

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: Councilmember-elect Isabel McGinty; 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 add to the Consent Agenda Resolutions 2008-282 and 2008-283 and to remove Ordinance 2008-21, which had been scheduled for introduction. The agenda was then moved as amended by Council President Sikorski, seconded by Councilmember Schneider and approved by all.

APPROVAL OF MINUTES

Minutes of the November 17, 2008 open session were moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved as submitted.

PRESENTATION

HABITAT FOR HUMANITY - *TONY INFOSINO*

Tony Infosino of Habitat for Humanity addressed the governing body regarding property owned by the Borough at 250 South Academy Street. Habitat would like to acquire this lot and the lot next to it, and construct at that site a duplex home that would help the Borough to meet its COAH obligations. Both lots are undersized, and the second lot is privately owned and has been listed for sale at \$60,000 for more than a year. Mr. Infosino said that Habitat has completed eight homes in this area: six in East Windsor (five of which are COAH qualified) and two in Robbinsville. He asked if the Borough would consider transferring this property to Habitat for no or minimal cost.

Mr. Infosino went on to explain that the mission of Habitat for Humanity is to build affordable homes for people without consideration of race, religion, etc. They look for appropriate areas to build modest homes on smaller lots, since those who will eventually own the home cannot afford huge tax bills. Habitat has not yet built anything in Hightstown, and they

feel that the South Academy Street property would offer an excellent opportunity to do so. Once the property is acquired, Habitat would seek applications from those in the local community with incomes within a certain range. The decision regarding who would get the homes is based in part on the family's current situation. They must have the means to pay for the home, as they purchase it from Habitat, which holds the mortgage. Homes are not "given away," but are made available at an affordable price through the use of donated materials and labor. The family that will reside in the home assists in its construction, to the extent that they are able to do so.

If Habitat can acquire the Borough's lot, they will seek to purchase the adjacent lot as well. The lots are 39.5 x 119 and 40 x 120, and together form a buildable lot. Building a duplex on the centerline would allow each homeowner to have parking on the side, a fair-sized yard and privacy. Each side of the duplex would be owned separately. Councilmember Bond asked if Habitat had considered building two single family homes rather than a duplex. Mr. Infosino replied that the space there is "quite tight to do that," and a duplex would fit with the existing character of that neighborhood, as there are other duplexes there. Mr. Bond asked if the duplex would be one or two stories. Mr. Infosino said that Habitat is open to either, based on the needs of the family that would be moving in.

Councilmember Bond asked if the other Habitat properties in this area were built on land that was donated or purchased. Mr. Infosino said that most were built on land in East Windsor that was donated by Centex Homes. Donated land, he said, helps to keep the final cost affordable to the eventual homeowners. Councilmember Harinxma asked where Habitat gets funds for the purchase of land. Mr. Infosino answered that this money comes from donations, fundraising and existing mortgages.

Mayor Patten thanked Mr. Infosino for his presentation and said that the matter will be discussed by Council in closed session later in the meeting.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, addressed the governing body regarding several topics:

- She questioned whether someone purchasing a Habitat for Humanity home would be able to afford Hightstown's taxes.
- She thanked Council for extending the time limit parking in the downtown lots, and asked if anything has been done to facilitate parking for those residents who live above the downtown shops.
- She has noticed that North Brunswick uses heavy brown bags for bagging leaves, and suggested that the Borough look into a similar system.
- She said that, in conjunction with the New Jersey Turnpike widening, she would like to see a sound barrier installed on the "Hightstown side" of the turnpike, similar to that which is on the opposite side (and deflects noise into the Borough). "It's loud and more noticeable than in the past," she said.

Janice Mastriano, 15 Leshin Lane, referred to Ms. Deal's suggestion for bagging leaves, and said that, six years ago, the brown bags were sold to residents by North Brunswick at a cost of \$2 each. This makes it harder for residents, she said, and is an administrative burden for the town. Ms. Mastriano also questioned why the Borough's new garbage truck is out of service¹.

¹ Clerk's note: The new garbage truck was recalled for an emissions issue along with others of the same model.

Chris Moraitis, 208 Stockton Street, said that he feels it is not in the Borough's best interest to "shoehorn" affordable housing units into specific areas of town, rather than dispersing them throughout the Borough, and added that he is not sure that doing so would meet the mission of COAH itself, "in terms of diversifying the economics of a particular neighborhood." He also stated that he feels that duplex units would not be "as conducive to long-term sustainability" as single family homes. He encouraged the Borough to work with Habitat for Humanity, but to "surgically provide diverse opportunities across the Borough rather than in one or two areas."

Richard Pratt, 214 Stockton Street, said that he has been reading in the press about the recall effort, and thinks that J. P. Gibbons, who is spearheading the effort, should be recalled. The Borough Attorney was asked to comment before Mr. Pratt went further with his remarks. Mr. Raffetto cautioned that public comments should avoid "electioneering." Mr. Pratt said that Mr. Gibbons doesn't understand that Mayor Patten has little to do with taxes or the tax rate, as this is voted on by Council. The Mayor has done a lot for the town, he said, and added, "Maybe J.P. should create a committee that helps this town rather than undermines it."

Todd Lamphear, 306 Stockton Street, stated that he is a member of the Methodist Church, and as a way of giving back to the community, the Church has raised \$30,000 to help Habitat for Humanity fund a project in this area.

Gail Doren, 201 Hutchinson Street, expressed support for working with Habitat for Humanity. Her partner, she said, worked with Habitat to build a home in Neptune, and it makes a "huge difference in the neighborhood" when a Habitat home is raised. Others in the neighborhood were making improvements to their own homes to match the homes that were being built. It created a "rising tide," she said. Ms. Doren added that she respects the comments made by Mr. Moraitis regarding single family homes, and said that Habitat's single family homes are "very basic and nicely done."

Kathy Patten, 135 South Street, also expressed support for working with Habitat for Humanity. Our COAH obligation will be difficult to meet, she said, and this offers an opportunity. "We're experiencing a huge burst of volunteerism," she added, "and I know it would be supported and embraced by the whole town."

Bob Murdoch, 128 South Street, said that Ms. Deal's concerns about a Habitat homeowner not being able to afford Hightstown's taxes may be resolved by building a duplex rather than single family homes. He added that he believes the recall effort is "bogus."

J. P. Gibbons, 602 North Main Street, said that, in these tight economic times, it would be good to know what payments were being approved from the Escrow Subdivision and Site Plan account as part of the bill list. He also questioned language in the proposed ordinance to designate the Stockton Street Historic District regarding the Borough's seeking to "reestablish a walking culture" (noting that this area once included a lot of professional offices located in the homes there) and a paragraph stating that the Mayor and Council are "deeply concerned about the potential negative effects that may result to the District ... if the District is not regulated at the local level." Even though the ordinance takes no action to regulate the District, he said, it sounds as though that is coming, and "that looks like a slippery slope." He suggested that, since this language is not necessary, it be removed. Lastly, Mr. Gibbons stated, "I would be happy to be recalled from anything I actually ran for."

No one else came forward and the floor was closed.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2008-22,

AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN DESIGNATING THE "STOCKTON STREET HISTORIC DISTRICT" AS A LOCAL HISTORIC DISTRICT, AND AMENDING AND SUPPLEMENTING THE OFFICIAL ZONING MAP AND ORDINANCES OF THE BOROUGH OF HIGHTSTOWN
ACCORDINGLY

Mr. Raffetto reviewed the provisions of this Ordinance, noting that the District has already been designated on the State and National Historic Registers. This Ordinance would designate the District locally, but does not regulate it in any way. The Historic Preservation Commission, he said, is currently working on a second ordinance that would address those types of issues in detail. This ordinance, he said, will supplement, rather than supersede, existing zoning. The secondary designation as a Historic District will be shown as such on the Zoning Map, and Borough officials will be aware of it.

Council President Sikorski asked Mr. Raffetto how this ordinance, if adopted, would impact someone purchasing a property in the District. Mr. Raffetto stated that designated historic districts tend to have a positive impact on revitalization, economics, tourism, etc., because designated districts are generally regulated to assure that the charm and the character of the District remain intact. Mr. Sikorski asked Mr. Raffetto if it has been his experience in working with other communities that there are varying degrees to which such regulation takes place. "Yes," Mr. Raffetto replied, explaining that the Municipal Land Use Law gives towns discretion in creating either a "strong" or a "weak" Historic Preservation Commission. Our Commission, he said, "is not looking to be dictatorial, but rather advisory," and would be considered a "weak" Commission, which many towns have. Lastly, Mr. Sikorski asked Mr. Raffetto to comment regarding whether this Ordinance "is being railroaded down the throats of those in the District that are not here tonight." Mr. Raffetto replied that it is not, and that notification of the pending ordinance will be sent to every property owner in the District, and they will be able to voice their opinions at the public hearing. In addition, the Ordinance will be forwarded to the Planning Board for their review and recommendations, as it should be consistent with the Borough's Master Plan.

Ordinance 2008-22 was moved for introduction by Council President Sikorski, and seconded by Councilmember Harinxma. Mayor Patten invited Christian Kirkpatrick, chair of the Historic Preservation Commission, to speak regarding the Ordinance.

Ms. Kirkpatrick stated that the Commission had intended to strike the paragraph referenced earlier by Mr. Gibbons regarding the Mayor and Council being "deeply concerned about the potential negative effects that may result to the District ... if the District is not regulated at the local level." She asked if this paragraph could be stricken before the Ordinance is introduced. Council was generally in agreement.

Mayor Patten asked Ms. Kirkpatrick how long the HPC has been working on the language for this Ordinance. "Close to two years," she replied. "This version is maybe nine months old." She said that it has taken a lot of time and thought, and is modeled on several other successful ordinances in New Jersey. She thanked Council President Sikorski for his assistance, and said that he has been a "guiding force" for the Commission.

Councilmember Rosenberg asked when the District was recognized at the State and National levels, and was told that this took place in 2005. Mr. Rosenberg asked if it is rare to have a Historic District in a town the size of Hightstown. "It's quite rare," Ms. Kirkpatrick said. "It's hard to find that many [historic] structures in one place – over time, they're modified beyond recognition."

Motion: Council President Sikorski moved that the Ordinance be amended to remove the clause referenced by Ms. Kirkpatrick. His motion was seconded by Councilmember Rosenberg and a roll call vote was taken.

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

Motion carried (ordinance amended), 5-0.

Councilmember Bond noted that, since 2005, three lots at the corner of Stockton and Academy Streets have been subdivided, and he doubted that it was anyone's intent that the rear lots facing Grant Avenue would be included in the District. He suggested that the Ordinance be amended to remove those lots. Mr. Raffetto was consulted in this regard. He noted that the Ordinance as it was just amended is in the form that was recommended to Council by the HPC, and the HPC has not had an opportunity to weigh in on Mr. Bond's suggestion. Since it will go to the Planning Board prior to adoption, the Planning Board can make a recommendation to Council as to whether or not to include these lots. If they were to recommend removal of the lots, Mr. Raffetto said, Council could so amend the Ordinance at second reading and proceed to adopt it without the need for re-advertisement. However, if Council were to remove the lots now and the Planning Board then recommended that they be put back in, it *would* require re-advertisement and re-notification, which would delay adoption of the Ordinance and incur additional costs. As such, he recommended that Council proceed to introduce the Ordinance as currently drafted, to include these lots.

Ms. Kirkpatrick noted that the HPC will be meeting on the coming Thursday and will have the chance to consider this prior to the Planning Board meeting.

Councilmember Schneider asked if the entire paragraph referencing the boundaries of the District could be removed. Mr. Raffetto stated that this is necessary in order to specify which properties comprise the District. Council President Sikorski recommended that Council follow the process recommended by the Borough Attorney.

Rick Pratt, Planning Board member and owner of the lots in question, spoke briefly to explain that the rear lots are actually "sublots."

Council President Sikorski then moved to introduce Ordinance 2008-22 as amended, and his motion was seconded by Councilmember Harinxma.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2008-22 was set for December 15, 2008.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-23,

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON (MHL) / RCA ADMINISTRATOR FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF HIGHTSTOWN'S AFFORDABLE HOUSING PROGRAM AND REGIONAL CONTRIBUTION AGREEMENTS PURSUANT TO THE FAIR HOUSING ACT

Ms. Gallagher and Mr. Raffetto reviewed the provisions of Ordinance 2008-23, noting that this is a requirement of COAH.

The ordinance was moved for introduction by Council President Sikorski and seconded by Councilmember Bond.

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

Ordinance introduced, 3-1.

The public hearing and final reading for Ordinance 2008-23 was set for December 15, 2008.

NEW BUSINESS

BACKGROUND CHECKS FOR THOSE WORKING WITH MINORS

Mayor Patten stated that Megan Kanka's mother participated in a seminar he moderated recently, and stressed the importance of requiring background checks for individuals working with minors. Chief Eufemia stated that the police department does background checks on a regular basis on applicants for certain licenses and firearms permits, and it is appropriate that any volunteers working with youth be subject to these checks as well; however, this would require an authorizing ordinance. The East Windsor PAL does background checks, he said, and he has obtained copies of ordinances from other towns. A copy of Jamesburg's ordinance, which was prepared by Mr. Raffetto in his capacity as attorney for that town, was provided to the Mayor and Council. Chief Eufemia said that his department could handle the checks, rather than contracting out for that service, and there are generally fees charged to cover any cost.

Mayor Patten stated that he would like to see background checks required for *anyone* working with minors in the Borough, whether public volunteers or private instructors. This was discussed at some length. Mr. Raffetto noted that the sample ordinance provided would apply to Borough volunteers and to volunteers associated with any non-profit agency which is assisted in any way by the Borough, but it would not apply to other entities. In addition, it would require checks only for those individuals having direct, unsupervised access to minors.

Mayor Patten asked Council if they would like to go further with this. Councilmember Harinxma expressed support for background checks, particularly with respect to the Borough's summer camp program. Councilmember Rosenberg agreed, but added that to require background checks for the private sector "calls into question the role of government" versus the role of the children's parents or guardians. "I can't envision how that would work," he said, "but more information is better." Councilmember Schneider asked if the Borough might provide a background check and certification as a service that those in the private sector could request. Chief Eufemia stated that the police department "wouldn't generally do a background check so that someone can hang a certificate on their wall." He noted that there are certified websites where one can check on violators, and said that he is not certain about the legality of requiring checks for those in the private sector. Mr. Schneider expressed support for adopting an ordinance similar to Jamesburg's but said that he would have reservations about reaching further than that.

The general consensus among Council was to continue gathering information for further discussion at a later date.

CONSENT AGENDA

At the request of Council President Sikorski, Resolution 2008-277 was pulled from the consent agenda for separate consideration. **Resolutions 2008-273 through 2008-276 and 2008-278 through 2008-283** were moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolutions adopted, 5-0.

RESOLUTION 2008-273 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-196 TO HIGHTSTOWN HIGH SCHOOL MUSIC BOOSTERS ASSOCIATION

WHEREAS, the Hightstown High School Music Boosters Association wishes to hold an off-premise merchandise raffle at 25 Leshin Lane on May 14, 2009; and

WHEREAS, the group has submitted application number RA-196 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 209-5-27683, which registration expires on December 31, 2009; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-196 to the Hightstown High School Music Boosters Association for their raffle to be held on May 14, 2009.

RESOLUTION 2008-274 AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – SPRINT SPECTRUM, LP

WHEREAS, Sprint Spectrum, LP posted funds in escrow with the Borough relative to their Planning Board application (R&R File No. HPB0614); and

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

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

RESOLUTION 2008-275 ACCEPTING MEMBERSHIP OF ERIC M. BEAUCHEA IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Eric M. Beauchea of Monroe, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Beauchea 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 Eric M. Beauchea in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2008-276 AUTHORIZING REFUND OF TAX OVERPAYMENT DUE TO VETERAN'S DEDUCTION

WHEREAS Ross Filion, 116 Glen Brook Place (Block 8, Lot 2) applied and qualified for a veteran's tax deduction in 2008; and

WHEREAS the application of this deduction resulted in an overpayment of \$250.00 for 2008; and

WHEREAS the Tax Collector has requested permission to refund to Mr. Filion the amount of the overpayment;

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 \$250.00 to Ross Filion, 116 Glen Brook Place (Block 8, Lot 2), as detailed herein.

RESOLUTION 2008-278 AUTHORIZING REFUND OF CAT LICENSE OVERPAYMENT

WHEREAS, on September 29, 2008, Juan Hernandez was issued cat license #2008-131, and was charged \$22.00 for same; and

WHEREAS, the proper fee for said license was \$20.00, and the Borough Clerk has requested that the overpayment of \$2.00 be refunded to Mr. Hernandez;

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 \$2.00 to Juan Hernandez, Deerfield Apartments, Bldg. 2, Apt. 3, Hightstown, New Jersey, representing a refund of his cat license overpayment as detailed herein.

**RESOLUTION 2008-279 REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2008 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2008 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey Dept. of Law and Public Safety	\$1,369.23	Body Armor Replacement Fund Grant	Body Armor Replacement Fund Grant

**RESOLUTION 2008-280 A RESOLUTION AUTHORIZING THE EXECUTION OF A NOVATION AGREEMENT WITH
APPLIED WATER MANAGEMENT, INC., WHICH AUTHORIZES THE ASSIGNMENT OF ALL
RIGHTS AND OBLIGATIONS ASSOCIATED WITH A SLUDGE REMOVAL AND
TRANSPORTATION AGREEMENT TO ACCURATE WASTE REMOVAL SERVICES, INC.**

WHEREAS, the Borough of Hightstown (the "Borough") and Applied Water Management, Inc. (the "Contractor") entered into a certain Sludge Removal and Transportation Agreement dated as of January 24, 2007 (the "Agreement"), pursuant to which the Contractor provides wastewater services to the Borough; and

WHEREAS, the Agreement shall expire as of December 31, 2008; and

WHEREAS, the Contractor has advised the Borough in writing that it has entered into an agreement to sell the assets of its business to Accurate Waste Removal Services, Inc. (the "Assignee"); and

WHEREAS, as part of its purchase of the Contractor's assets, the Assignee wishes to assume all of the Contractor's contractual obligations, including those under the Agreement with the Borough; and

WHEREAS, the proposed assumption by the Assignee of the obligations set forth in the Agreement with the Borough is intended to be effectuated through an "assignment;" and

WHEREAS, the terms and conditions associated with the proposed assignment are set forth in a proposed "Novation Agreement" between the Borough and the Contractor, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Contractor and the Assignee have certified that the Assignee has a long and competent history in the liquid waste transportation business in the State of New Jersey, and that the Assignee shall provide comparable service levels for liquid waste hauling to the Borough; and

WHEREAS, the Assignee has provided the Borough with all required documentation which is necessary in connection with the award of a contract with the Borough, including replacement performance bond(s), and all such documents have been reviewed and approved by the Borough Attorney; and

WHEREAS, the Borough wishes to provide its consent to the assignment, and to authorize appropriate Borough Officials to execute the "Novation Agreement";

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

1. That the Borough hereby consents to the assignment of all of the rights and obligations under the Agreement to the Assignee for the duration of the contract term, or through December 31, 2008.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached "Novation Agreement" on behalf of the Borough, in order to effectuate the above assignment.
3. That, following December 31, 2008, the services set forth in the Agreement shall be provided pursuant to a contract awarded through the public bid process.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Applied Water Management, Inc.
 - b. Accurate Waste Removal Services, Inc.
 - c. Candace Gallagher, Business Administrator/Clerk
 - d. Carmela Roberts, P.E., Borough Engineer
 - e. Frederick C. Raffetto, Esq., Borough Attorney

RESOLUTION 2008-281 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 **\$1,568,192.85** from the following accounts:

Current	\$ 1,216,917.32
W/S Operating	201,009.03
General Capital	3,432.50
W/S Capital	16,452.50
Trust	3,357.17
Grant	14,119.24
Escrow Subdivision & Site Plan	111,823.09
Lien Trust	<u>25,578.25</u>
Total	\$ <u>1,568,192.85</u>

**RESOLUTION 2008-282 AWARDING CONTRACT FOR THE PROVISION OF MIXED OXIDANT ODOR CONTROL
CHEMICAL – GEORGE S. COYNE CHEMICAL COMPANY**

WHEREAS, one (1) bid was received on October 29, 2008, for the provision of mixed oxidant odor control chemical for the one-year period running from January 1, 2009, through December 31, 2009; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, George S. Coyne Chemical Company of Croydon, PA; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by George S. Coyne Chemical Company and has found them to be in order;

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

1. The contract for provision of Mixed Oxidant Odor Control Chemical for the one-year period running from January 1, 2009, through December 31, 2009 is hereby awarded to George S. Coyne Chemical Company of Croydon, PA, for the unit price of \$19.524/gal. and a total amount not to exceed Twenty-One Thousand Four Hundred Seventy-Six Dollars and Forty Cents (\$21,476.40).
2. The Mayor and Clerk are hereby authorized to execute an agreement with George S. Coyne Chemical Company, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the 2009 budget.

**RESOLUTION 2008-283 AWARDING CONTRACT FOR THE PROVISION OF POLYMER CHEMICALS –
CUSTOM ENVIRONMENTAL TECHNOLOGY**

WHEREAS, two (2) bids were received on October 29, 2008, for the provision of Zeta Lyte 305CVH and Zeta Lyte 1A (polymer chemicals) for the one-year period running from January 1, 2009, through December 31, 2009; and

WHEREAS, the Borough Engineer has recommended the award of contracts for each chemical to the low bidder, Custom Environmental Technology of Collegeville, PA; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Custom Environmental Technology and has found them to be in order;

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

1. The contract for provision of Zeta Lyte 305CVH for the one-year period running from January 1, 2009, through December 31, 2009 is hereby awarded to Custom Environmental Technology of Collegeville, PA, for the unit price of \$15.79/gal. and a total amount not to exceed Sixteen Thousand Nine Hundred Forty-Two Dollars and Sixty-Seven Cents (\$16,942.67).
2. The contract for provision of Zeta Lyte 1A for the one-year period running from January 1, 2009, through December 31, 2009 is hereby awarded to Custom Environmental Technology of Collegeville, PA, for the unit price of \$11.78/gal. and a total amount not to exceed Ten Thousand Seven Hundred Nineteen Dollars and Eighty Cents (\$10,719.80).
3. The Mayor and Clerk are hereby authorized to execute agreements with Custom Environmental Technology, subject to approval of the Borough Attorney.
4. This approval is contingent upon provision of adequate funds in the 2009 budget.

Resolution 2008-277 was moved by Councilmember Schneider and seconded by Council President Sikorski. Discussion ensued.

Councilmember Bond recalled that Council recently adopted Resolution 2008-277, authorizing the use of the performance bond filed by Empire Antiques in order to complete outstanding items on their site plan. They have not been cooperative with the Borough, he said, and offered several examples of this. He suggested that Council withhold approval of their auction license at this time. He said that he plans to vote "no" on this Resolution and he urged other members to do so as well.

Mayor Patten asked Mr. Raffetto to comment. Mr. Raffetto stated that, while he understands what Mr. Bond is saying, the auction license is a separate issue from the site plan. Even though the site plan has been a "sore issue," we are pursuing the proper channel to ensure that the work is completed, and the bond filed by them will cover that. He recommended against withholding the auction license on that basis, as the issues should remain separate.

Councilmember Bond said that he feels strongly that Empire Antiques should never have received a C.O. for that project to begin with, and they have been unresponsive to the Borough's requests. Council President Sikorski said that he understands Mr. Bond's frustration, but noted that the auction is scheduled for December 13, part of their busy season, and the owner was probably not advised that the license would be questioned. He said that he would be hesitant to take this action without notifying Empire Antiques so that they could be present. Councilmember Schneider said that he agrees that the C.O. should not have been issued in the first place for Empire Antiques; however, it *was* issued. He said that he will not vote against issuing this license, but that would not preclude the possibility of his doing so in the future.

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

Resolution adopted, 4-1.

RESOLUTION 2008-277 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, December 13, 2008 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held on December 13, 2008 at 278 Monmouth Street.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, said that Empire Antiques should be informed that Council considered withholding their auction license. Regarding background checks, Ms. Deal said that it should be up to parents, and not the Borough, to check the background of a piano teacher or the like. With respect to the Historic Preservation Commission, Ms. Deal said that she is "not interested in being required to or prohibited from doing something," and added that she would be offended if there are people living in the Historic District who want each property to look like theirs. "We're going down a slippery slope," she said. "We'll be the Cape May of Exit 8." She expressed concern that residents could be told that they "have to have brick sidewalks and green shutters." Councilmember Rosenberg said that this would not happen, and Mayor Patten suggested that she attend the next meeting of the Historic Preservation Commission to learn more.

Robert Crane, 85 Meadow Drive, stated that background checks should also be considered for those working with other vulnerable individuals, such as senior citizens and the mentally challenged. Mr. Crane also said that two of his children have participated in Habitat for Humanity projects, which they found to be very satisfying and rewarding. That, he said, is "one more reason to be proud to live in Hightstown."

Janice Mastriano, 15 Leshin Lane, stated that Charleston, SC represents the "ideal" in historic preservation, where facades on historic homes can't be altered, but the interior and rear of the property can be changed. She added that it would be "foolish" to prohibit subdivision, as that does not affect the existing homes. Regarding Habitat for Humanity, Ms. Mastriano suggested that the two lots be separately maintained and a variance be sought to build single family homes on each. With respect to the recall effort, Ms. Mastriano stated that "name calling is not good on either side," and both sides have rights. She said that she does not approve of performing background checks on anyone other than Borough employees or volunteers, and referred to that as "Big Brother." It is the responsibility of parents and guardians, she said, to protect their child.

Joe Murtaugh, 427 S. Main Street, agreed that performing background checks “feels Big Brother-ish,” and added that anyone can do their own background check on various free websites. He expressed concern about access to that information if it was done by the Borough and thence became a public record. All types of information comes up, he said, which could be used against someone. He urged Council to consider carefully how that information would be controlled and who would be responsible for it and liable for its misuse.

Isabel McGinty, 152 Broad Street, said that she learned at a recent public meeting that Council plans to have a subcommittee to discuss the budget, and she asked to be invited to those meetings. She said that, since she is new to Council, she would like to at least observe, if not participate. Ms. McGinty also asked why the minutes for the November 13 budget meeting were not listed for approval on the agenda. Ms. Gallagher stated that they have not yet been prepared.

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Rosenberg reported that the Downtown Hightstown group began their holiday window decorating contest on the past Friday. 15 businesses so far have registered to participate. Residents can vote for their favorite window display at www.downtownhightstown.org. The winner will receive a “Hightstown Cheer Chalice” that will be passed on from year to year. The winner will be announced on December 18th at a ceremony to take place at The Point. He invited all to attend.

Councilmember Harinxma expressed support for working with Habitat for Humanity. “It’s a wonderful idea that would be great for our town,” she said.

Council President Sikorski reported that the Planning Board met and approved a tentative affordable housing plan, which he will make available to Council members. He also reported that the Construction Office has successfully prosecuted a “flagrant violator” of our overcrowding laws, and is enforcing our sign ordinance. All political signs have been removed in accordance with that ordinance, he said.

Chief Eufemia reported that the Annual Santa Parade took place on the prior Friday evening. “It was a beautiful evening,” he said. “There was a great turnout in the center of town, and homes along the route were decorated, which made it that much nicer.”

Councilmember Bond noted receipt of the November police report, which indicated that there were 983 calls, including 37 ambulance and 13 fire calls, 223 motor vehicle summonses, 13 accidents, 6 DWI’s, 21 vehicles towed, 26 arrests, 81 investigations and 17,856 transmissions handled by our dispatch center. The police department provided assistance and traffic control for the Santa parade, and during November, completed all 2008 mandated training. Mr. Bond also thanked Chris Moraitis and other volunteers for decorating the lighting poles downtown with garlands and lights. The Town looks better than ever, he said. We have new stores in town, and the window decorating contest is a hit.

Mayor Patten agreed that the Borough’s downtown looks great, and thanked the Borough’s “great volunteers” for their efforts, including the DowntownHightstown.org group, Chris Moraitis and the Tellers. He is proud, he said, to hear the remarks of those admiring our town.

The Mayor said that he was unable to attend the first budget meeting, but emphasized how important it is for the Borough to have a “zero-based budget” rather than basing figures on what was spent last year. We should look at each department, he said, and ask “what do we really need?” in terms of personnel and facilities. “Start with zero,” he said, “look at our real needs and what we can do without.” Mayor Patten said that he would like to see no increase at all in the 2009 budget, and would like to see a decrease if possible. He said that it was announced that day that our country is in a recession, and it is incumbent upon the school district, the county and the state to cut back as much as possible. He said

that Hightstown is lucky to be a small Borough with a lot of volunteerism. We're a "quaint town with history and traditions," he said, and all of this was evidenced by the recent Santa parade and the turnout it received.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-272, authorizing a closed session for the purpose of discussing litigation, tax appeal litigation, disposition of Borough property and personnel. The Resolution was moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolution adopted, 5-0.

RESOLUTION 2008-272 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 December 1, 2008 at approximately 8:50 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:

Personnel
Disposition of Borough-owned property
Litigation – Greystone Capital Partners
Tax Appeal Litigation – Hightstown Development Associates

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: March 1, 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, **Resolution 2008-284** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2008-284 RESOLUTION AUTHORIZING AN EXTENSION OF THE TEMPORARY USE AND OCCUPANCY AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND AMERICANA R.D., INC., REGARDING A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 7, LOT 41

WHEREAS, on February 19, 2008, the Borough Council approved Resolution No. 2008-71, which authorized the Borough to enter into a Temporary Use and Occupancy Agreement (the "Agreement") with Americana R.D., Inc. (the "Diner"), which authorized the Diner to temporarily use and occupy a portion of the property known and designated as Block 7, Lot 41 on the Borough's Tax Map (hereinafter referenced as the "Property"); and

WHEREAS, the parties executed the Agreement on or about March 11, 2008; and

WHEREAS, the Agreement was intended to be effective for a term of no more than 120 days; and

WHEREAS, thereafter, by Resolution No. 2008-244, adopted on October 6, 2008, the Borough awarded a lease of the property to the Diner, following a public bidding process which was undertaken pursuant to N.J.S.A. 40A:12-14(a); and

WHEREAS, the Diner has requested that the commencement of the lease term be delayed until such time as the Diner has secured necessary development approvals to expand its operation; and

WHEREAS, the Diner has proposed that the Agreement be extended until such time; and

WHEREAS, the Agreement permits the parties to extend the term thereof, upon mutual consent, on a month to month basis thereafter; and

WHEREAS, the Borough wishes to provide its consent to extend the term of the Agreement, on a month to month basis, until such time as the Diner has secured necessary development approvals to expand its operation, but in no event for longer than six (6) months from the date of adoption of the within Resolution.

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

1. That the Borough hereby provides its consent to extend the term of the Agreement, on a month to month basis, until such time as the Diner has secured necessary development approvals to expand its operation, but in no event for longer than six (6) months from the date of adoption of the within Resolution.
2. That all of the terms and conditions contained within the original Agreement shall apply to the extension period, except that the term shall be on a month to month basis as set forth in Paragraph 1 above.
3. That no further approvals shall be necessary from the Mayor and Borough Council in order to allow the extension period to continue until such time as the Diner has secured necessary development approvals to expand its operation, but in no event shall such extension endure for longer than six (6) months from the date of adoption of the within Resolution.
4. That the Mayor is hereby authorized to execute and the Borough Clerk to attest any and all documents that are necessary to effectuate the extension period referenced above.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be provided to each of the following:

1. Americana R.D., Inc.
2. Candace B. Gallagher, Borough Administrator/Clerk
3. Larry Blake, Director, Dept. of Public Works
4. Frederick C. Raffetto, Esquire, Borough Attorney
5. Carmela Roberts, P.E., Borough Engineer

Upon motion by Councilmember Bond, seconded by Councilmember Harinxma and unanimously approved, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk