

OPEN SESSION
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Mayor Robert Patten called the meeting to order at 7:00 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

### ROLL CALL

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

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

### APPROVAL OF AGENDA

Resolutions 2008-196 and 2008-197 were deleted from the agenda, which was then moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as amended.

### APPROVAL OF MINUTES

Minutes of the July 7, 2008 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Bond and unanimously approved as submitted.

Minutes of the July 16, 2008 special meeting were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

## PRESENTATION

### PROCLAMATION HONORING ED HAYES

Mayor Patten read aloud a proclamation honoring longtime crossing guard Ed Hayes, and presented him with the framed proclamation, noting that he is an individual who has made a positive difference in the Borough.

Mr. Hayes said that he enjoyed working for the Borough, and noted that, although he may have "made some people mad," no one ever got hurt on his watch. He thanked the Mayor and Council and said that he would miss his job.

## Honoring Edward Hayes

*Whereas, **Edward Hayes** served the Borough of Hightstown faithfully as a School Crossing Guard for more than 16 years, from February 10, 1992 through April 14, 2008, longer than any School Crossing Guard in Hightstown; and*

*Whereas, for many years, Mr. Hayes worked the most challenging school crossing posts at Mercer & Grape Run and at Stockton and Harron, where traffic conditions were the most difficult, performing his duties through all types of inclement weather; and*

*Whereas, Mr. Hayes wore his uniform with distinction, and took great pride in his performance, and his dedication to duty was so great that he never took time off for reasons other than illness; and*

*Whereas, Mr. Hayes always accepted extra assignments for the annual Christmas Parade, Halloween Parade and Memorial Day Parade, where he was assigned the post in the center of Hightstown, at Main and Stockton Streets; and*

*Whereas, Mr. Hayes was an exemplary School Crossing Guard, always arriving early at his post and never leaving until completed;*

*Now, Therefore, Be I t Proclaimed by the Mayor and Council of the Borough of Hightstown that **Edward Hayes** is hereby commended and thanked for his many years of devoted service to the Borough, its residents and its children, and that we extend our best wishes to him for the future.*

## STATUS REPORT: PROPERTY MAINTENANCE AND HOUSING CODE ENFORCEMENT

Construction Official George Chin reported on actions taken by his office regarding overcrowding, housing code and property maintenance violations. He explained that, when his office receives a complaint about overcrowding, Tim Murray and Annely Gomez visit the property to investigate. They request permission to enter the premises and have never been denied that permission. They look for signs of overcrowding, such as mattresses, key locks on bedroom doors, etc. If it is determined that there are people sleeping in attic or basement spaces, they are given two weeks to get rid of the mattress(es). Mr. Chin noted that, in several instances, summonses have been issued requiring a court appearance, and fines have been imposed. In cases where residents are all family members, it is more difficult to enforce. There are other instances where a property is investigated and no evidence of overcrowding is found.

Mr. Chin also stated that his office has begun including the maximum number of bedrooms and residents permitted in a home on Certificates of Occupancy that are issued when the property is sold, along with a statement that basements and attic cannot be used for sleeping.

With respect to property maintenance issues, all complaints are investigated and, if there is a problem, his staff will talk with the residents or send a letter giving them five days to correct the problem(s) before a summons is issued.

Mr. Chin closed his comments by noting the support of the Mayor and Council for these enforcement actions.

Mayor Patten commended Mr. Chin, Mr. Murray and Ms. Gomez, and thanked them for their "aggressive efforts to enforce our Code and make our town a better place to live." He stated that anyone concerned that our housing codes or any other laws are being violated can contact him or Mr. Chin, and they will make sure that the concern is addressed.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Phyllis Deal**, 305 Stockton Street, stated that there are "12 churches, three public schools and a private school" within the Borough, and it would "not be out of line to ask these institutions to make a donation to the town, just as they ask for donations."

**Charlie Theokas**, proprietor of Theo's Lakeside Tavern, noted the pending sale of that business, and thanked all for "a good experience." He said that during his years of running the restaurant, he had "become a Hightstonian."

**Mike Theokas**, 142 Mill Run East, echoed the sentiments just expressed by his father. "It's been a great seven years," he said, and he thanked the governing body, Borough staff and residents who have patronized Theo's over the years. While the business will change hands the next day, he said, "I am still a resident and will be very visible in supporting them." He added that the new owners have mentioned "how welcome they already feel here."

**Chris Emigholz**, 148 South Street, spoke as a member of the Planning Board and as chair of the Housing Code Committee which was created by Mayor Patten. He commended and congratulated Mr. Chin for the "good work he is doing," and said that Mr. Chin, the Mayor and Council and the Borough administration are all working hard on these issues. Mr. Chin, he said, has a lot of good ideas and tries to "think outside the box," and he encouraged the governing body to continue to support him. He suggested that the ordinance recommended by Mr. Chin regarding sleeping in attic spaces "deserves a little more of a look." "Overcrowding is an issue," he said, "and we're doing a lot, but [Mr. Chin] had asked if attics could be looked at and the Code could be tightened up." He said that one of the things that the Housing Code Committee looked at was the need to tighten up and clarify the Code. "Give him more tools," he said. "That one could help."

**Eugene Sarafin**, 600-628 South Main Street, said that he would like to know what the Borough intends to do regarding problems with the trickling filters at the AWWTP, and whether the plant will continue to accept grease.

No one else came forward and the floor was closed.

## ENGINEER'S ITEMS

### ENGINEER'S RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolution 2008-186** was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 4-0.

**RESOLUTION 2008-186      AUTHORIZING CHANGE ORDER NO. 1 AND PAYMENT NO. 1 – S. BROTHERS, INC.  
(WESTERLEA AVENUE IMPROVEMENTS)**

**WHEREAS**, on May 5, 2008 the Borough Council awarded a contract for Westerlea Avenue improvements to S. Brothers, Inc. of South River, New Jersey in the amount of Two Hundred and Thirty-Four Thousand and Seventeen Dollars and Fifty Cents (\$234,017.50); and

**WHEREAS** the Borough Engineer has recommended the approval of Change Order No. 1 to this contract in the amount of Ten Thousand Nine Hundred and Ninety-Six Dollars (\$10,996.00), as detailed on the attached listing; and

**WHEREAS** the contractor has submitted Payment Request No. 1 for work done in the total amount of \$98,182.77, representing \$1,600.00 for water and sewer related construction and \$96,582.77 for general roadway construction; and

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

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

1. Change Order No. 1 to the contract with S. Brothers, Inc. of South River, New Jersey in the amount of Ten Thousand Nine Hundred and Ninety-Six Dollars (\$10,996.00) is hereby approved, subject to the approval of NJDOT, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is Two Hundred Forty-Five Thousand Thirteen Dollars and Fifty Cents (\$245,013.50).
3. Payment Request No. 1 from S. Brothers, Inc. in the amount of \$98,182.77, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

Following a brief review by Ms. Roberts, **Resolution 2008-187** was moved by Council President Sikorski and seconded by Councilmember Bond. With respect to the award of this contract, Mayor Patten asked when the well was drilled down to the aquifer. Ms. Roberts replied that the well was drilled in 2004, and part of the delay in getting to this point was in obtaining the necessary DEP approvals.

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

Resolution adopted, 4-0.

**RESOLUTION 2008-187      AWARDING CONTRACT FOR WATER TREATMENT PLANT IMPROVEMENTS  
(WELL HOUSE NO. 3)**

**WHEREAS**, in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, four (4) bids were received on July 23, 2008 for Water Treatment Plant Improvements (Well House No. 3) in the Borough of Hightstown; and

**WHEREAS**, the bids have been reviewed by the Borough's Consulting Engineer and it is the firm's recommendation that the contract be awarded to the low bidder, B & H Contracting of Folsom, New Jersey; and

**WHEREAS**, the Borough Attorney has reviewed the bids and has determined that the bid submitted by B & H Contracting is in order with respect to legal compliance; and

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

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

1. The contract for Water Treatment Plant improvements (Well House No. 3) is hereby awarded to B & H Contracting of Folsom, New Jersey in the amount of Five Hundred Seventy-Five Thousand Three Hundred Dollars (\$575,300.00).
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with B & H Contracting subject to approval of the Borough Attorney.

Following a brief review by Ms. Roberts, Resolution 2008-188 was moved by Councilmember Bond and seconded by Council President Sikorski.

Ms. Roberts explained that D.M. Properties had requested the opportunity to complete this work themselves, but they were unable to do so. Mr. Dalal then agreed to having the Borough utilize funding in the letter of credit that was posted by them as a bond for this work. That request has been made and the funds will be arriving shortly.

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

Resolution adopted, 4-0.

**RESOLUTION 2008-188      AWARDING CONTRACT FOR REPAIRS TO MAPLE AVENUE**

**WHEREAS**, there exists the need to perform certain pavement repairs on Maple Avenue where water is ponding; and

**WHEREAS**, Maple Avenue was overlaid two years ago by developer D. M. Properties as part of the off-tract work required for the North Preserve major subdivision; and

**WHEREAS**, efforts to have the developer make the necessary repairs have been unsuccessful, and the Borough has initiated a drawdown on the letter of credit posted by them relative to this project; and

**WHEREAS**, the Borough Engineer solicited competitive quotations for this work, and has recommended the award of a contract to the low bidder, S. Brothers, Inc. of South River, New Jersey at their quoted price of \$8,946.00; and

**WHEREAS**, there are sufficient funds available through the letter of credit to cover this work;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough is hereby authorized to enter into an agreement with S. Brothers, Inc., of South River, New Jersey for Maple Avenue roadway repairs, and that the Mayor and Borough Clerk are authorized and directed to execute same.

## **ORDINANCES**

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-14,**

**AN ORDINANCE APPROPRIATING \$4,600.00 FROM THE GENERAL CAPITAL FUND BALANCE  
TO PROVIDE MATCHING FUNDS FOR A GRANT RECEIVED BY HIGHTSTOWN ENGINE CO. NO. 1  
FOR THE PURCHASE OF AIR PACKS**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2008-14.

**Eugene Sarafin**, 600-628 South Main Street, spoke in favor of the Ordinance.

**J.P. Gibbons**, 602 N. Main Street, also expressed support for the Ordinance.

No one else came forward and the hearing was closed.

Ordinance 2008-14 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance adopted, 4-0.

**AN ORDINANCE APPROPRIATING \$4,600.00 FROM THE GENERAL CAPITAL FUND BALANCE  
TO PROVIDE MATCHING FUNDS FOR A GRANT RECEIVED BY HIGHTSTOWN ENGINE CO.  
NO. 1 FOR THE PURCHASE OF AIR PACKS**

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

**Section 1.** The sum of \$4,600.00 is hereby appropriated from General Capital Fund Balance for the provision of matching funds for a grant received by Hightstown Engine Co. No. 1 for the purchase of air packs.

**Section 2.** The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

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

Ms. Gallagher reviewed the provisions of Ordinance 2008-15, which would raise rates for acceptance of septic tank waste, grey water and grease. She noted that these increases have been recommended by the AWWTP Superintendent to offset rising disposal costs, and that the rate increases would not apply to general water and sewer usage rates charged to the public. A memo from Plant Superintendent Biff Searing had been provided in the meeting packets.

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

Councilmember Bond stated that he feels that more analysis should be done before taking this action, and he doesn't feel that rates should be raised and then raised again (as the AWWTP Superintendent indicated in his memo might be necessary once bids for sludge transportation are received); however, he agreed that he would vote yes to *introduce* the ordinance. Council President Sikorski stated that he is comfortable with Mr. Searing's recommendation, and Councilmember Schneider stated that this ordinance would help recover our costs and will "move us in the direction of getting to where we should be." He added that he would have no problem raising these rates again if necessary. Councilmember Quattrone stated that, while he has no problem raising the rates at this time, he was concerned that the Ordinance would commit the Borough to continued acceptance of grey water, septic waste and/or grease. Ms. Gallagher explained that the ordinance would merely adjust the rates, and does not commit the Borough to continued acceptance.

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

Ordinance introduced, 4-0.

The public hearing and final reading for Ordinance 2008-15 was set for September 2, 2008.

## **CONSENT AGENDA**

Resolutions 2008-189 through 2008-195 were moved by Councilmember Bond and seconded by Councilmember Quattrone.

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

Resolutions adopted, 4-0.

**RRSOLUTION 2008-189      RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR THE LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT FIRST AVENUE (CO-LOCATION WITH CURRENT LESSEE)**

**WHEREAS**, *N.J.S.A. 40A:12-14* and *N.J.S.A. 40A:12-24* require public bidding when a municipality has determined to lease any real property or personal property not needed for public use; and

**WHEREAS**, the Borough has previously authorized the receipt of bids for lease of space on and adjacent to the Borough's water tower located at First Avenue, for use by wireless communications companies; and

**WHEREAS**, following said authorization, the Borough received bids and awarded a contract for such space to Sprint Spectrum, L.P., and the parties have entered into a lease agreement; and

**WHEREAS**, the lease agreement recognizes that the arrangement between the parties is non-exclusive and that additional space on and adjacent to the water tower may be leased out to other entities for co-location; and

**WHEREAS**, the Borough is aware that one or more wireless communications companies have expressed an interest in leasing additional space on and adjacent to the Borough's water for co-location of their facilities at the site; and

**WHEREAS**, certain space is available, and is not presently needed for public use, at said water tower site and the property adjacent thereto, and said space may be used for co-location of additional facilities by other wireless communications companies, which should not impair the rights previously granted to Sprint Spectrum, L.P.; and

**WHEREAS**, the Mayor and Council have determined that it is in the Borough's best interests to grant additional nonexclusive leases on the water tower (and areas adjacent thereto) to one or more additional wireless communications companies, depending upon compatibility with the Borough's needs and with the technical requirements of the existing tenants; and

**WHEREAS**, the use of space on the water tower by one or more tenants will not be detrimental to the portions of the public property which will continue to be used for public purposes; and

**WHEREAS**, *N.J.S.A. 40A:12-14* requires advertisement and receipt of bids at public auction or by way of sealed bids; and

**WHEREAS**, the aforesaid statute allows the governing body to fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted.

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

1. In accordance with *N.J.S.A. 40A:12-14*, the Borough Clerk is hereby authorized and directed to publish an advertisement for the receipt of sealed bids for space on the Borough's water tower, located on First Avenue, subject to the terms and conditions set forth in this resolution. The advertisement shall be published once a week during the two consecutive weeks prior to the date of receipt of bids, but not earlier than seven (7) days prior to that date.
2. Since it is not known at this time how much space is available for lease, bidders may submit sealed bids for more than one lease, including antenna(s) and associated equipment, provided a completely separate sealed bid is submitted for each proposed lease, along with separate bid security and other documents required in the advertisement for bids.
3. The minimum rental for each lease of space for an antenna(s) and associated equipment as specified in this resolution will be Two Thousand (\$2,000.00) Dollars per month for an initial lease term of five (5) years with the option of renewals for four (4) successive periods of five (5) years each upon the same terms and conditions which were in effect before the end of the initial term, except as to the initial rate, which shall increase at the rate of four percent (4%) each year.

4. The Borough reserves the right to reject all bids where the highest bid is not accepted and further reserves the right to award more than one lease, depending upon the needs of the Borough and the technical requirements of the high bidder or bidders and those of the existing tenants at the subject site. The Borough additionally reserves the right to reject all bids where it is determined that the proposed lease(s) will impair any rights previously granted to existing tenants.
5. Upon or before the date of the determination of the high bidder, the Borough Attorney shall prepare a detailed lease agreement which shall include all of the terms and conditions set forth in this resolution, as well as any other provisions deemed necessary by the Borough Attorney in order to protect the interests of the Borough, including but not limited to typical lease agreement provisions dealing with such subjects as use of and damage to the property, insurance coverage in favor of the Borough, access to the leased premises, required approvals, standard representations of the Borough and the lessee, maintenance and repair, default and right to cure, assignment and sublease, notices, applicability of Federal and State laws and regulations, determinations and responsibilities with respect to interference, and payment of utility costs.
6. All bidders submitting bids pursuant to the advertisement shall do so with full knowledge of the requirement of a fully-negotiated lease with respect to the provisions listed in paragraph 5 above, as well as the requirement to obtain site plan approval from the Borough Planning Board, and any other approvals deemed necessary by the Board, before the lease shall become effective and before construction of any improvements at the site may be commenced.
7. Insurance shall be provided for a minimum of \$1,000,000.00, with a minimum of a combined single limit of \$1,000,000.00 for bodily injury and/or property damage per occurrence, and excess/umbrella coverage of \$2,000,000.00. Coverage shall include: Commercial General Liability, Auto Liability and Property Damage. The Borough shall be named as an additional insured.
8. For each lease, the following shall constitute the leased premises:
  - a. Installation of up to six antennas on the water tower at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works, which shall not impair any rights previously granted to existing tenants at the subject site.
  - b. Installation of coaxial cables along the water tower leg at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works, so long as such installation shall not impair any rights previously granted to existing tenants at the subject site.
  - c. Equipment cabinets on the ground at the base of the water tower, to occupy a total space no greater than 12' x 18', at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works, so long as such installation shall not impair any rights previously granted to existing tenants at the subject site.
9. Any lease agreement that is entered into resulting from this advertisement for bids shall include a condition that the lease of space shall not impair any rights previously granted to existing tenants at the subject site.
10. All bidders shall be required to submit with each bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the annual rental bid amount, not to exceed \$20,000.00, made payable to the Borough of Hightstown to serve as bid security. The successful bidder(s) shall deposit with the Borough one month's rent as a security deposit for the lease. The bid security of all unsuccessful bidders shall be returned immediately after the adoption of a resolution granting the lease(s).
11. Acceptance or rejection of bids shall be made by the Borough Council not later than its second regular meeting following the receipt of bids. If no action is taken by the Council, all bids shall be deemed to have been rejected.
12. The Borough Clerk/Administrator is hereby directed to consult with the Borough Attorney to determine and establish the most expedient schedule for advertisement and receipt of bids.



**RESOLUTION 2008-190****AUTHORIZING ACCEPTANCE OF \$45,873.00 SHARE GRANT FROM THE NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the Governing Body of the Borough of Hightstown received notice from the SHARE program of its eligibility to receive a SHARE Grant in the amount of \$45,873.00; and

**WHEREAS**, the purpose of the award is for the participants to study the feasibility of sharing law enforcement resources between and among the participants with the intent of determining if East Windsor can and should provide police services to Hightstown;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Governing Body does hereby accept the award of \$45,873.00 for the participants to study the feasibility of sharing law enforcement resources between and among the participants with the intent of determining if East Windsor can and should provide police services to Hightstown; and

**BE IT FURTHER RESOLVED** that the Chief Executive Officer of the Borough of Hightstown be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Borough of Hightstown and all other local units that would be party to the SHARE Grant Agreement, and upon execution of said Agreement, the Borough of Hightstown does accept the Terms and Conditions specified in the Agreement in connection with this grant award.

**RESOLUTION 2008-191****AMENDING THE PERSONNEL POLICY MANUAL OF THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, Section 2-12 of the *Revised General Ordinances of the Borough of Hightstown* provides for amendment to the Borough's Personnel Policy Manual by resolution of the Borough Council; and

**WHEREAS**, recently negotiated agreements with the P.B.A. and Local 32 included a new provision that, when increased through longevity, additional vacation time would be credited on a pro-rata monthly basis based on anniversary date, resulting in savings to the Borough; and

**WHEREAS**, it is the recommendation of the Borough Administrator and the Chief Financial Officer that the Borough's Personnel Policy Manual be amended to make this provision applicable to non-Union employees as well; and

**WHEREAS**, this change will make the new policy uniform among all eligible employees;

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

1. The vacation schedule included in Paragraph B of Section 5.6, entitled "Vacations," of the *Personnel Policy Manual of the Borough of Hightstown* is hereby amended to read as follows:

All permanent full-time employees shall be entitled to vacation with no loss of pay in accordance with the following schedule of service to the Borough:

**Years of Service****Days of Vacation**

Date of hire to  
December 31 of that calendar year

One day for each full month of employment up  
to a maximum of 10 working days

After one full year of service

10 working days per year

After five full years of service

15 working days per year

After ten full years of service

20 working days per year

When increased through longevity, additional vacation time shall be credited on a pro-rata monthly basis.

*Example: Employee completes five full years of service as of July 1, 2008. He/she would receive a prorated share (in this case, 50%) of the additional vacation days for that year. Total vacation days credited for 2008 in this example would be 12½, rather than 15 days.*

2. This change shall be retroactive to January 1, 2008.

**RESOLUTION 2008-192 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 **\$1,381,418.75** from the following accounts:

Current	\$ 1,096,930.39
W/S Operating	133,483.44
General Capital	106,956.66
Trust Account	3,693.81
Public Defender	450.00
Grant Account	7,222.70
Escrow	<u>32,681.75</u>
<b>Total</b>	<b>\$ <u>1,096,930.39</u></b>

**RESOLUTION 2008-193 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><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	266,028.00	2,267,196.48	2,533,224.48
Capital Outlay – Current	0.00	20,000.00	20,000.00
Debt Service - Current	0.00	59,689.60	59,689.60
Water/Sewer	15,887.00	1,232,635.00	1,248,522.00
Capital Outlay – W/S	0.00	13,000.00	13,000.00
Debt Service - W/S	0.00	138,266.52	138,266.52
<b>TOTAL</b>	<b>281,915.00</b>	<b>3,730,787.60</b>	<b>4,012,702.60</b>

**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.

**RESOLUTION 2008-194****AUTHORIZING PAYMENT FOR MOBILE DATA TERMINALS**

**WHEREAS**, on November 19, 2007, the Borough Council adopted Ordinance 2007-26, a bond ordinance appropriating funds for the purchase and installation of mobile data terminals, an in-car video system and a traffic counter; and

**WHEREAS**, the mobile data terminals, along with equipment and software incidental thereto, have been purchased from and installed by Quality Communications of Lakewood, New Jersey based on their State Contract No. A8800; and

**WHEREAS**, such equipment and installation has been inspected by the Chief of Police and deemed satisfactory, and he has requested payment to the vendor of \$43,712.00, in accordance with their quotation no. Q5247, attached hereto; and

**WHEREAS**, funding for this purchase is available in Bond Ordinance 2007-26;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that payment to Quality Communications of Lakewood, New Jersey in the amount of \$43,712.00 as detailed herein is hereby approved, and the Treasurer is authorized to issue same.

**RESOLUTION 2008-195****AUTHORIZING TRANSFER OF LIQUOR LICENSE NO. 1104-33-003-007  
(CMMA, LLC TO TAVERN 103, LLC)**

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Distribution License #1104-33-003-007, heretofore issued to CMMA, LLC, for premises located at 101-103 Main Street, d/b/a Theo's Lakeside Tavern; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statute, regulations promulgated thereunder and pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the Applicant has disclosed and the Borough has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, does hereby approve, effective August 5, 2008, the transfer of the aforesaid Plenary Retail Distribution License to Tavern 103, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Tavern 103, LLC effective August 5, 2008."

## **UNFINISHED BUSINESS**

### **REQUESTS FOR ADDITIONAL GARBAGE CONTAINERS**

Ms. Gallagher stated that, in light of requests received by the Borough for additional garbage cans, Councilmember Quattrone had requested that she analyze the cost per wheeled garbage container for garbage disposal. Her calculations showed an estimated annual cost per can of \$206.54 for a 95-gallon can and \$141.32 for a 65-gallon can. This includes tipping fees, labor costs, vehicle costs and administrative costs. The cost of the cans themselves are \$52.56 and \$45.91, respectively. She recommended that, if (a) Council wishes to provide additional cans and (b) wants to charge a fee for doing so, that fee be set at \$210 per year for the larger can and \$145 per year for the smaller can, plus a one-time charge to cover the cost of the can itself.

Councilmember Quattrone stated that any such charge should be made a part of the Borough's ordinances. He added that he has been going through the garbage of homes that have requested additional cans, and has found that those cans which are full contain recyclables. He has left written notices at some homes. "Those having a problem," he said, "don't understand recycling as much as they should." He noted that the new "single stream" recycling (where it will no longer be

necessary to separate paper from other recyclables) will begin on the coming Wednesday and should make it easier. He recommended that the Borough leave things as they are (and provide just one can per household) at this time.

Councilmember Bond agreed, and said, "We're doing a great job with the program," and added that those who thought that one can would not be sufficient are finding that it is. He and Councilmember Quattrone, he said, serve as the committee that looks into requests for additional cans, and they have approved only one request to date, and that was for a group home where there was a serious need. While he feels that Ms. Gallagher's cost analysis is on target, he is not in favor of providing and charging for additional cans. The new system is working very well, he said. The cans are easier to maneuver than standard cans, the town looks cleaner and tipping costs are down.

Council President Sikorski commended Councilmember Quattrone for his efforts, and said that, at this time, he is not taking a position on this issue, and would defer any decision until "much later."

Mayor Patten expressed his appreciation to Councilmembers Quattrone and Bond for their efforts.

## COAH – AFFORDABLE HOUSING PLAN

Ms. Gallagher stated that COAH has adopted their third round rules, and under those rules, each municipality will be required to submit a revised third round affordable housing plan no later than December 31, 2008. To assist towns in that regard, COAH voted to allow the cost of preparing that plan to be funded by monies which may be available in a town's Affordable Housing Trust Fund. A sample Resolution, provided by COAH, was included in the meeting packets. If Council wishes to adopt that Resolution, it would be numbered as 2008-196. The sample Resolution would be amended to include information specific to the Borough, including the balance in the trust fund and the anticipated cost of preparing the *initial draft* of a Housing Element and Fair Share Plan, estimated at \$10,000. Planner Tamara Lee has recommended that, if adopting this Resolution, it be amended to include the words "initial draft."

Councilmember Bond stated that COAH rules and regulation are in a constant state of flux, and the third round rules were just adopted on June 2. He noted that, by the terms of our ordinances, someone building a new home in the Borough will have to contribute \$21,750 to the Affordable Housing Fund, and under the new rules, developers of commercial properties must contribute 2.5% of the property's cost. In a poor housing market where construction costs have doubled, he said, "we're collecting money to stay within COAH guidelines. ... We should take a look at what we're doing here." He recommended the formation of a committee comprised of members of both Council and the public to look at this and to "get educated on what we're doing and where we're going."

Council President Sikorski stated, "This is not a Resolution about those issues, but only to use funds from our trust fund, and not from our taxpayers directly, to prepare the Plan. Under the law, we have to have it done by December 2008. We DO have to have this plan in place," he said, "and this would give us the freedom to pursue that which is required" and develop the plan before the December deadline. He added that it "behooves the Borough to have a plan in place to prevent developers from then saying that they'll go in with any number of units they want."

Councilmember Bond agreed, and said that he would move the Resolution, but added that he sees "a lack of total unequivocal knowledge on the part of anyone here" regarding COAH. "We'd better get there and know exactly what we're doing," he said. "We need input from the public to do the Housing Element."

Council President Sikorski agreed, and noted that he did vote at the last meeting to support the League of Municipalities in their lawsuit against COAH; however, we do not know the outcome of that at this time.

Mr. Bond moved Resolution 2008-196, "with the caveat that we get together a committee to put the Housing Element together with as much input from the public as possible, and educate them as much as possible." The motion was seconded by Council President Sikorski.

Councilmember Schneider stated that the Borough would not need to have a Plan in place if we opted out of COAH, and would then have spent \$10,000 for nothing. The reason we have RCA monies, he said, is because "we had more than our fair share of affordable housing already, and we were selling our excess capacity off to some of these towns." He feels that COAH is allowing towns to use monies in their trust funds for this purpose because they have found that most towns don't want to spend the money on it. "I don't believe that COAH offers us protection," he said, "and I don't support this or the drafting of a plan. If we are having a committee to look into the effect of being involved in COAH, ... we need to be proactive in the next four or five months, before the Housing Element is done."

Council President Sikorski noted that many people confuse affordable housing with low-income housing, when in reality, the income levels it serves are "more like a middle class ... like a beginning teacher or patrolman. It is not 'project housing.'" He said that he empathizes with those who have to make the required contribution, but noted that, in some towns, it is much higher (\$365,000 in Cape May, and \$265,000 in Princeton Borough). He again noted that the Resolution in question here would simply allow us to use funding available in our Trust Fund to cover the cost of preparing this plan, so that it would not represent a burden to our taxpayers. Not having a plan in place, he said, could leave the Borough "open to detrimental situations" with respect to properties such as Minute Maid. Our Planning Board attorney, he said, believes that the Borough does need a COAH element. "The sooner we address that," he said, "the better off we are."

Councilmember Quattrone agreed that no one really understands COAH. He noted that he called COAH recently, and someone there "explained things to me for over an hour." It is not low-income housing, he said, but affordable housing. "There have been so many changes in the last six months," he said, "and it will probably change again." He said that he is "not ready to vote for this."

Mayor Patten noted that the Borough's Master Plan must include a Housing Element and Fair Share Plan, and agreed that a committee should be formed to address this.

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

Resolution adopted, 3-2.

**RESOLUTION 2008-196      RESOLUTION COMMITTING TO PETITION WITH A THIRD ROUND AFFORDABLE HOUSING PLAN AND TO EXPEND AFFORDABLE HOUSING TRUST FUND MONIES ON THE DEVELOPMENT OF A HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, NEW JERSEY**

**WHEREAS**, on December 17, 2007, COAH proposed revised third round regulations that require municipalities with pending petitions to adopt a revised Housing Element and Fair Share Plan in conformance with the revised third round regulations and petition in accordance with the deadlines prescribed in the proposed procedural rules; and

**WHEREAS**, COAH's current regulations at N.J.A.C. 5:94-6.12(e), allow 20 percent of monies deposited in a municipal housing trust fund account to be expended on administrative costs, which includes, but is not limited to, consultant fees necessary to develop or implement a Housing Element and Fair Share Plan in accordance with COAH's proposed third round; and

**WHEREAS**, the Borough of Hightstown petitioned the Council on Affordable Housing (the Council) for substantive certification of a third round Housing Element and Fair Share Plan on December 20, 2005; and

**WHEREAS**, pursuant to N.J.A.C. 5:94-6.2(c), a municipality under the Council's jurisdiction shall not spend development fees unless the Council has approved a plan for spending such fees and until the municipality has received substantive certification or a judgment of compliance; and

**WHEREAS**, on March 25, 2008 the COAH issued a blanket waiver from N.J.A.C. 5:94-6.2(c) for municipalities with COAH approved development fee ordinances and an established housing trust fund account to allow the expenditure of up to 20 percent of housing trust funds prior to the grant of certification and/or approval of a spending plan, on the cost of developing a revised Housing Element and Fair Share Plan in accordance with COAH's new third round rules; and

**WHEREAS**, the waiver issued by the Council requires that the Borough of Hightstown shall pass a resolution stating the current balance in the municipal housing trust fund account and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules, which shall not exceed the 20 percent allowed for administrative costs.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Borough of Hightstown, in the County of Mercer, State of New Jersey, that the Borough of Hightstown commits to petition COAH for substantive certification of a newly adopted Housing Element and Fair Share Plan in accordance with COAH's new third round regulations; and

**BE IT FURTHER RESOLVED** that the current balance in the Borough of Hightstown municipal housing trust fund account is \$312,893.65 and the amount proposed to be spent on developing the initial draft of a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules is \$10,000.00, which does not exceed the 20 percent allowed for administrative cost; and

**BE IT FURTHER RESOLVED** that this resolution shall be submitted to COAH within seven days of the municipal governing body action.

## **NEW BUSINESS**

### **PARKING REGULATIONS IN MUNICIPAL LOTS**

Mayor Patten noted that the Borough recently received approval from NJDOT for parking regulations in the Stockton Street parking lot that were enacted some time ago. Following DOT approval, signs were erected and enforcement efforts began. Chief Eufemia explained that time limits were changed in order to be consistent throughout our municipal parking lots. Regulations were established because commuters were leaving their cars in these lots and taking up spaces that would otherwise be available to patrons of our downtown businesses. Permit parking was provided so that store owners could park all day in a designated area, leaving the parking near the stores available for patrons. Following DOT approval, notices of pending enforcement were issued and enforcement is now underway.

Councilmember Bond said that he was the main proponent of the new parking plan, which was developed several years ago. It helps our businesses because people are no longer parking there all day long. Following enforcement actions, there has been a sudden "rush on parking permits," and both lots are now "pretty much filled up." "It's a good plan, and it's working," he said. "It wasn't enforced until now because we couldn't." He said that any business that has a problem with the parking plan or any other issues should contact him or Chief Eufemia. "So far," he said, "it's working well for the downtown."

Mayor Patten said that he has heard concerns from some businesses that their customers need to be able to park for longer than two hours. Mr. Bond said that he spoke with the owner of the day spa and suggested that one of their employees move a patron's car when the two hour limit is reached. She said she would try that. She also said that only about 10 customers a week might be there for longer than two hours. If the parking regulations were not in place, Councilmember Bond said, "there'd be no place to park at all. It is a better benefit this way." He encouraged business owners to "talk to us about what the situation is and how it can be rectified."

Mayor Patten said that he wants to find "the best possible solution" to these problems. "Who knows how we can tweak this," he said, noting that there are now new businesses in town that may need more than two hours for their customers to park. "We need to try to figure this out," he said. Mr. Bond again stated that the existing plan is "a good plan that works and most get a big benefit out of it."

## POSSIBLE REZONING OF MINUTE MAID PROPERTY

Council President Sikorski reported that the Planning Board is considering working on a partial rezoning of the Minute Maid property on Mercer Street. This has not yet "reached the point of recommendation [to Council]," he said. Mayor Patten stated that a Borough subcommittee is meeting with an East Windsor Township subcommittee to find solutions that will be beneficial to both communities.

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Janice Mastriano**, 15 Leshin Lane, thanked Council for providing the matching funds for the grant which provided new air packs to the fire department, noting that her son is a volunteer fireman. Ms. Mastriano also noted that her neighbors have seen school district personnel watering the school's fields using the Borough's hydrants, and she asked if they are paying for that water. Ms. Gallagher will look into that. Ms. Mastriano further noted that cars are parking on the curve on Leshin Lane, and the law is not being enforced there. Lastly, Ms. Mastriano stated that signs are now visible in that area, as her husband trimmed the trees that were obscuring them.

**Mary Beth Kilkenny**, 209 Morrison Avenue, said that, when garbage cans were distributed in December, she and her mother both received one 95-gallon can. Her mother suffered a stroke and moved in with her. There were then six people living in her home at that time, and there could be 10 people there on any given day. One can was not sufficient, and she requested an additional can. She spoke with Councilmember Quattrone, who told her that someone would have to be going through to make sure that they were recycling properly, and that the new carts were adequate for a household of five. She asked him if he went through her garbage. When he confirmed that he did, she said, "I find that disgusting and humiliating. If the bins are for five and I tell you I have six, don't question that, just give me another bin."

**Francis Cook**, formerly of 213 Greeley Street and owner of property at 148 Monmouth Street, stated that Ms. Kilkenny's mother was a neighbor of hers on Greeley Street before she moved in with her daughter. She was entitled to a garbage can at her own residence, she said, and when it was determined that she was now residing with her daughter, there should have been no question about having that can at her daughter's home. "Compassionate questioning would have solved the problem more sensitively," she said, and added that "more questioning is in order" when these requests are made. Ms. Cook also stated that there are drainage issues and uneven pavement on Greeley Street and Glen Brook Drive, and said that these streets should be put on the list for reconstruction.

Mayor Patten asked Councilmembers Quattrone and Bond to talk with Mr. Blake about Ms. Kilkenny's situation and find a solution. He asked Ms. Roberts to look at the condition of the streets referenced by Ms. Cook.

**Mike Sheenan**, 220 Wilson Avenue, spoke regarding the Borough's requirement for a COAH contribution of \$21,750 from someone building a new home here. He said that his preliminary research shows that this figure was arrived at based on assessed values in Hightstown in 2005, when the market was better than it is today. He said that no mention of this requirement was made when he first applied for zoning permit, and he has \$20,000 invested in the project. It now appears that he will need to come up with another \$11,000 not budgeted for before he can apply for a building permit. He is building a "meager" modular home, he said, and added that "for a little guy to be stung with another \$21,750 ... and that money goes only to COAH ... is *wrong*."

**J. P. Gibbons**, 602 North Main Street, stated that, earlier in the meeting, Council “introduced a Resolution [regarding COAH] not on the agenda, voted on it and put it into record,” and he questioned the legality of that. He added that he agreed with both Councilmember Bond and Councilmember Schneider. “When government agencies are not sure what they’re doing, they tend to give you an out regarding funding. ... Allowing you to take that money from the trust fund rather than from the budget is their way of saying ‘get on board quickly.’” By passing that Resolution, he said, “you just play to bureaucrats who say it’s not their money.” Mr. Gibbons said that many residents thought that this meeting would include a presentation by Greystone regarding the Mill property, and that to address the rezoning of the Minute Maid property by saying only that “we’re looking at it” is “disingenuous.” “You need to come up better answers to the taxpayers and residents,” he said. “We need public hearings on it.”

**Eugene Sarafin**, 600-628 South Main Street, said that the Borough should be *helping* Mr. Sheenan to build affordable housing. Mr. Sarafin also stated that Peddie School has a \$20 million budget, and members of its staff live and vote here, and he suggested that there is another way to deal with that cost. “The law,” he said, “says that they don’t have to pay taxes, but we can assess them for the cost of services provided.” He recommended that the Borough calculate the cost of those services and said, “We can no longer live in a society based on laws that go back a hundred years.” He added that “there is no such thing as nonprofit churches.”

**Joe Bellino** spoke as a friend of the owners of the Final Touch salon, a new business in town. He complimented the Borough for doing a good job with the new parking regulations, which has helped provide more spaces for clientele, but added that, while it does help most businesses, it impacts Final Touch because their clients are sometimes there for more than two hours. They are a young business that is trying to succeed, he said, but the two hour limit is a problem. It had been suggested that an employee move the client’s car as necessary, but some don’t want their cars moved by others, and there is a liability issue there. He asked if it would be possible to reserve three to five spaces for the clientele of the salon. Mayor Patten stated that the subcommittee would take that into consideration.

**Mike Vanderbeck**, 344 Stockton Street, stated that a great thing about being a small town is that “we can address things individually.” As new situations come up, he said, there can be “more elegant solutions than stopping in the middle of a massage to move the car.” Other towns have addressed this, he said, and added that he has seen booths where it is possible to pay separately for a four hour ticket. “We have salons and a day spa,” he said. “[Their clients] need to be there longer. As a small town, we should be able to address that.” He added that he would like to serve on the committee that will address these issues. “The town is looking good,” he said. “Above the fold should be the good stories. ... The other things you read about ... put an end to that, it’s going nowhere. Get the right stories above the fold.”

**Norma Miranda**, 114 North Main Street, said that she purchased a parking permit but was ticketed because she was required to park behind Wachovia, and she does not want to do that. She said that she comes home from work late at night and is afraid to walk there. She wants to be able to park in the Stockton Street lot. Mayor Patten stated that we would look into this and get back to her.

No one else came forward and the floor was closed.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Council President Sikorski reported that he attended the most recent meeting of the Historic Preservation Commission, which is in the process of seeking a \$1.5 million grant from the State to restore the Stockton Street Historic District.

Councilmember Schneider stated that he feels that a four-hour parking limit (rather than the existing two-hour limit) in our downtown parking lots would be realistic and should not negatively impact available parking. “Parking should match the reality of the environment,” he said. He said that he does not feel that a machine to authorize added parking time would be the way to go, and added that he hopes this issue can be discussed further at the next meeting.



Councilmember Quattrone spoke regarding several issues:

- He noted that single stream recycling will begin on the coming Wednesday. All recyclables can be placed in a single container without separating them, and one truck will pick it all up.
- He reported that work on Westerlea Avenue will be complete before school opens.
- He said that the Borough has a disposal site for waste oil, and that site is being cleaned up right now and covered to avoid contamination.
- He noted that the new sidewalks being installed on North Main Street and other work there is being done with a grant at no cost to taxpayers.
- Regarding parking, he said that he saw the type of machine referred to by Mr. Vanderbeck when he was in the Hamptons. You would get a card from the machine as you pulled into the lot and you would pay as you left for the amount of time you were there. It was done there on an honor system, he said, and might be something to look into here.

Councilmember Bond noted receipt of the police report for July, which reported 1,285 calls responded to, including 25 ambulance and 16 fire calls. 448 summonses were issued, and there were seven DWI arrests, 12 accidents and 23 vehicles towed. There were 44 criminal arrests, 59 investigations and the dispatch center processed 22,154 communications. Mr. Bond reminded all that the Borough will hold a National Night Out celebration the next night in the parking lot here, which will include a visit by McGruff, face painting, food and drinks, and music. K-9 Neko will be on hand as well. Lastly, Mr. Bond reported that the Borough is working with Mr. Blake and Mr. Searing in an investigatory process to determine the most cost effective way to rehabilitate our trickling filters. A lot of physical work has been done, including uncovering sections of stone in the filter.

Mayor Patten stated that this will be the second year of the National Night Out celebration. He reported that the Community Fair committee has purchased five pedal boats using funding received through donations, and he thanked Dave Babcock (a member of the Masons lodge) for his assistance with this. He added that they are now seeking good prices and/or donations for flotation jackets. The Mayor also recounted events of earlier that day, when a small dog that had been missing for a few days was found and returned to its home by Officer Chenoweth. "That's the way we work in our small town," he said. Lastly, Mayor Patten said that he just received his property tax rebate from the State, which came to over \$1,300. He calculated that, since he pays about \$7,000 per year in taxes, and about 23 percent of that goes to the Borough, after deducting the rebate, he is paying only about \$200 this year for all the services provided by the Borough.

## EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-185, authorizing a closed session for the purpose of discussing anticipated litigation. The Resolution was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 4-0.

### RESOLUTION 2008-185 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 August 4, 2008 at approximately 8:55 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**

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: November 4, 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 Councilman Schneider and unanimously approved. The meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk