

OPEN SESSION

Mayor Robert Patten called the meeting to order at 6:30 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

ROLL CALL

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

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

APPROVAL OF AGENDA

The agenda was amended to remove Resolutions 2008-136 and 2008-137, to amend the title of Ordinance 2008-10, to amend Executive Session Resolution 2008-131, to move Resolution 2008-143 under Engineer's Items, and to include under New Business recommendations by Rick Pratt regarding skatepark regulations and comments by the Chief of Police. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Schneider and approved by all.

EXECUTIVE SESSION

Ms. Gallagher read aloud and in full Resolution 2008-130, authorizing a closed session for the purpose of discussing tax appeal litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on May 19, 2008 at approximately 6:40 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:

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: August 19, 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.

The meeting reconvened into open session at 7:25 p.m.

APPROVAL OF MINUTES

Minutes of the May 5, 2008 open and closed sessions were moved by Council President Sikorski, seconded by Council member Schneider and approved as submitted by all but Councilmembers Harinxma and Rosenberg, who abstained.

PRESENTATION

JCP&L – Q & A WITH GERRY RICCIARDI, AREA MANAGER

Gerry Ricciardi, Area Manager with JCP&L, had been invited to attend this meeting in order to address concerns regarding reliability of the power grid. Below is a transcript of his comments:

Thank you Mayor Patten, Members of the Township Council, and Administrator Gallagher for allowing me to speak here tonight. My title at JCP&L is Area Manager, I work with 23 municipalities throughout Mercer, Middlesex and Monmouth Counties. My role is to work closely with each one of you as an advocate for my company. I am available to each one of you 24 hours a day, seven days per week.

The reason I am here tonight is to talk about reliability. At Jersey Central Power & Light we continually evaluate our system for performance. Poorly performing circuits are identified, engineering assessments made and corrective actions taken. In addition to these assessments, we trim trees yearly on our transmission system and every four years on our distribution system. Substations are inspected monthly and all capacitors are maintained yearly.

I appeared before this council in September of 2004 to talk about reliability. I committed to making certain reliability improvements in a letter to Mayor Patten in December of 2004 and those upgrades were completed in the first quarter of 2005. In 2006 our engineering group looked at the area again and we installed the following improvements:

- *Replaced 7 cross arms*
- *Installed 6 new lightening arrestors*
- *Installed 8 new animal guards*
- *Upgraded fusing at 3 locations*

What have all of these upgrades meant to the citizens of Hightstown? Has reliability really gotten better?

Electric utilities measure reliability by totaling the number of customers affected by an outage and factoring in the duration of that outage. This is called CAIDI, which means Customer Average Interruption Duration Index and it is measured in minutes. We measure this per circuit. As a reference, there are 524,160 minutes in a year. The Twin Rivers 47102 circuit has had the following CAIDI: in 2005 – 229 minutes; in 2006 – 128 minutes; and in 2007 – 84 minutes. Have we gotten better? Absolutely! Have the residents of Hightstown seen better reliability? Definitely! Has JCP&L fulfilled our commitment to you, the governing body, and to your constituents? I must answer with an unqualified YES.

Are we satisfied? No, never. We are always looking to get better.

What, you may ask, have we done for you lately? We recently completed a re-conductoring of the 47193 circuit out of the Wyckoff Substation. This means we installed new and bigger wire from William Street to Mechanic Street to Bank Street to Academy Street to Dutch Neck Road. We have installed one recloser and have plans to install another recloser in 2008. A recloser is a device which automatically reenergizes a circuit if there is a transient fault. Lastly, our engineers are always looking for reliability improvements. Once they find them, we install them.

Mr. Watkins referenced a two-hour outage¹. This occurred on Saturday, March 8th, at approximately 7:00 p.m. 68-mile-per-hour wind gusts were reported throughout the area. This is six miles [per hour] less than hurricane strength winds. We had three poles impacted on Etra Road. We were able to make the area safe and restore electric to the residents affected by this within two hours. No utility can totally protect themselves from 68-mile-per-hour winds. We responded and restored the power very quickly.

Mr. Watkins also asked about looped or redundant power sources and instantly shifting the power to another line. We can, during MOST times of the year, shift power to another line and we have done this. However, it is not done automatically.

Thank you for your time. I would be glad to answer any questions you may have.

Mayor Patten opened the floor to questions from Council and the public.

Councilmember Bond asked if Peddie School is on the Twin Rivers circuit. Mr. Ricciardi said that he believes Peddie is on that circuit, which includes also Meadow Drive, Orchard Avenue, and the South Main Street area. That circuit, Mr. Bond said, seems to experience more outages than others.

Eugene Sarafin agreed, and said “the circuits fail all the time,” and that outages always last two hours. He added that it takes one hour for crews to arrive. One night, he said, power was out for four to five hours. “For some reason,” he said, “JCP&L doesn’t want to hire engineers, just PR guys.” Mr. Ricciardi respectfully disagreed with Mr. Sarafin’s statements, saying that they were not true.

Mayor Patten noted that an outage occurred recently due to a car hitting a pole, and noted that JCP&L has no control over a car hitting a pole. He added that he saw a quick response by JCP&L to an outage on South Street – they were there within 15 minutes, he said.

¹ Clerk’s note: See comments by Torry Watkins as recorded in minutes of March 17, 2008, page 4.

Mr. Ricciardi again thanked the governing body for the opportunity to make this presentation, and provided his phone number for anyone who has questions about their service. That number is (732) 212-4106.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Esther Velasquez, 178 Grant Avenue, who serves as Chair of the Borough's Latino Advisory Committee, stated that the committee met on April 26 with local taxi owners to discuss concerns and hear suggestions from them and from committee members regarding taxicab operations in the Borough. It was agreed, she said, that, since there are numerous taxi companies operating in the Borough, we should attempt to form a Hightstown Taxi Commission. She has obtained a copy of the City of Trenton's code in that regard, and the Special Counsel's office has offered assistance in preparing a similar ordinance for Hightstown. The Commission's focus, she said, would be to improve taxi policies and customer relations. She asked Council to review and consider this request. Councilmember Schneider asked Mr. Velasquez if she is associated with any of the taxi companies operating in the Borough. She replied that she is not.

Eugene Sarafin, 600-628 South Main Street, referenced the bond ordinance scheduled for introduction at this meeting. He said that he spent a day speaking with engineers and with the supplier of the eco-catalyst used to eliminate grease at the wastewater treatment plant, and he "learned a lot." The Borough's water and sewer committee, he said, is comprised of people who "know nothing about water and sewer," and all members except Dr. Perritt are Borough employees. Grease is difficult to process, he said. The eco-catalyst does work, but its use requires a lot of knowledge and attention. "We wound up destroying one [trickling filter] bed and half of the other," he said, "but Biff [Searing] figured out how to clean it up." The expenditure of \$400,000 for new media, he said, "is irrelevant unless you want to bring in Ed [Gillette] to discuss the advantage of spending money for plastic media and getting a 300% increase in efficiency." This is a complex issue, he said, and recommended that a cost analysis be performed regarding the processing of grease, with input from both Ms. Roberts and Mr. Gillette. "It was a good idea to try [processing grease]," he said, "but things got out of control."

Mary Beth Covell, 128 Broad Street, stated that she is a lifelong resident of the Borough, and had requested a meeting with the Chief of Police regarding issues in her neighborhood. She was told that he was too busy with an investigation when she first requested this, and has had no response to her second request. She asked how best to get her issues addressed and find out what she can do. Chief Eufemia was present and assured her that he would be in touch with her. Mayor Patten noted that Ms. Gallagher is also available to receive calls from Borough residents.

Shawn Hiers, 419 Stockton Street, said that she hopes that Council will "make a considered judgment" when they discuss Ordinance 2008-06 (adopted on April 7, regarding the keeping of farm animals and fowl) during executive session later in this meeting.

Kathy Patten, 135 South Street, referred to a recent, "extremely unfortunate" incident at Hightstown High School where the turban of a Sikh student was set on fire by another student. Whether that incident was a bias crime or not remains to be decided, she said, and noted that such incidents "don't represent our town at all." She said that a Community Solidarity Group has been formed and will march in the Memorial Day Parade, and invited "anyone who feels strongly about this to join us. It will show what Hightstown is all about."

Jan Guthrie, 425 Stockton Street, referenced Council's plans to discuss in closed session legal issues regarding the recently adopted ordinance restricting the keeping of farm animals and fowl in the Borough, and stated, "One person comes and gives a ploy of a lawsuit and now you'll reexamine it. If I get a class action suit going, will that change your mind again?" She stated that her children played in the Balcewicz's barn, and no rats were in evidence. But there *are* rats in chicken feed, she said. Vegetable gardens, ground covers, ponds and garages are all conducive to harboring

rodents, she added, but the rodents are there because of the chickens. "Why doesn't [the Health Officer] investigate where they're *really* coming from," she asked, "instead of making the taxpayers pay for exterminators?"

Rick Pratt, 214 Stockton Street, withdrew his request to discuss skatepark regulations later at this meeting under New Business. He noted that the skatepark project has received great publicity, and the Board of Education will allow the distribution of flyers for fundraising. He said that skateboarders will be participating in the Memorial Day parade. Mr. Pratt asked Council to consider cordoning off an area (possibly the Railroad Avenue parking lot) once a month or so to allow skateboarders to skate for a few hours. He thanked Council for their support for the project.

Eric Wattely, 215 Academy Street, said that his son is a skateboarder, and a skatepark is needed. "More and more kids are getting in trouble skating where they're not allowed," he said, "but they don't know where to go. The closest [skatepark] is too far to go to on foot." He expressed support for the project. Kids, he said, "will keep trying to skate *somewhere*. They need someplace to go."

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

ENGINEER'S RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolution 2008-133** was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2008-133 AUTHORIZING PAYMENT NO. 4 – 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 contractor has submitted Payment Request No. 4 for work done in the total amount of \$45,834.60; 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 that Payment Request No. 4 from Jonico, Inc. of Lambertville, NJ in the amount of \$45,834.60, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

Ms. Roberts reviewed the provisions of **Resolution 2008-134**, which would authorize final payment to S. Brothers for the Downtown Revitalization Phase 3 project. Councilmember Bond noted that S. Brothers is "one of the better contractors we've had in the Borough." They were very cooperative with the police, he said, and "went out of their way to do a good job." The price was good, too, he added. He suggested that the Borough offer a citation of some sort for this contractor. Mayor Patten agreed that the contractor did a great job, and said "people are excited when they come through the Borough." It looks great, he said, especially now with the flower baskets up.

Resolution 2008-134 was moved by Councilmember Bond and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2008-134 AUTHORIZING PAYMENT NO. 5 AND FINAL – S. BROTHERS, INC. (DOWNTOWN REVITALIZATION PHASE 3)

WHEREAS, on May 21, 2007, the Borough Council awarded a contract for the Downtown Revitalization Phase 3 project to S. Brothers, Inc. of South River, New Jersey in the amount of Four Hundred and Two Thousand Seven Hundred and Eighty (\$402,780.00) Dollars; and

WHEREAS, Change Orders No. 1, 2 and 3 to this contract were subsequently approved in the amounts of \$12,878.00, \$25,945.00 and \$2,696.00, respectively, bringing the total contract price to \$444,299.00; and

WHEREAS, the contractor has submitted Payment Request No. 5 and Final for work done in the total amount of \$8,885.98, together with the required certified payrolls and closeout documents, including a one-year maintenance guarantee in the amount of \$44,429.00; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 5 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. 5 and Final by S. Brothers, Inc. in the amount of \$8,885.98 is hereby approved, and the Treasurer is authorized to issue same.
2. The Downtown Revitalization Phase 3 Project is hereby accepted.
3. The Borough Clerk is hereby directed to return to S. Brothers, Inc. the performance bond originally submitted for this project in the amount of \$402,780.00.

Following a brief review by Ms. Roberts, **Resolution 2008-135** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2008-135 AUTHORIZING EXECUTION OF AGREEMENT WITH PEDDIE SCHOOL REGARDING BUILDING ENCROACHMENT INTO BOROUGH SANITARY SEWER EASEMENT

WHEREAS, as a condition of a Planning Board Resolution approving the expansion of Peddie School's Athletic Center, which Resolution was adopted by the Board on March 10, 2008, Peddie School was required to enter into an agreement with the Borough regarding the encroachment of the existing Athletic Center building into the Borough's sanitary sewer easement; and

WHEREAS, the proposed agreement, which is attached hereto and incorporated herein, has been reviewed by the Planning Board Attorney, Borough Attorney, Borough Engineer and Peddie School, and has been found acceptable by all parties;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute, and the Clerk to attest, the attached agreement between the Borough of Hightstown and Peddie School.

Ms. Roberts reviewed the provisions of Resolution 2008-143, noting that it will represent the Borough's concurrence with various NJDOT parking regulations on Route 33. Chief Eufemia expressed his support for this Resolution, and said "We've been waiting patiently, and I'm pleased to see this at its end."

Resolution 2008-143 was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

RESOLUTION 2008-143 RESOLUTION OF CONCURRENCE WITH CERTAIN NJDOT TRAFFIC REGULATIONS

WHEREAS, the Borough of Hightstown has requested NJDOT to establish certain traffic regulations along Route 33 in the Borough; and

WHEREAS, NJDOT, in a letter dated April 30, 2008, has requested a Resolution of Concurrence from the Borough with regard to those regulations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough of Hightstown does hereby CONCUR with regulations proposed by the New Jersey Department of Transportation in their letter dated April 30, 2008, as follows:

Parking Time Limit on Certain Streets:

No person shall park a vehicle for longer than the time limit between the hours listed on any day (including public holidays) upon any of the streets or parts of streets described.

Name of Street	Direction	Side	Time Limit	Hours	Location
Route NJ 33 (Mercer Street)	West	North	2 hours	7:00 A.M. to 7:00 P.M.	Beginning at a point 38 feet west of the westerly curb line of Stockton Street and extending to a point 220 feet westerly therefrom.
Route NJ 33 (Mercer Street)	West	North	2 hours	7:00 A.M. to 7:00 P.M.	Beginning at a point 58 feet east of the easterly curb line of Rogers Avenue and extending to a point 67 feet easterly therefrom.
Route NJ 33 (Mercer Street)	West	North	2 hours	7:00 A.M. to 7:00 P.M.	Beginning at a point 57 feet west of the westerly curb line of Rogers Avenue and extending to a point 306 feet westerly therefrom

Handicapped Parking:

Along Route NJ 33 (Franklin Street) eastbound, (southerly) side:

Beginning at a point 64 feet west of the prolongation of the westerly curb line of Broad Street and extending to a point 23 feet westerly therefrom.

Along Route NJ 33 (Mercer Street) westbound, (northerly) side:

Beginning at a point 363 feet west of the westerly curb line of Rogers Avenue and extending to a point 25 feet westerly therefrom.

No Stopping or Standing:

No person shall Stop or Stand a vehicle on any day (including public holidays) upon any of the streets or parts of streets described.

Name of Street	Direction	Side	Hours	Location
Route NJ 33 (Mercer Street and Franklin Street)	East	South	All	Beginning at a point 540 feet east of the easterly curb line of South Street and 133 feet west of the prolongation of the westerly curb line of Broad Street.
Route NJ 33 (Franklin Street)	East	South	All	Beginning at a point 64 feet west of the prolongation of the westerly curb line of Broad Street and 50 feet east of the prolongation of the easterly curb line of Broad Street.
Route NJ 33 (Mercer Street)	West	North	All	Beginning at the westerly curb line of Stockton Street and extending to a point 38 feet westerly therefrom.
Route NJ 33 (Mercer Street)	West	North	All	Beginning at a point 258 feet west of the westerly curb line of Stockton Street and 125 feet east of the easterly curb line of Rogers Avenue.
Route NJ 33 (Mercer Street)	West	North	All	Beginning at the westerly curb line of Rogers Avenue and extending to a point 57 feet westerly therefrom.
Route NJ 33 (Mercer Street)	West	North	All	Beginning at a point 388 feet west of the westerly curb line of Rogers Avenue and 75 feet west of the westerly curb line of Academy Street.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the New Jersey Department of Transportation and Chief of Police James M. Eufemia.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2008-10,

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$404,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$384,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher and Ms. Roberts reviewed the provisions of Ordinance 2008-10. Ms. Gallagher noted that the ordinance is needed in order to make funding available for replacement of media in the trickling filters at the advanced wastewater treatment plant, and that it has not yet been determined which type of media (rock or plastic) will be most beneficial and

appropriate for our needs. It is possible that not all of this money will be spent. In that case, any funds remaining in this ordinance which are not needed will be canceled by Resolution. It is being introduced at this time, she explained, in order to start the timeline running for funds to be available². By the time that takes place, it is anticipated that the Borough will have determined which type of media to purchase. She added that this purchase would need to be bid and no contract could be awarded until funds are available. Any purchases made with monies appropriated through this ordinance will require further approval from Council by Resolution.

Ms. Roberts explained that the Borough's trickling filters have used the same rock media for the past 45 years, and have experienced problems for some time now due to the accumulation of debris in the bottom of the tanks and general wear and tear over the years. The rock media, she said, has lost gradation as a result of the Borough's efforts to move it around and improve it. Plastic media is now the "new state of the art" because it provides greater surface area on which to grow bacteria. However, she said, "that does not mean that rock media won't do well enough, and that's what we'll be discussing and determining in the next few weeks."

Ordinance 2008-10 was moved for introduction by Councilmember Schneider and seconded by Councilmember Bond.

Councilmember Quattrone asked about the difference in cost between rock and plastic media. Ms. Roberts said that rock media would cost about \$30,000 per filter, and would be installed by Public Works. However, continuing to use rock media would necessitate the refurbishment of the bottom vent system in the filters. Plastic media would cost about \$170,000 per filter, but no refurbishment of the vents would be needed.

Council President Sikorski asked how this determination would be made. Ms. Roberts said that she, Mr. Searing and other members of the water and sewer committee would make that determination, possibly with the assistance of consulting engineer Ed Gillette.

Councilmember Rosenberg asked how we can "quantify efficiencies" in making this determination. Ms. Roberts noted that, at present, our plant has "good effluent" and is not having any problem meeting our DEP permit requirements. Our trickling filters do work, she said, and she "leans toward replacement of the rock media." However, she added, Mr. Searing feels that plastic media would be more beneficial for the Borough, and this needs to be further reviewed in order to reach the best decision.

Council President Sikorski stated that he feels uncomfortable authorizing this debt without additional information.

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

Ordinance introduced, 5-1.

The public hearing and final reading for Ordinance 2008-10 was scheduled for June 2, 2008.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-09, AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN TO INCREASE VARIOUS FEES

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing for Ordinance 2008-09.

² Clerk's note: Funds appropriated through a bond ordinance are not available until 20 days after publication of final adoption of the ordinance.

Eugene Sarafin, 600-628 South Main Street, objected to the Borough's "competing with other municipalities" in setting fees. Ms. Gallagher noted that one of the questions on each year's Extraordinary Aid application is regarding when fees were last adjusted. The DCA, she said, wants to see that we are monitoring our fees to be sure that they are sufficient to cover certain costs. She added that many of these fees have not been adjusted for many years, and some are seldom used. Mr. Sarafin stated that the changes in permit fees "seem reasonable."

No one else came forward and the hearing was closed.

Ordinance 2008-09 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Ordinance adopted, 4-2.

**ORDINANCE 2008-09 AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHTSTOWN TO INCREASE VARIOUS FEES**

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

Section 1. Items (k), (l) and (m) of Section 2-55.2 of the *Revised General Ordinances of the Borough of Hightstown* are hereby amended in their entirety as follows (deletions in ~~strikeout text~~; additions underlined):

k. For a full copy of the bound edition, as codified, of the Revised General Ordinances of the Borough of Hightstown, ~~seventy-five one hundred (\$75100.00)~~ dollars.

l. For a full copy of the Borough's Master Plan, one hundred and ninety-five (\$195.00) dollars, ~~an audio tape, ten dollars (\$10.00) per tape.~~

m. For a copy of an audio or video tape, ~~twenty five dollars (\$25.00) per tape.~~ the actual cost of the media and duplication thereof.

Section 2. Section 2-55.6 of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended in its entirety as follows (deletions in ~~strikeout text~~; additions underlined):

Subsection 2-55.6 Returned Check Charge. A fee of twenty-five (\$2025.00) dollars will be charged for any check returned to the Borough unpaid.

Section 3. Section 4-1.4(a) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to provide that the following license fees shall be increased:

License	Current fee:	To be increased to:
Peddlers, hawkers and vendors	\$50.00 per year	\$75.00 per year
Solicitors and canvassers	\$25.00 per month	\$75.00 per month
Coin-operated amusement, skill & video machines	\$75.00 per year	\$100 per year
Coin-operated phonographs/jukeboxes	\$50.00 per year	\$75 per year
Coin-operated reproducing machines	\$50.00 per year	\$60 per year
Auctions	\$50.00 per day	\$100 per day

Section 4. Section 12-2 of the Revised General Ordinances of the Borough of Hightstown is hereby amended by the addition of NEW subsection 12-2.11, as follows:

Subsection 12-2.11 Application for a Variation. The fee for an Application for a Variation in accordance with the Uniform Construction Code shall be one hundred and fifty (\$150.00) dollars.

Section 5. Section 12-2.1(b) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to provide that the minimum Plumbing Subcode Fee shall be increased from \$50.00 to \$55.00.

Section 6. Section 12-2.1(c) of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to provide that the minimum Electrical Subcode Fee shall be increased from \$56.00 to \$60.00.

Section 7. Section 13-7.2 of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to provide that the fee for a Housing Code Certificate required by subsection 13-7.1 shall be increased from \$60.00 to \$80.00.

Section 8. Section 15-3.2 of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended in its entirety as follows (deletions in ~~strikeout text~~; additions underlined):

15-3.2 Additional Inspections and Permits. The fees for all other inspections and permits issued by the Bureau of Fire Safety shall be as follows:

- a. Single occupancy under one thousand (1,000) square feet: ~~thirty-five (\$35.00)~~ Forty-Two (\$42.00) dollars.
- b. Single occupancy one thousand one (1,001) to two thousand (2,000) square feet: ~~sixty (\$60.00)~~ Seventy-Two (\$72.00) dollars.
- c. Single occupancy two thousand one (2,001) to three thousand (3,000) square feet: ~~eighty-five (\$85.00)~~ One Hundred and Two (\$102.00) dollars.
- d. Single occupancy three thousand one (3,001) to four thousand (4,000) square feet: ~~one hundred ten (\$110.00)~~ One Hundred and Thirty-Two (\$132.00) dollars.

An additional ~~twenty-four (\$20.00)~~ \$24.00 dollars for each five thousand (5,000) square feet to a maximum fee of ~~three hundred seventy-five (\$375.00)~~ Four Hundred and Fifty (\$450.00) dollars.

Section 9. Section 19-2.10 of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended to provide that the fee for a pool filling permit shall be increased from \$10.00 to \$15.00.

Section 10. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 11. This Ordinance shall take effect upon final passage and publication in accordance with the law.

UNFINISHED BUSINESS

NJLM REQUEST FOR \$500 PLEDGE TOWARD CHALLENGING COAH REGULATIONS

Mayor Patten stated that the NJ League of Municipalities may wish to challenge COAH's 3rd round regulations, and have asked that each town pledge \$500 toward this. Mr. Raffetto noted that some, but not all, of the towns he represents have authorized this, and it likely that the League will move forward with the suit regardless. Discussion ensued.

Councilmember Quattrone and Councilmember Bond expressed support for the pledge, while all other members of Council were reluctant, for various reasons, to do this. After some discussion, a straw vote was taken and, since the majority of Council would not support a pledge, the subject was closed.

NEW BUSINESS

FIRST BAPTIST CHURCH REQUEST REGARDING SIGNAGE

Cathy Simmons of the First Baptist Church was in attendance to present the Church's request for directional signage which would indicate how to get to the church from Mercer Street. Since the realignment of Rt. 539, she said, "you can't get there from here." Traffic needs to make the turn at Ward Street and back up South Main Street in order to reach the driveway. Those not familiar with town don't realize this. They are requesting two directional signs, near the Post Office and the Old Hights Print Shop.

Concerns were expressed by Council regarding the aesthetics of adding more signage to town, given our philosophy of reducing signs wherever possible. Council President Sikorski noted that churches on the main thoroughfare should not require additional signs, and he would oppose this, as he did a similar request by the First Presbyterian Church. After brief discussion, the general consensus of Council was not to approve these signs. Ms. Simmons thanked them for their time in considering this request.

RESOLUTIONS

Following a brief review by Ms. Gallagher, Resolution 2008-132 was moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolution adopted, 5-1.

RESOLUTION 2008-132 AUTHORIZING APPLICATION FOR SHARE GRANT FUNDING

WHEREAS, the governing bodies of the Borough of Hightstown and East Windsor Township have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey SHARE Program in the amount of \$45,873.00 to fund a feasibility study regarding shared police services; and

WHEREAS, the Borough of Hightstown has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of police services, that may be beneficial to both local units; and

WHEREAS, the 10% local match requirement will be waived by the State in this instance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough of Hightstown does hereby join with the Township of East Windsor in applying for a grant for the purpose of a feasibility study as detailed herein.

COMMENTS BY CHIEF OF POLICE

Police Chief James Eufemia reported that he met with members of the Parks and Recreation Commission, and they would like to sponsor a 5K run on the day of the Community Fair, and a mini-triathlon on October 12. Participants in that event would swim, bike and run, and would pay an entry fee. Proceeds would go toward the skatepark project. Chief Eufemia expressed his support for both events, and asked Council for their opinion prior to providing his approval.

Council President Sikorski asked about the Borough's liability in the event of an accident, such as a drowning. Mr. Raffetto recommended that the JIF be consulted for their recommendations regarding hold harmless agreements to be executed by participants. Councilmember Schneider asked if additional personnel would be needed for those events. Chief Eufemia stated that this would be necessary, and that numerous emergency volunteers, including fire company members in the Department's rescue boat, would be on hand for the events.

Councilmember Harinxma said that the Parks and Recreation Commission members are "really motivated, and looking outside the box." There are members experienced in these types of events, she added, and they would be a real benefit to the Borough. Revenues will cover any overtime or other costs that the Borough may incur. Chief Eufemia agreed, and said that the proposed budget is "well in the black."

Councilmember Quattrone expressed support for these initiatives, and encouraged Council to do the same. Councilmember Bond also expressed support, noting that this will "bring people to town that may never have come here before." After brief further discussion, Council was generally supportive of both initiatives.

Chief Eufemia also reported that the Borough has received \$4,000 in funding from the State for the "Click It or Ticket" program. The department started added patrols that day for this purpose, he said.

CONSENT AGENDA

At the request of Councilmember Bond, Resolution 2008-138 was removed from the consent agenda for separate consideration.

Resolutions 2008-139 through 2008-142 were moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted, 5-0.

RESOLUTION 2008-139 REJECTING ALL BIDS RECEIVED FOR PROCUREMENT AND DELIVERY OF MATERIALS NEEDED TO COMPLETE A FLOATING DOCK / BOARDWALK NATURE TRAIL SYSTEM AT ROCKY BROOK PARK, AND AUTHORIZING REVISION OF SPECIFICATIONS AND REBID

WHEREAS one (1) bid was received on May 6, 2008, for the procurement and delivery of materials needed to complete a floating dock / boardwalk nature trail system at Rocky Brook Park in the Borough of Hightstown; and

WHEREAS the low bidder submitted a bid which substantially exceeds the cost estimates and monies available for this purchase; and

WHEREAS NJSA 40A:11-13.2 provides that a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

WHEREAS the Superintendent of Public Works has recommended that this bid be rejected and the specifications revised, and that the materials be rebid;

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

1. All bids received on May 6, 2008 for the procurement and delivery of materials needed to complete a floating dock / boardwalk nature trail system at Rocky Brook Park in the Borough of Hightstown are hereby rejected.

2. The Borough Clerk is hereby directed to return to the sole bidder the bid bond and consent of surety submitted in connection with this bid.
3. The Borough Clerk is hereby authorized to revise the bid specifications in consultation with the Superintendent of Public Works, and to re-advertise for bids for procurement and delivery of materials needed to complete a floating dock / boardwalk nature trail system at Rocky Brook Park in the Borough of Hightstown.
4. The Borough Clerk is hereby authorized to receive such bids following advertisement for same in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*

RESOLUTION 2008-140 RATIFYING MAYOR'S APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION

WHEREAS, certain vacancies exist on the Hightstown Environmental Commission; and

WHEREAS, it is the desire of Mayor Robert Patten to make the following appointments to the Commission:

<i>Appointee</i>	Position	Term ending
<i>Esther Velasquez</i>	Unexpired 3 yr. term	12/31/09
<i>Mellany Alio</i>	Alternate #1 – unexpired 2 yr. term	12/31/08
<i>David Ogorzalek</i>	Alternate #2 – unexpired 2 yr. term	12/31/09

; and

WHEREAS, Section 2-32.3 of the Revised General Ordinances of the Borough of Hightstown provides that members of the Environmental Commission are appointed by the Mayor, subject to consent of the Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor's appointments to the Environmental Commission as set forth herein are hereby ratified and confirmed.

RESOLUTION 2008-141 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 **\$7,665,994.77** from the following accounts:

Current	\$ 1,070,265.42
W/S Operating	258,883.45
General Capital	3,431,029.94
W/S Capital	2,897,070.25
Trust Account	2,293.05
Grant Account	1,761.66
Public Defender	300.00
Escrow, Subdivision & Site Plan	4,391.00
Total	\$ <u>7,665,994.77</u>

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2008 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2008 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	164,708.00	1,645,914.48	1,810,622.48
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	59,689.60	59,689.60
Water/Sewer	265,165.00	806,708.00	1,071,873.00
Capital Outlay – W/S	13,000.00	0.00	13,000.00
Debt Service - W/S	0.00	138,266.52	138,266.52
TOTAL	\$442,873.00	\$2,650,578.60	\$3,093,451.60

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof³.
2. Each emergency appropriation listed will be provided for in the 2008 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

With respect to Resolution 2008-138, Councilmember Bond noted that Empire Antiques has not yet completed requirements relative to their site plan application of 12 years ago. He asked if it is possible to withhold approval of their auction licenses until they fulfill those obligations. Mr. Raffetto stated that the only statutory authority that the Borough has in this regard is to condition the license on matters necessary to protect the public from fraud. There is no authority to go against them for land use issues such as this. However, he said, Council could authorize him to send a letter regarding the Borough's intentions to take action against the performance bond posted by them for this project unless the outstanding items are completed. Councilmember Schneider suggested that we communicate to Empire Auctions that Council discussed this possibility.

Resolution 2008-138 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

³ Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-142.

WHEREAS, an application for a license to hold an auction on Saturday, June 7, 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 June 7, 2008 at 278 Monmouth Street.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, spoke once again regarding the advanced wastewater treatment plant and acceptance of grease. A 300% increase in efficiency (as may be provided by using plastic media in the trickling filters), he said, means that the plant can process three times more material before it hits the anaerobic digester. This is a complex process that requires consultation with an engineer that specializes in sewer plants. The providers of eco-catalysts, he said, have shown that those using them save money in sludge processing and power consumption. He recommended that Ed Gillette be asked to look at the whole process and provide his analysis of what is the best way to go, using an eco-catalyst system or anything else. He encouraged Council to take a walk through the plant in order to observe its operation firsthand.

Peter Lumcong, 118 Etra Road, said that he attended the most recent meeting of the water and sewer committee and was "discomforted by what he heard," given the significance of the revenues that grease provides. He has certain questions for the Borough Engineer, and recommended that members of Council "get more familiar with the operations of the plant, given its significance." A cost-benefit analysis should be performed regarding the type of media to be installed, he said, and he expressed concern regarding "trying to force grease into the plant to the point where we may be reacting to something we may have been able to prevent." He noted that he has offered his assistance and involvement, and thanked members of the governing body for their service to the Borough.

Joe Balcewicz, 413 Stockton Street, stated that the ordinance adopted in April restricting the keeping of farm animals and fowl is *not* a "defacto ban," as there are more than 180 properties in town large enough to accommodate them. "You picked the 35-foot setback," he said, "because you agreed that many properties are too small to house farm animals and fowl without affecting the quality of life of neighbors." Rodent activity has resumed at their property, he said, and they are again smelling bad odors. "If you come and sample the odors for 10 or 15 seconds, you might say 'not so bad,'" he said, "but try sitting there for an hour or two ... you'll have a different opinion." His family has decided to hold an upcoming family event outside of town for this reason. He noted that, at the Board of Health meeting, Robert Hary was asked if the odors can be kept under control, and replied that this is possible, but "would be very difficult." Right now, Mr. Balcewicz said, the chickens are less than three feet from his property line. He wants them moved as far away from his property line as possible. "The Borough has been threatened with a lawsuit from Mr. Evans," he said. "He said he would not be happy with a 25-foot setback, so why make any changes?" Mr. Balcewicz asked that results of the closed session discussion be shared with other concerned parties.

Elizabeth Balcewicz, 413 Stockton Street, said that she receives phone calls all the time from people on Mercer Street that do not know how to get back on South Main Street if they are not from the area. She asked if it is possible to install a sign pointing people toward South Main Street. Mayor Patten stated that this "makes sense," and asked her to "come up with a plan."

Esther Velasquez, 178 Grant Avenue, agreed that the center of town looks beautiful, but said that this should filter down into the various neighborhoods. She said that she contacted the Borough to request that someone contact the owners of 172 Grant Avenue, where grass has grown to 16" high in some areas, and was told that there was no one currently available to address the problem. She asked that the Borough take action to have the grass mowed as soon as possible. She noted that there is also an accumulation of trash on this property.

Cathy Simmons, 33 Clover Lane, reported that the 14th Annual Youth Fishing Derby was held the past weekend and Memorial Park looked wonderful. She commended the Public Works department for their hard work.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud and in full Resolution 2008-131, authorizing a closed session for the purpose of discussing litigation and anticipated litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolution adopted, 6-0.

RESOLUTION 2008-131 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 May 19, 2008 at approximately 9:10 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Anticipated Litigation 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: August 19, 2008 or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Upon reconvening into open session, adjournment was moved by Council President Sikorski, seconded by Councilmember Bond and unanimously approved. The meeting was adjourned at 9:55 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk