding that he agrees that budget discussions should begin right after elections, when we can "start looking at bigger cuts right off the bat." He said that he respects Council President Sikorski's position, and that the Borough "does do a lot of going along with the flow," and added that he may be looking at things differently for the next budget.

Councilmember Quattrone stated that 15 ½ cents is much closer to the 12 cent increase he was aiming for when the budget process began (at a 28 cent increase). He said that he respects what Mr. Sikorski is saying and agrees with Ms. Gallagher that the process should begin in November or December. "We worked hard," he said, "and the State cut our aid." He added that he is disappointed in the County, as their tax increase "is higher than it should have been." Regarding the schools, he said, "Try reading a school budget!" He said that he had planned to vote against the budget at this meeting, but he will not jeopardize our funding from the State. He requested that his name be called last during the roll call.

Council President Sikorski stated that he feels that the State's philosophy is to cut aid in order to get districts to consolidate their services, and that concept is valid "because it will force 566 towns to do more interlocally." He stated that the Borough must address the budget on a larger scale, and should look at big issues such as the cost of EMS services, garbage collection, etc. "Sustainability won't exist," he said, "until interlocals are looked at."

Mayor Patten noted that the Borough has many interlocal agreements in place and continues to look at those. He pointed out that 56% of the taxes collected go to the schools, but because the Borough bills on their behalf, residents blame us for their high taxes. "We've done an extraordinary job with this," he said, "and that's why we're getting Extraordinary Aid." He thanked Ms. Gallagher, Mr. Lang and members of the Council for their work during the budget process.

Resolution 2008-198 was moved by Councilmember Schneider and seconded by Councilmember Bond.

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

Resolution adopted, 4-2.

RESOLUTION 2008-198 AMENDING THE 2008 BUDGET
(Included at end of these 9/2/08 minutes)

RESOLUTION 2008-199, ADOPTING THE 2008 BUDGET

The budget as just amended was moved for adoption by Councilmember Schneider and seconded by Councilmember Harinxma.

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

Resolution adopted, 5-1.

RESOLUTION 2008-199 ADOPTING THE 2008 BUDGET
(included at end of these 9/2/08 minutes)

CONSENT AGENDA

At the request of Council President Sikorski, Resolutions 2008-213, 214, 215 and 216 were pulled from the consent agenda for separate consideration. **Resolutions 2008-200 through 2008-212** were moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-200 AUTHORIZING PAYMENT NO. 7 AND FINAL – THINK PAVERS HARDSCAPING, LLC
(NORTH MAIN STREET AND BANK STREET IMPROVEMENTS)

WHEREAS, on September 17, 2007, the Borough Council awarded a contract for improvements on North Main Street and Bank Street in the Borough of Hightstown to Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of Two Hundred and Forty-Seven Thousand and Forty-Four Dollars (\$247,044.00); and

WHEREAS, Change Orders No. 1 and No. 2 to this contract were subsequently approved by Council, bringing the total contract price to \$259,191.01; and

WHEREAS, the contractor has submitted Payment Request No. 7 and Final for work done in the total amount of \$6,691.06, along with the required closeout documents, including a one-year maintenance bond in the amount of \$25,919.10; and

WHEREAS, the required certified payrolls were previously submitted for this work; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 7 and Final, and release of the performance guarantee originally submitted for this project;

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

1. Payment Request No. 7 and Final from Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of \$6,691.06 is hereby approved, and the Treasurer is authorized to issue same.
2. The North Main Street and Bank Street Improvements project is hereby accepted.
3. The Borough Clerk is hereby directed to return to Think Pavers Hardscaping the performance bond originally submitted for this project in the amount of \$247,044.00.

RESOLUTION 2008-201 AUTHORIZING PAYMENT NO. 7 AND FINAL – JONICO, INC. (GREENWAYS, PHASE I)

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

WHEREAS, the Borough Council subsequently approved Change Order No. 1 and Final to the contract in the amount of \$2,400.00, bringing the total contract price to \$278,530.00; and

WHEREAS the contractor has submitted Payment Request No. 7 and Final for work done in the total amount of \$4,232.96, along with the required closeout documents, including a one-year maintenance bond in the amount of \$27,853.00; and

WHEREAS, the required certified payrolls were previously submitted for this work; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 7 and Final, and release of the performance guarantee originally submitted for this project;

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

1. Payment Request No. 7 and Final from Jonico, Inc. of Lambertville, NJ in the amount of \$4,232.96 is hereby approved, and the Treasurer is authorized to issue same.
2. The Greenways Phase I project is hereby accepted.
3. The Borough Clerk is hereby directed to return to Jonico, Inc. the performance bond originally submitted for this project in the amount of \$276,130.00.

**RESOLUTION 2008-202 AUTHORIZING PAYMENT NO. 3 AND FINAL – LUCAS CONSTRUCTION GROUP
(OUTCALT STREET RECONSTRUCTION)**

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

WHEREAS the Borough Council subsequently approved Change Order No. 1 to that contract in the amount of NEGATIVE \$11,222.00, reducing the total contract price to One Hundred Eighty Four Thousand One Hundred and Forty-Nine Dollars (\$184,149.00); and

WHEREAS the contractor has submitted Payment Request No. 3 and Final for work done in the total amount of \$4,270.98, along with the required closeout documents, including a one-year maintenance guarantee in the amount of \$18,414.90; and

WHEREAS, the required certified payrolls were previously submitted for this work; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 3 and Final, and release of the performance guarantee originally submitted for this project;

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

1. Payment Request No. 3 and Final from Lucas Construction Group, Inc. of Old Bridge, New Jersey in the amount of \$4,270.98, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.
2. The Outcalt Street Reconstruction project is hereby accepted.
3. The Borough Clerk is hereby directed to return to Lucas Construction Group, Inc. the performance bond originally submitted for this project in the amount of \$195,371.00.

**RESOLUTION 2008-203 AUTHORIZING CHANGE ORDER NO. 1 AND PAYMENT NO. 1 –
JONICO, INC. (STREETSCAPE IMPROVEMENTS)**

WHEREAS, on June 16, 2008 the Borough Council awarded a contract in the amount of \$19,000.00 to Jonico, Inc. of Lambertville, New Jersey for North Main Street sidewalk improvements; and

WHEREAS the Borough Engineer has recommended the approval of Change Order No. 1 to this contract in the amount of Three Thousand Seven Hundred and Seventy-Seven Dollars (\$3,777.00), as detailed on the attached listing; and

WHEREAS the contractor has submitted Payment Request No. 1 for work done in the total amount of \$20,499.30; and

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

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

1. Change Order No. 1 to the contract with Jonico, Inc. of Lambertville, New Jersey in the amount of Three Thousand Seven Hundred and Seventy-Seven Dollars (\$3,777.00) is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is Twenty-Two Thousand Seven Hundred and Seventy-Seven Dollars (\$22,777.00).
3. Payment Request No. 1 from Jonico, Inc. in the amount of \$20,499.30, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-204 AUTHORIZING CLEANUP OF PEDDIE LAKE BY CAPITAL CITY DIVE CLUB

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that permission is hereby granted to the Capital City Dive Club to perform a clean-up of Peddie Lake on September 20, 2008, subject to their filing with the Borough Clerk a Certificate of Insurance and Hold Harmless Agreement in a form satisfactory to the Borough Attorney.

**RESOLUTION 2008-205 AUTHORIZING EXECUTION OF DONOR AGREEMENT WITH BETTER BEGINNINGS
CHILD DEVELOPMENT CENTER**

WHEREAS, it is the desire and intention of the Mayor and Council to contribute \$8,500 during 2008 to the Better Beginnings Child Development Center; and

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

WHEREAS, the Chief Financial Officer has certified that funds for this contribution have been provided in the 2008 budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement which is attached hereto and made a part hereof¹ is hereby approved, and the Mayor is authorized to execute same.

RESOLUTION 2008-206 AUTHORIZING AMENDMENT TO RAFFLE LICENSE #RL-190 (HIGHTSTOWN WOMAN'S CLUB)

WHEREAS, the Hightstown Woman's Club applied for and received a license from the Borough of Hightstown to conduct an off-premise merchandise raffle at 320 North Main Street on February 21, 2009; and

WHEREAS, the group has submitted an application for amendment to this raffle license in order to change the date to February 28, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to amend Raffle License No. RL-190 to reflect that the raffle shall take place on February 28, 2009.

**RESOLUTION 2008-207 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-191 TO ST. ANTHONY OF PADUA
ROMAN CATHOLIC CHURCH**

WHEREAS, St. Anthony of Padua Roman Catholic Church wishes to hold an off-premise merchandise raffle at 251 Franklin Street on December 15, 2008; and

WHEREAS, the group has submitted application number RA-191 for this raffle, together with the required fees; and

WHEREAS the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-1-9434, which registration expires on September 8, 2010; 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-191 to St. Anthony of Padua Roman Catholic Church for their raffle to be held on December 15, 2008 as outlined herein.

**RESOLUTION 2008-208 AMENDING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES –
ROBERTS & REYMANN, LLC**

WHEREAS, Resolution 2008-28, authorizing a professional services agreement with Roberts & Reymann Engineering, LLC, for various professional engineering services for the Borough of Hightstown for 2008, was approved by the Borough Council on January 7, 2008; and

WHEREAS, the Borough Administrator has recommended that amounts included in the contract approved by Resolution 2008-28 be reduced in order to properly reflect appropriations provided in the Borough's 2008 budget; and

WHEREAS, the Borough Engineer is amenable to these changes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the anticipated maximum engineering costs set forth in Resolution 2008-28 are hereby amended as follows:

¹ Agreement is on permanent file in the Borough Clerk's office with the original copy of this Resolution.

Attendance at Borough Council meetings	\$ 5,000.00 <u>4,200.00</u>
General engineering (Planning Board)	7,000.00 <u>2,000.00</u>
Miscellaneous requests for information and data	5,000.00
Miscellaneous road and drainage issues	5,000.00 <u>4,500.00</u>
Utility operations – water	10,000.00
Utility operations – sewer	10,000.00
Tax Map maintenance	3,000.00;

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

1. Resolution 2008-28 is hereby amended as set forth herein.
2. A certified copy of this Resolution shall be provided to Roberts & Reymann, LLC, and, when countersigned by Carmela Roberts, Borough Engineer, shall constitute an amendment to the professional services agreement authorized by Resolution 2008-28.
3. A certified copy of this Resolution shall be placed on file in the Borough Clerk's office with the original agreement referenced herein.
4. A notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2008-209 ACCEPTING MEMBERSHIP OF MATTHEW J. SCREWS IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Matthew J. Screws of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Screws 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 Matthew J. Screws in Hightstown Engine Company No. 1 is hereby accepted.

**RESOLUTION 2008-210 AMENDING CONTRACT FOR PROFESSIONAL LEGAL SERVICES –
FREDERICK C. RAFFETTO, ESQ.**

WHEREAS, Resolution 2008-42, authorizing a professional services agreement with Frederick C. Raffetto, Esq. of the firm Ansell Zaro Grimm & Aaron for various professional legal services for the Borough of Hightstown for 2008, was approved by the Borough Council on January 22, 2008; and

WHEREAS, the Borough Administrator has recommended that amounts included in the contract approved by Resolution 2008-42 be adjusted to accommodate necessary expenditures for litigation and to properly reflect appropriations provided in the Borough's 2008 budget; and

WHEREAS, Mr. Raffetto is amenable to these changes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the anticipated maximum legal costs set forth in Resolution 2008-42 are hereby amended as follows:

Attendance at Council meetings	7,000.00 <u>5,000.00</u>
Litigation	13,000.00 <u>20,000.00</u>
General Matters	30,000.00 <u>25,000.00</u>
Water and Sewer Matters:	
Water	5,000.00
Sewer	5,000.00

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

1. Resolution 2008-42 is hereby amended as set forth herein.
2. A certified copy of this Resolution shall be provided to Frederick C. Raffetto, Esq., and, when countersigned by him, shall constitute an amendment to the professional services agreement authorized by Resolution 2008-42.
3. A certified copy of this Resolution shall be placed on file in the Borough Clerk's office with the original agreement referenced herein.
4. A notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2008-211 AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,421,695.58** from the following accounts:

Current	\$ 1,147,214.06
W/S Operating	194,473.96
General Capital	50,688.75
W/S Capital	7,732.54
Grant	3,399.13
Trust Account	14,679.20
RCA COAH	1,592.00
Public Defender	300.00
Unemployment Trust	<u>1,615.94</u>
Total	\$ <u>1,421,695.58</u>

**RESOLUTION 2008-212 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-192 TO
HIGHTSTOWN APOLLO LODGE #41 F&AM**

WHEREAS, Hightstown Apollo Lodge #41 F&AM wishes to hold an off-premise "duck race" merchandise raffle at Peddie Lake Dam on October 11, 2008; and

WHEREAS, the group has submitted application number RA-192 for this raffle, together with the required fees; and

WHEREAS the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-6-37719, which registration expires on June 24, 2010; and

WHEREAS, the Borough Clerk has reviewed the application and has 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-192 to Hightstown Apollo Lodge #41 F&AM for their raffle to be held on October 11, 2008 as outlined herein, subject to review and approval by the Chief of Police or his designee.

With respect to Resolutions 213 through 216, Council President Sikorski asked if the Borough keeps track of how many taxi companies are operating. Ms. Gallagher stated that, as Mr. Sarafin had indicated earlier, the Borough currently licenses 18 drivers and five owners, many of which operate out of East Windsor rather than Hightstown. Currently, our

ordinance does not limit the number of licenses that may be issued, she said. Council President Sikorski asked what recourse the Borough has when taxis are congregating in a private parking lot. Mr. Raffetto said that he would review this issue with the officials involved.

Resolutions 2008-213, 214, 215 and 216 were moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-213 AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSE – CARLOS W. QUIRIDUMBAY

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, an application for a 2008 taxicab driver's license, which applications comply with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Carlos W. Quiridumbay, a driver Super Taxi East Windsor NJ Corp, operating out of 659 Abbington Drive, East Windsor, New Jersey, together with the required fees; and

WHEREAS, the Hightstown Police Department has reviewed the application and has approved issuance of the license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue an 2008 taxicab driver's license to Carlos W. Quiridumbay as detailed herein.

RESOLUTION 2008-214 AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSE – MARY SCIROCCO

WHEREAS, in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, an application for issuance of a taxicab driver's license for 2008 has been submitted by Mary Scirocco, 112 Harron Avenue, Hightstown, New Jersey, together with payment of the required fees; and

WHEREAS, the application has been reviewed by the Hightstown Police Department and the driver found to be in good standing to be approved by the Borough Council to operate within this jurisdiction; and

WHEREAS, this approval is for a Taxi Driver's license only, and will permit her to drive a taxicab for any firm licensed within the Borough; and

WHEREAS, Ms. Scirocco also submitted an application for a taxi owner's license for USA Taxi, which application remains under review and has NOT yet been approved by the Police Department or the Borough Council;

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 2008 taxicab driver's license to Mary Scirocco as set forth herein.

RESOLUTION 2008-215 AUTHORIZING ISSUANCE OF TAXI DRIVER'S AND OWNER'S LICENSE – MARIA NIEVES (KARINA'S TAXI – EAST WINDSOR TOWNSHIP)

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, applications for a new taxicab owner's license and a new taxicab driver's license, which applications comply with Sections 4-21.4 and 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, have been submitted by Maria Nieves of Karina's Taxi, operating out of 510 Route 130, Suite B, 2A, East Windsor, New Jersey, for Ms. Nieves and for two vehicles owned by the company:

2004 Pontiac Montana
VIN 1GMDX03E14D237398
NJ Plate No. OXZ3945

2003 Pontiac Montana
VIN 1GMDX03E63D126957
NJ Plate No. OXZ3930

together with the required fees; and

WHEREAS, these taxicabs will not be housed in or operate out of the Borough of Hightstown; and

WHEREAS, issuance of this license will allow Karina's Taxi to accept passengers to be transported for hire from a point of departure within the Borough to a destination within or without the Borough; and

WHEREAS, the Hightstown Police Department has reviewed the applications and has no objections to their approval;

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 2008 taxicab driver's license to Maria Nieves and a 2008 taxicab owner's license to Karina's Taxi, operating out of 510 Route 130, Suite B, 2A, East Windsor, New Jersey, for two vehicles as set forth herein.

**RESOLUTION 2008-216 AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – YURI'S TAXI
(EAST WINDSOR TOWNSHIP)**

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, an application for a new taxicab owner's license, which application complies with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Yuri's Taxi, operating out of 659 Abbington Drive, Suite 109, East Windsor, New Jersey, for Ms. Nieves and for two vehicles owned by the company:

1997 Chrysler wagon
VIN 1C4GP64L8VB333754
NJ Plate No. OXZ4540

2004 Chrysler wagon
VIN 2C8GP64L14R575817
NJ Plate No. OXZ4541

together with the required fees; and

WHEREAS, these taxicabs will not be housed in or operate out of the Borough of Hightstown; and

WHEREAS, issuance of this license will allow Yuri's Taxi to accept passengers to be transported for hire from a point of departure within the Borough to a destination within or without the Borough; and

WHEREAS, the Hightstown Police Department has reviewed the application and has no objections to their approval;

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 2008 taxicab owner's license to Yuri's Taxi, operating out of 659 Abbington Drive, Suite 109, East Windsor, New Jersey, for two vehicles as set forth herein.

UNFINISHED BUSINESS

PARKING REGULATIONS IN MUNICIPAL LOTS

Mayor Patten stated that some people have been ticketed for overextending the two-hour parking limit, and he asked Council to come up with a way to solve this problem.

Councilmember Bond acknowledged that the regulations "probably need to be changed," and said that the issues are that (a) there are not enough permit parking spaces; and (b) there is a need for longer than two-hour parking in certain areas. He recommended that a committee be established to work on this and make recommendations to Council, adding that it should happen very quickly. He noted that Mike Vanderbeck had volunteered to serve on such a committee, and said that other downtown business people would likely want to serve as well. An ordinance would still have to go back to NJDOT, but hopefully it would not take as long this time to get approval. Mr. Bond asked the Mayor to appoint a committee of six or seven individuals, and said that he would like to serve on that committee.

Mayor Patten agreed, and asked Councilmember Rosenberg to serve on the committee along with Councilmember Bond, and asked that the two of them discuss who from the public should be included.

Councilmember Schneider stated that he sees no need for a committee and is ready to take action immediately to increase the parking time limit in the municipal lots to four hours. Street parking, he said, could remain at two hours.

Council President Sikorski and Councilmember Quattrone expressed support for forming a committee to review the issue prior to taking action. Councilmember Rosenberg agreed, but added that a time limit should be set for this recommendation, and suggested that, in the meantime, Council adopt a Resolution to suspend enforcement of the two-hour parking limit. "It's hurting them right now," he said, adding that one business owner just pulled an \$800 sponsorship of the Triathlon after getting two parking tickets.

Mayor Patten asked Mr. Raffetto about the legality of suspending enforcement by Resolution. Mr. Raffetto stated that a permanent change to the time limit would require an amendment to the Ordinance. A temporary suspension of enforcement could be done by Resolution; however, he advised, the Resolution should be very specific. Councilmember Bond agreed, and recommended against a temporary suspension of enforcement. He agreed that a time limit should be placed on the recommendations from the Committee, and said that they should be made within a month.

It was generally agreed that the Committee would report back to Council at the first meeting in October, and that enforcement would continue in the meantime.

NEW BUSINESS

MEETING SCHEDULE FOR REMAINDER OF 2008

Ms. Gallagher stated that she was asked to place this item on the agenda so that Council could consider whether they want to continue having two meetings per month during the remainder of 2008. Following a brief discussion, it was generally agreed that the normal meeting schedule would continue. Mayor Patten suggested that budget meetings could be combined with regular meetings, rather than separately scheduled, if the agenda is light enough to allow for that.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, volunteered to serve on the parking committee. She again reminded Council that residents who live in apartments above the downtown businesses need a place to park, and suggested that a parking pass could be provided to them which would exempt them from the regulations. "Not everyone enjoys parking behind the church and walking from there," she said. "Women especially don't want to walk from there late at night." "We don't have tons of people looking to park here," she added. "I don't see people standing waiting for buses as they used to."

Eugene Sarafin, 600-628 South Main Street, stated that he is angry about "people coming up here and making derogatory remarks," and said that Mr. Gibbons has a right to file a petition for a recall. He accused the Mayor of "setting up flunkies" to come and praise him during public comment, adding "I'd praise him too, he's done a good job and works hard. But you want to stop the process?... J.P. is not a friend of mine, but he has a right to speak and say 'I want a recall.' ... Let democracy exist in this town."

Mitch Dorum, 16 Hagemount Avenue, said "If you want to save some money, get rid of those who want to borrow \$1.5 million [for improvements to the Historic District]." With respect to parking, he recommended that the police mark cars to see how long someone has parked, or install parking meters.

Gail Doren, 201 Hutchinson Street, requested that someone who has been involved in the Mill redevelopment provide an update during Council comments regarding when Greystone may be making a presentation.

Ken Hitchner, 450 South Main Street, said that it had been an "enlightening and productive meeting."

Mike Vanderbeck, 344 Stockton Street, thanked the Mayor and Council for the way that they approached the parking issue. "It should be participatory," he said, "to get the input of those most directly affected." Regarding the recall, Mr. Vanderbeck agreed with Mr. Sarafin that Mr. Gibbons "absolutely has the right" to petition for that. "No one ever challenged that," he said. "I just question if that is the right thing for the Borough. I just ask if that's something you'd sign." He again noted that there is no verbiage on the petition stating a reason or justification for the recall, and added, "Who knows what he'll say when he walks up to the door?"

Joe Murtaugh, 427 South Main Street, said that he and his wife moved here three years ago from Lambertville, which is similar to Hightstown in that it is small and historic. They were excited to move here and find that Hightstown offered considerably more services to its residents than Lambertville did. (There, he said, residents were limited to three bags of garbage per week, bulky items were collected only once a year, leaves were collected twice a year and had to be bagged by the resident, and there was no pickup of grass clippings or yard debris.) "The bad news," he said, "was that for a house we paid 15 to 20 percent more for, our taxes doubled." He said that he understood why that was true, as it was "apples and oranges," and it wasn't that painful when homes were gaining 7 to 10 percent each year in value, but that has changed. Chipping services away may save a nickel or a dime, he said, but the Borough should look to combine as many services as possible; however, he added, it seems that we would be penalized for that by not receiving Extraordinary Aid². He said that, "when people looking to move to Hightstown have to pay twice as much as in other towns, it will be a problem sooner or later," and encouraged Council "to look at as many options as possible."

No one else came forward and the floor was closed.

² See Councilmember Schneider's response under Council Comments.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Bond recalled Council's discussion of putting together a committee to review the new COAH regulations and to "get guidance as to where we're going." He asked when that would take place. Council President Sikorski stated that "it would be premature" to do that at this time, given pending court cases, and it would be best to wait until the COAH information has been clarified.

Council President Sikorski noted that the Borough will be making improvements at the spillway soon, and suggested that, once that work is complete, no more banners be placed there. "It's an aesthetic distraction," he said, "from the beauty of the lake and the spillway." He also noted that the new signage and lighting on the bridge abutment looks very nice, but in the daytime, the "aesthetic sense is disturbed by the loudspeakers there." He would like to see them taken down. Lastly, Mr. Sikorski stated that "there is no intention on the part of any member of Council to sign a recall petition." If people have a problem with it, he said, they can "just say no." He said that he feels Council members were "unjustly maligned" at this meeting. "We have not been inappropriately acting," he said. "We have been above the fray. Our informal position is that we're not signing [the petition]."

Councilmember Schneider said that he would support the formation of a committee to do more research into COAH. Although he is clear that he'd prefer to opt out right now, he said, "If everyone is not willing to do that, I'm all in favor of getting started right away." Mr. Schneider agreed that the loudspeakers should be removed from the abutment, but does not agree that banners should no longer be placed at the spillway.

Mr. Schneider also responded to Mr. Murtaugh's comment that the Borough would be penalized for sharing services, noting that, to the contrary, we are *awarded* for that by the State, and share a long list of services with other towns. He said that he is pleased that the budget was adopted, and is "always in favor of seeing where we can slash." His position, he said, has been to maintain the services we currently provide, and he added that he was even hoping to get back to twice a week garbage collection. He noted that our new commingled recycling will save the Borough money and said that he welcomes 2009 budget discussions. He added that he hopes to see the parking issue resolved quickly.

Councilmember Quattrone noted receipt of several months worth of reports from the Fire Company detailing calls and man hours. He will give those to the Borough Clerk to place on file for anyone's review. The Fire Company, he said, is "doing a wonderful job ... you should thank them if you see them." He reported that he attended that week's meeting of the First Aid Squad, and "we're still trying to certify new members." He said that the paid crew and squad members are working on "sprucing up the place," and are doing it with their own funds. Public Works, he said, has been busy "chasing water main leaks all over town." He commended Mr. Lang and Ms. Gallagher for their work on the budget, and said "it's a lot of work, and they did a wonderful job." Lastly, he said that this "was one of the better meetings I've attended."

Mayor Patten responded to Ms. Doren to tell her that the owners of the Mill property told him that they wanted to make a presentation sometime this month, "but today was not good." He does not know yet when that presentation will take place. He noted several upcoming events: The Triathlon on September 28 (a fundraiser for the skatepark); The Borough-wide garage sale on October 4, which Apollo Lodge is helping to sponsor; the Community Fair on October 11; and the Historical Society House Tour on October 19. He noted also the grand openings of the Bistro Soleil restaurant and the Ayom Day Spa.

The Mayor went on to say that he is a member of the Municipal Land Use Center at the College of New Jersey, which is working to revise the State Development and Redevelopment Plan. The eight goals of the Plan adopted in 2001, he said, are: (1) Revitalize the State's cities and towns; (2) Conserve the State's natural resources and systems; (3) Promote beneficial economic growth, development and renewal for all residents of New Jersey; (4) Protect the environment, prevent and clean up pollution; (5) Provide adequate public facilities and services at reasonable costs; (6) Provide adequate housing at a reasonable cost; (7) Preserve and enhance areas with historic, cultural, scenic, open space and

recreational value; and (8) Ensure sound and integrated planning and implementation. What we do with the Mill property and the Minute Maid property, he said, affects areas beyond our borders, and what happens out there affects us as well.

Mayor Patten also noted that he is active with the League of Municipalities and serves on their Housing Committee, Heavy Truck Task Force, Immigration Committee, State Constitutional Convention Committee (to address how public schools are funded), and Legislative Committee. He also serves as a Moderator for several of their seminars. "I represent Hightstown when I'm not in Hightstown," he said.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-197, authorizing a closed session for the purpose of discussing litigation. The Resolution was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2008-197 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 September 2, 2008 at approximately 9:30 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:

Litigation (Greystone Capital Partners, LLC)

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: December 2, 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 Councilmember Harinxma, seconded by Council President Sikorski and unanimously approved. The meeting was adjourned at 10:27 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk