

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:05 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 and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was amended to include the approval of minutes from the March 3, 2008 executive session. It was then moved as so amended by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved.

APPROVAL OF MINUTES

Minutes of the March 17, 2008 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

Minutes of the March 3, 2008 closed session were moved by Council President Sikorski, seconded by Councilmember Rosenberg and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, read a passage from a book entitled *Rattling the Cage*, stating that "without legal personhood, one is invisible to civil law." She said that the term "owner" (in our animal control ordinances) indicates that "animals are things" and one can do anything one wants to them, but "guardian" means that animals have rights of protection and are considered "a legal person."

J. P. Gibbons, 602 North Main Street, said that he has "watched large property owners beat the Borough into submission on tax appeals," and he finds it upsetting that they are able to appeal successfully on the basis of reduced property values. He proposed that the Borough "seek legal counsel for a method under which we can get a mass blanket reassessment or revaluation of the Borough." He explained that, if all property values were reduced by the same percentage, the tax rate would go up and the net effect would be zero.

Eugene Sarafin, 600-628 South Main Street, stated that "J.P. would be right ... but the law says you can only reassess within five years of the last revaluation." Mr. Sarafin went on to comment that Martin Luther King, Jr. was a true leader, the likes of which he hasn't seen since, and to explain that he will not salute the flag because the "Republic of the United States stands for torture, war and invasion of privacy," and "equal justice for all never existed and still doesn't." The red of the flag, he said, is "the blood that religions have created. It's time we all stood up in government and said 'enough' to Washington and to the Governor for cutting aid. Tell him to raise the taxes," he said. "We don't mind."

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-06, AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* WITH RESPECT TO THE KEEPING OF FARM ANIMALS AND FOWL

Following a brief review by Mr. Raffetto, Mayor Patten opened the public hearing on Ordinance 2008-06.

Eugene Sarafin, 600-628 South Main Street, stated, "Amen."

Joe Balcewicz, 413 Stockton Street, stated that this ordinance, as written, "sets parameters that reflect the reality of the properties that make up Hightstown." He noted that it strikes a compromise between those who wish to keep farm animals or chickens and their neighbors who want to enjoy their properties. He asked Council to adopt the ordinance.

Councilmember Bond asked Mr. Balcewicz about the width of his property and that of his neighbors' property (where chickens are currently being kept). Mr. Balcewicz replied that his property is 85 feet wide and the neighboring property is 60 feet wide.

J.P. Gibbons, 602 North Main Street, commended Council for their actions with this ordinance, which he called "pretty darn good," but expressed concern that the property that is 60 feet wide will now, given the 35 foot setback requirement in this ordinance, not be able to keep any chickens at all.

Jan Guthrie, 425 Stockton Street, reminded Council that this ordinance is needed because of rats, disease and odor, and asked them to "please vote for this."

Elizabeth Balcewicz, 413 Stockton Street, thanked Council for their consideration and said that, given the "back to nature movement" which is encouraging the raising of chickens on small properties, it is "imperative that guidelines be put into place." She asked Council to adopt the ordinance.

No one else came forward and the hearing was closed.

Ordinance 2008-06 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

Councilmember Quattrone asked if a property owner would have to go before the zoning board if they wish to keep chickens and their property is not wide enough to accommodate the setbacks. Mr. Raffetto stated that there is no provision for this; it is simply not permitted under this ordinance.

Councilmember Bond stated that, while he agrees that there is a need for an ordinance to regulate these issues, "we're on the right track ... but this is not it." He noted that this ordinance amounts to an outright ban for any properties less than 75 feet wide, and added, "Do we really want *six* farm animals? Burros are big." He said that he feels this ordinance is "flawed and unenforceable," and that he also has a problem with the ordinance's definition of "fowl." "We have someone that has 175 exotic birds," he said. "Will he be exempt?"

At this time, the roll was called for the adoption of Ordinance 2008-06.

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

Ordinance adopted, 5-1.

**ORDINANCE 2008-06 AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*
WITH RESPECT TO THE KEEPING OF FARM ANIMALS AND FOWL**

WHEREAS, the Mayor and Borough Council have determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to regulate the keeping of farm animals and fowl within the Borough, and to amend and supplement the Borough Code in order to provide for such restriction;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that a new Section, to be entitled "Farm Animals and Fowl" and numbered Section 5-4, is hereby created within Chapter 5, "Animal Control," of the "Revised General Ordinances of the Borough of Hightstown, Mercer County, New Jersey" as follows:

Section 5-4 FARM ANIMALS AND FOWL.

5-4-1. Definitions.

As used in this section, the following terms shall have the meanings indicated:

"Farm Animals" shall mean those animals customarily found on a farm, including but not limited to horses, goats, sheep, cows, cattle, or other hooved animals.

"Fowl" shall mean chickens, geese, ducks, turkeys, peacocks, ostriches, game birds or any other fowl.

5-4-2. Keeping of Farm Animals.

No person shall harbor or keep any farm animal within the limits of the Borough of Hightstown except in conformance with the provisions herein and except in accordance with the applicable provisions of the Borough's Ordinances. The following provisions are applicable:

- a. All farm animals shall be kept in an enclosed fenced or penned area.
- b. All farm animals shall be kept at least thirty-five (35) feet from all property lines inside the fenced or penned area, or in a barn constructed on the premises of the owner, in accordance with applicable zoning regulations.
- c. Farm animals shall be kept at least thirty-five (35) feet from the principal building on the property.
- d. The maximum number of farm animals allowed shall be six (6) regardless of the size of the property.

5-4-3. Keeping of Fowl.

- a. No person shall harbor or keep any fowl within the limits of the Borough except in conformance with this article and in accordance with applicable provisions of the Borough's Ordinances. The following provisions are applicable:
- b. A maximum number of fowl shall not exceed six (6) regardless of property size. Any issue or offspring of any fowl exceeding that number shall be removed within sixty (60) days of birth or hatching.
- c. All fowl shall be kept in a fenced or penned area, or in coops, with raised floor, not dirt or bare floors, and shall be kept and maintained at least thirty-five (35) feet from the principal building on the property and at least thirty-five (35) feet from all property lines.
- d. No fowl should be allowed to fly around or at large, but shall be confined in a suitable house or coop and with an enclosed runway or fenced area.

5-4.4 Annual Inspections.

Any property on which it is proposed to house or maintain farm animals or fowl shall be subject to an annual inspection by the Borough.

5-4.5 Compliance.

All property owners within the Borough shall comply with the provisions of this Ordinance not later than sixty (60) days from the date of its final adoption. All keeping and/or harboring of farm animals or fowl within the Borough of Hightstown that is inconsistent with the provisions set forth herein shall be ceased not later than sixty (60) days from the date of final adoption of this Ordinance.

5-4-6. Enforcement.

This section shall be enforced by the Health Officer, the Construction Official or any member of the Borough of Hightstown Police Department.

5-4-7. Violations and Penalties.

Violations of this section shall be punishable as provided in Chapter 1, General Provisions, Section 1-5, General Penalty. In the event of a continuing violation, each day shall constitute a separate offense.

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

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-07,

ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$128,000 RECEIVED AS A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2007 TRANSPORTATION INFRASTRUCTURE FUND TO SUPPLEMENT THE \$555,000 APPROPRIATED BY BOND ORDINANCE 2007-01 OF THE BOROUGH FOR VARIOUS ROAD IMPROVEMENTS

Ms. Gallagher provided a brief review of Ordinance 2008-07, noting that it does not authorize any additional debt, but rather appropriates funding received as a grant from NJDOT for work on Morrison Avenue, which will allow us to spend that money.

Mayor Patten opened the public hearing on Ordinance 2008-07.

Eugene Sarafin, 600-628 South Main Street, stated, "Fantastic."

J.P. Gibbons, 602 North Main Street, expressed support for the ordinance as well, asking "How can we vote against spending someone else's money on our roads?"

No one else came forward and the hearing was closed.

Ordinance 2008-07 was moved for adoption by Council President Sikorski and seconded by Councilmember Harinxma.

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

Ordinance adopted, 6-0.

ORDINANCE 2008-07 **ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$128,000 RECEIVED AS A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2007 TRANSPORTATION INFRASTRUCTURE FUND TO SUPPLEMENT THE \$555,000 APPROPRIATED BY BOND ORDINANCE #2007-01 OF THE BOROUGH FOR VARIOUS ROAD IMPROVEMENTS**

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

Section 1. The sum of \$128,000, received as a grant from the State of New Jersey Department of Transportation Fiscal Year 2007 Transportation Infrastructure Fund, is hereby appropriated to supplement the \$555,000 previously appropriated in bond ordinance #2007-01 of the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") finally adopted on February 20, 2007 ("Bond Ordinance #2007-01") for various road improvements, including the installation/replacement of curbs and sidewalks, storm drainage improvements and pavement replacement on Morrison Avenue and the installation of curbs and sidewalks and updating of the stormwater facilities on Outcalt Street, including all work and materials necessary therefor and incidental thereto, as more fully described in Bond Ordinance #2007-01.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

INTRODUCTION AND FIRST READING: ORDINANCE 2008-08,

AMENDING SECTION 19-2.7(A) OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING WATER AND SEWER CONNECTION FEES

Ms. Gallagher reviewed the provisions of this Ordinance, explaining that connection fees are set annually in accordance with statutory formulae. Because the Borough's water-sewer indebtedness decreased during the past year, connection fees will decrease slightly as well. Water connection fees will decrease from \$3,379 to \$3,291 and sewer connection fees will decrease from \$2,185 to \$2,127.

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

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-08 was set for April 21, 2008.

NEW BUSINESS

COMMUNITY ACTION SERVICE CENTER – REQUEST FOR PARKING PERMITS

Ms. Gallagher explained that the Community Action Service Center, which last year was issued 10 parking permits at no charge, has requested eight permits (at no fee) for 2008-09, four of which would be "special permits" for use in the Main Street Lot. The remaining four would be used in the permit parking area near Wachovia Bank. Councilmember Bond said that he has discussed this with the Center's director, and the special Main Street lot permits are requested by them due to concerns for their personal safety. He added that, as landlord, he will recuse himself from this vote.

Council President Sikorski commended Councilmember Bond for exploring this issue before bringing it to Council, and said that he is "very comfortable" with granting these permits. It was generally agreed that a Resolution would be adopted at the next meeting to grant the permits and waive the associated fees.

CONSENT AGENDA

Resolutions 2008-104 through 2008-109 were moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted 6-0.

RESOLUTION 2008-104 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, a tax overpayment has been received by the Borough as follows:

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
Saxon Mortgage Services 3100 New York Drive, Suite 100 Pasadena, CA 91107 Attn: National Refunds/Jennifer Martinez	\$2,888.64	Block 25, Lot 10.01	159 Maxwell Avenue

; and

WHEREAS, the Tax Collector has requested permission to refund the overpayment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to refund the tax overpayment set forth herein.

RESOLUTION 2008-105 AUTHORIZING REFUND OF SEWER CHARGES

WHEREAS, Bruce Conord, 175 South Street, experienced a water leakage during the third and fourth quarters of 2007 due to a faulty hose, and has requested that his account be credited with respect to the sewer charges associated with said leakage; and

WHEREAS, Section 19-2.8 of the Revised General Ordinances of the Borough of Hightstown provides that, in the event of a water leak, sewer charges may be waived if the water plant operator can verify that the water which leaked did not enter the sewer system, or if a licensed plumber provides written verification that the water which leaked did not enter the sewer system; and

WHEREAS, on October 4, 2007, Raymond D. Manner, a plumber holding license #6493, certified in writing that the water which leaked seeped into the ground and did not enter the sewer system; and

WHEREAS, the Water-Sewer committee has reviewed this request and past water usage on this account, and has recommended that the account be adjusted to reflect actual usage of 30 sewer units per quarter for both the third and fourth quarters of 2007; and

WHEREAS, this adjustment will result in a credit to the account in the amount of \$281.05 (73 sewer units) for the third quarter of 2007 and \$184.80 (48 sewer units) for the fourth quarter of 2007;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Water-Sewer Collector is hereby authorized to credit the water-sewer account of Bruce Conord, 175 South Street, in the amount of \$281.05 for the third quarter of 2007 and \$184.80 for the fourth quarter of 2007, representing a credit for sewer charges billed on water used which did not enter the sewer system, as detailed herein.

RESOLUTION 2008-106 AUTHORIZING PAYMENT NO. 1 – 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. 1 for work done in the total amount of \$48,735.40; 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. 1 from Jonico, Inc. of Lambertville, NJ in the amount of \$48,735.40, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-107 A RESOLUTION AUTHORIZING PAYMENT TO WHAM ENGINEERING SERVICES, INC. FOR REMOVAL OF UNDERGROUND STORAGE TANKS

WHEREAS, on November 28, 2007, during the course of performing the Streetscape Improvements project along North Main and Bank Streets, the Borough's electrical utility contractor inadvertently discovered and punctured an unknown underground storage tank in front of Borough Hall; and

WHEREAS, the tank appeared to have been there for many years, but its existence was previously unknown to the Borough; and

WHEREAS, Borough Hall was constructed during the 1960's, and prior to this a car dealership operated from said location; and

WHEREAS, the tank appeared to date from this time period; and

WHEREAS, on November 30, 2007, a second tank was found in the same general vicinity, and on December 3, 2007, a third tank was located; and

WHEREAS, at the time of discovery of the said tanks, a noticeable smell of gasoline was detected by those in the area; and

WHEREAS, the Borough was extremely concerned about the potential for contamination of the groundwater if removal of the tanks was not effectuated immediately; and

WHEREAS, the Borough therefore determined that this situation represented an emergency affecting the public health, safety and welfare which required the immediate delivery of services; and

WHEREAS, N.J.S.A. 40A:11-6 provides that any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety and welfare requires the immediate delivery of goods or the performance of services, provided that the procedure set forth in that statute is followed; and

WHEREAS, the Borough properly followed all of the procedures set forth in said statute and awarded a contract for the immediate performance of the necessary removal services to Wham Engineering Services, Inc. of Robbinsville, N.J. (the "contractor"); and

WHEREAS, the contractor performed all the necessary removal services under the direction and supervision of the Borough Engineer; and

WHEREAS, the Borough Engineer has certified that all of the work performed by the contractor was done satisfactorily; and

WHEREAS, the total costs associated with the work performed is \$18,090.63; and

WHEREAS, the Borough Engineer is recommending that payment in said amount be made to the contractor, subject to receipt of certified payroll forms.

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

1. That the Borough hereby authorizes payment to be made to Wham Engineering Services, Inc. of Robbinsville, N.J., for the work performed as specified above in the amount of \$18,090.63, subject to receipt of certified payroll forms.
2. That said payment is being made in accordance with N.J.S.A. 40A:11-6, as an emergency was determined to exist affecting the public health, safety and welfare which required the immediate performance of underground storage tank removal services.
3. That all relevant Borough officials and agents are hereby authorized and directed to perform such actions as are necessary in order to facilitate the intentions of this Resolution.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Wham Engineering Services, Inc.
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Larry Blake, Director of Borough Department of Public Works
 - f. Carmela Roberts, P.E., Borough Engineer
 - g. Frederick C. Raffetto, Esquire, Borough Attorney

RESOLUTION 2008-108 AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,421,036.11** from the following accounts:

Current	\$ 1,006,846.98
W/S Operating	189,501.98
General Capital	163,432.05
W/S Capital	24,541.74
Animal Control	368.00
Grant Account	575.00
Trust Account	3,371.80
Escrow – Subdivision & Site Plan	32,248.56
Public Defender	<u>150.00</u>
Total	\$ <u>1,270,674.72</u>

RESOLUTION 2008-109 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2008 BUDGET

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

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

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

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

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	837,854.48	530,955.00	1,368,809.48
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	59,689.60	59,689.60
Water/Sewer	338,527.00	404,611.00	743,138.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	138,266.52	0.00	138,266.52
TOTAL	\$1,314,648.00	\$995,255.60	\$2,309,903.60

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 hereof.
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.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Bond reviewed the police report received from Chief Eufemia, and noted that there were no injuries during the recent 5K race.

Councilmember Rosenberg thanked the 30 volunteers who participated in the spring cleanup on the prior Saturday. Thirty bags of trash, he said, were collected from Hightstown's streets and public spaces. The day also included the planting of a Princeton Elm and its dedication to Roger Cook, and a cleanup of Rocky Brook with the assistance of the Stony Brook-Millstone Watershed Association. Mr. Rosenberg went on to report that the Economic Development Committee will be launching a website (www.downtownhightstown.org) which will serve as an information portal to find out about local events, as a business directory, and as a source for out-of-towners to learn more about Hightstown. They are planning a launch party for the new website on May 10.

Council President Sikorski commended Ms. Gallagher for a "superb job" in preparing the Borough's CY2008 Extraordinary Aid application. He also reported that Construction Official George Chin has recommended two ordinance changes: a limitation of 16 feet on the height of certain accessory structures (which currently can be as high as 35 feet) and an ordinance which would provide that no room in a dwelling's attic may be used for sleeping. This, he said, is an issue of fire safety, as many attics have undersized windows. Sleeping would be allowed on the second floor of Cape Cod homes with legal egress windows. It was generally agreed that these recommendations could be discussed at the next Council meeting.

Councilmember Quattrone reported that plans for the Memorial Day Parade are coming along well, and encouraged the involvement of anyone who would like to assist. He further reported that the First Aid Squad is doing well, and the Borough has received its first check from Robbinsville for its share of insurance billing revenue. The Fire Department is doing well also, and will be removing the Christmas decorations at the firehouse. Lastly, Mr. Quattrone reported that Ken Lewis is doing a "wonderful job" running the Public Works department in Mr. Blake's absence, and all has been going well there.

Ms. Gallagher reported that the CY2008 Extraordinary Aid application has been submitted, and the Borough is requesting \$550,000. She also noted that the annual Borough-wide Garage Sale will be held on May 3, and the Borough's website includes a registration form and list of participating addresses.

Mayor Patten reported that he met recently with other Mercer County mayors to discuss shared services, property taxes and other issues of concern to all. It was a good meeting, he said, and there will be more. He further reported that he met that day with legislators and leaders in the 12th legislative district to discuss the Governor's proposed budget and the impact it will have on municipalities, as well as sustainability ideas. He is involved with the League of Municipalities, he said, and in contact with mayors across the state, and "no one is happy with the Governor's proposed budget." Democrats and Republicans alike are opposed to it, he said, and are also opposed to the new COAH regulations. Lawsuits by developers and municipalities are anticipated, he said. He added that it seems now that both parties are coming together to try to solve the problem of over taxation in the State of New Jersey, and said, "I think we'll see something unusual happening in Trenton." He expressed hope that the State's budget will be adopted by June 30 so that the State won't shut down on July 1 as it did two years ago. Mayor Patten also reported that he will be meeting on May 16 with the County Executive and other Mercer County Mayors to discuss shared services, and he will be presiding over two upcoming League of Municipalities seminars (on Incident Management Training and Pay to Play and Ethics). He thanked Councilmember Rosenberg for initiating the "Clean and Green Team" efforts. The cleanup event was very successful, he said. He also thanked the Environmental Commission for their dedication of an elm tree at Dawes Park in memory of Roger Cook, and announced that, on May 10 "at high noon," there will be an official celebration of the new fountain at The Point.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, noted that a Stockton Street Porch Tour will take place on Memorial Day, along with other activities following the parade. Regarding Ordinance 2008-06, Ms. Deal asked what will happen to the animals that are currently being kept in Hightstown.

Joe Henning, 33 Meadow Drive, asked if there is a way to verify the statistics reported in the police report. Mayor Patten noted that all calls coming into dispatch are recorded. Mr. Henning stated that he has never heard a statistic reported before regarding police activity. Mayor Patten said that other Council members have been liaisons to the police department in the past and have given such reports, and the Chief compiles reports monthly for Council's review. All reports are on file in the Borough Clerk's office.

Kathy Patten, 135 South Street, reported that the Animal Welfare Committee will sponsor the annual PAWS Walk on the coming Saturday. Activities will include a "Best Dressed Dog" contest, a doggie wet bar, a pet psychologist, dog caricatures, "pawdicures," pet first aid and pet massages. Dr. Petranto of Twin Rivers Veterinary Hospital will be on hand as well.

Joe Balcewicz, 413 Stockton Street, thanked Council for their action on Ordinance 2008-06.

Eugene Sarafin, 600-628 South Main Street, stated that central New Jersey seems to have higher taxes than the rest of the state. "We need to recommend to the State government," he said, "that we increase the gas tax, and that we pay for our services." He said that his wife works for the Department of Education, and they want to cut people, yet keep services. However, if that is done, he said, there will be no people to review spending. "People think the solution is cutting back in government," he said, "but that won't solve the problem." He said that the solution is to raise enough revenue to pay the cost. He said that he "would like to see us go to a unicameral system, similar to the British." He asked Council to tell the State "we want services and we're willing to pay for them."

Jan Guthrie, 425 Stockton Street, thanked Council for adopting Ordinance 2008-06 and said that she does not believe it would apply to exotic birds. Mr. Raffetto noted that the ordinance makes no specific reference to exotic birds.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud and in full Resolution 2008-103, authorizing a closed session for the purpose of discussing litigation and tax appeal litigation. The resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2008-103 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 April 7, 2008 at approximately 8:00 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

**LITIGATION: Greystone Capital Partners New Jersey LLC v. Borough of Hightstown;
Presbyterian Home at Meadow Lakes v. Borough of Hightstown
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: July 7, 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 8:30 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk