

## OPEN SESSION

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

The flag salute was followed by the roll call.

### ROLL CALL

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

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

### APPROVAL OF AGENDA

The agenda was amended to correct the title of Resolution 2008-146. It was then moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved.

### APPROVAL OF MINUTES

Ms. Gallagher noted a correction to the minutes of the May 19, 2008 open session meeting. Meetings of both the open and closed sessions were then moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Dick Van Hise**, 130 Orchard Avenue, spoke as a trustee of the Cedar Hill Cemetery Association. He said that the Association would like to replace over 600 feet of sidewalk on the north side of Mercer Street along the cemetery property. This project will cost more than originally anticipated since curbs would need to be installed prior to replacing the sidewalks. The existing sidewalks have a "monolithic pour," which *simulates* a curb.

The Association consulted with Community Grants & Planning, and were advised of two NJDOT grant opportunities: the Safe Routes to Schools program, and the Centers of Place program. They spoke with Borough officials and agreed not to apply for Safe Routes to Schools funding, as it would conflict with the Borough's own applications during the same funding period. That application deadline has now passed. Mr. Van Hise said that he was under the impression that the Borough would support the group's application for Centers of Place funding (which would require the Borough's approval and administration of the grant), despite the fact that the Borough itself also intends to re-apply for funding under this program for improvements to the Memorial Park parking lot. He said that he learned this week that the Borough would prefer not to endorse that application because it would compete with its own application for Memorial Park. The Borough Engineer has advised him that it may be possible to receive Discretionary Aid for this project, but Community Grants & Planning told him that this would be "a long shot." He added that the Association feels that this is, in part, a State problem, because the road (which is New Jersey Rt. 33) was constructed without curbs.

Mr. Van Hise asked the Mayor and Council to consider endorsing this application, which is due on June 20. The Association, he said, would pay for the costs associated with it. In order to proceed and have the application ready to submit by the deadline, he would need at least a verbal okay from Council at this meeting. Council President Sikorski stated that he would want additional time to consider this before taking any action, and suggested that Council consider this at the next meeting. Mr. Van Hise said that waiting until the next meeting (June 16) would not allow sufficient time to prepare the application, as it is due on June 20. They would not want to proceed with spending the money to prepare the application without knowing if Council will endorse it. Mayor Patten stated, "We will do what we can as quickly as possible."

**Nancy Walker Laudemberger**, 632 South Main Street, praised the work done by the Borough and its volunteers in putting on this year's Memorial Day Parade and Porch Tour. This year's parade, she said, was "the best parade ever," and the day was "one we can all be proud of."

**Eugene Sarafin**, 600-628 South Main Street, commended Deputy Borough Clerk Leona Baylor for her work in "handling beautifully" an insurance issue for the First Aid Squad. Mr. Sarafin also discouraged the Borough from spending any money on Summit Street and suggested that, instead, the Borough support the cemetery's application and obtain an easement through their driveway. Lastly, Mr. Sarafin spoke of the economy, and said that he feels for seniors on fixed incomes and those earning minimum wages who are forced to pay \$4/gallon for gasoline, \$4/dozen for eggs and \$3/gallon for milk. "We're creating great harm to our society," he said, "and nothing is being done."

No one else came forward and the floor was closed.

## ENGINEER'S ITEMS

### ENGINEER'S RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolution 2008-144** 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 2008-144      AUTHORIZING PAYMENT NO. 5 – 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. 5 for work done in the total amount of \$10,258.64; 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. 5 from Jonico, Inc. of Lambertville, NJ in the amount of \$10,258.64, 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 2008-145** was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

**RESOLUTION 2008-145      AUTHORIZING EXECUTION OF AGREEMENT WITH PEDDIE SCHOOL REGARDING  
MAINTENANCE OF POROUS PAVING PARKING AREA AND STORMWATER COLLECTION  
AND CONVEYANCE SYSTEMS**

**WHEREAS**, as a condition of a Planning Board Resolution approving the expansion of Peddie School's Athletic Center, which Resolution was adopted by the Board on March 10, 2008, Peddie School was required to enter into an agreement with the Borough regarding maintenance of the porous paving parking area and stormwater collection and conveyance systems; and

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

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

Ms. Roberts reviewed the provisions of **Resolution 2008-146**, which would authorize the Borough to use the performance guarantee posted by D. M. Properties (in the form of both a Letter of Credit and cash) to complete four outstanding items on the North Preserve project. Ms. Roberts said that she has spent two years trying to get D. M. Properties to correct these items, and has twice notified them by certified mail. The most serious item outstanding, she said, is ponding on Maple Avenue, which creates icing in the winter. This is a safety issue. She has notified D. M. Properties of the need to take care of these items in accordance with the process outlined in the Letter of Credit, and had hoped that they would correct those items. In addition to the needed repaving, certain holly trees need to be installed, a shrub replaced and corner monuments and pins either installed or confirmed by a surveyor as having been installed. They are two years behind in completing this work, she said. Approval of this Resolution by Council will allow her to request proposals from contractors for the needed work. She feels that it can all be done with the funding remaining in the performance guarantee. It will not be necessary to go out to bid for these items. Mr. Raffetto noted that Ms. Roberts has followed all legal requirements in this regard.

Council President Sikorski asked if D.M. Properties had responded to her letters. Ms. Roberts replied that they sent an email to the Mayor and Council and read aloud a portion of that email.

Councilmember Quattrone asked what would happen if the work costs more than the amount remaining in the performance guarantee. Mr. Raffetto stated that the Borough could go after D.M. Properties for any deficiency. Mr.

Quattrone recommended that, in the future, the Borough take this type of action immediately upon expiration of the time for completion stated in the Developer's Agreement, rather than waiting longer.

Councilmember Schneider expressed concern that taking this action could result in litigation, and asked if perhaps Mr. Raffetto should contact the developer first. Mr. Raffetto stated that adopting this Resolution will allow the Borough to move forward, and he can communicate with the developer to let them know that we will do so unless they take immediate action to correct these items.

After some further discussion, Resolution 2008-146 was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

**RESOLUTION 2008-146      A RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING THE BOROUGH TO  
DRAW DOWN ON THE PERFORMANCE GUARANTEES POSTED BY DM PROPERTIES, INC.  
FOR DEFICIENCIES RELATED TO THE DEVELOPMENT KNOWN AS "NORTH PRESERVE"**

**WHEREAS**, in connection with development of the "North Preserve" subdivision (the "Development"), DM Properties, Inc. (the "Developer") has previously posted certain performance guarantees with the Borough in order to guarantee the satisfactory completion and installation of improvements at the Development; and

**WHEREAS**, the performance guarantees consist of a performance bond, which was posted in the form of an irrevocable standby letter of credit issued by First Washington State Bank and bearing Number 04-005 (the "letter of credit"), and a cash bond; and

**WHEREAS**, in the initial amount of the performance bond/letter of credit was \$79,349.71 and the initial amount of the cash bond was \$8,816.63, for a total of \$88,166.34; and

**WHEREAS**, the amount of the performance guarantees has been reduced in accordance with the requirements of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., through prior action of the Borough Council (per Resolution No. 2006-256), and the amount which currently remains is as follows: performance bond/letter of credit - \$11,902.46; cash bond - \$1,322.49; for a total of \$13,224.95; and

**WHEREAS**, the Borough Engineer has advised that the Developer has failed or refused to complete certain work at the Development, and/or has failed or refused to complete the said work in a satisfactory manner; and

**WHEREAS**, the items that remain incomplete are itemized in the attached letter from the Borough Engineer to the Mayor and Council, dated May 15, 2008; and

**WHEREAS**, the Developer has been notified of these deficiencies on numerous occasions, as set forth in the attached, and the Developer has failed or refused to take any corrective actions; and

**WHEREAS**, the Borough Engineer has therefore recommended that the Borough should draw down on the full remaining amount of the performance guarantees and perform the outstanding work at the Development; and

**WHEREAS**, the Mayor and Council wish to endorse the findings and recommendations of the Borough Engineer, and wish to authorize the Borough to draw down on the full remaining amount of the performance guarantees and perform the outstanding work.

**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 endorses the findings of the Borough Engineer that the required improvements at the Development have not been satisfactorily completed and installed by the Developer.
2. That the Borough hereby also endorses the recommendation of the Borough Engineer that the Borough should draw down on the full remaining amount of the performance guarantees and perform the outstanding work at the Development.
3. That, as a result, the Borough is and shall be authorized to draw down on the full remaining amount of the letter of credit and cash bond to perform the outstanding work at the Development.
4. That all relevant Borough officials and agents are hereby authorized and directed to take all necessary actions that are consistent with this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. DM Properties, Inc.
  - b. Carmela Roberts, P.E., Borough Engineer
  - c. Candace Gallagher, Borough Administrator/Clerk
  - d. Frederick C. Raffetto, Esquire, Borough Attorney

## ORDINANCES

### PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-10,

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

Following a brief review by Ms. Gallagher and Ms. Roberts, Mayor Patten opened the public hearing on Ordinance 2008-10.

**Eugene Sarafin**, 600-628 South Main Street, urged Council not to adopt this Ordinance because it should appropriate \$1 million rather than \$404,000. Our plant wasn't designed to process grey water and grease, he said, adding "Biff [Searing] does a good job, but he needs some equipment." Mr. Sarafin suggested that, because grey water contains a lot of grit and sand, the Borough consider installing "front end equipment to reduce the impact on the impeller pumps." Council needs to decide, he said, if it wants to be in the business of processing these materials, and "if you can generate half a million, spend a million." He recommended that all Council members familiarize themselves with the sewer plant's operation, as it is a "big revenue generator," and that revenue can be used to offset taxes. He added, "East Windsor won't touch our infrastructure, because it's old." Mr. Sarafin went on to say that plastic media in the trickling filters is three times more efficient than rock media, and reduces the quantity of sludge that must be disposed of, saving money in energy and sludge disposal. The Borough should also consider, he said, enlarging the digester. "No one else will touch grease and grey water," he said, "so we make every effort to ensure that it doesn't ruin our plant." He said that he has no problem with doing this as long as it is "run as a business." He asked Council to delay adoption of this ordinance until the following meeting, and in the meantime, ask Ms. Roberts to prepare a list of all improvements that should be undertaken. Lastly, Mr. Sarafin stated that the new eco-catalyst that has been used at the plant to break down grease is the "greatest chemical I've ever come across. It makes grease water soluble." He closed by saying, "Carmela [Roberts] and Ed [Gillette] are the paid professionals that can give you those answers."

**Bill Gilmore**, 219 Greeley Street, presented an idea which, he said, would require engineering review. He suggested that if the Borough were to eliminate grease processing altogether and proceed with the installation of plastic media, it may be possible to turn off the blowers completely because the efficiency of the trickling filters would be so much greater. In that case, the Borough would save significantly in energy costs.

**Mr. Sarafin** spoke again to say that, when Ed Gillette was hired in 2002, the first thing he did was reduce the horsepower on our blower motors and change to fine bubble diffusers. "We have good people advising Biff," he said. He praised Mr. Searing for his efforts to generate revenue, but added that there is no money made available to solve problems.

**J. P. Gibbons**, 602 North Main Street, stated that there is clearly a need to do *something* with the trickling filters, and it is "not beyond reasonableness for Council to consider what ultimately we want to do there." He suggested that the Borough look at the "bigger picture" and decide what it wants to do with the facility, and whether or not it should function as a revenue generator. He asked if there is a necessity to adopt this ordinance at this meeting, and said that he would like to see some type of engineering report regarding the cost to upgrade the media.

**Bob Hitchner**, 369 Morrison Avenue, recalled reading in a science publication that diesel-fueled vehicles can be converted to run on grease. That would not only take it out of the waste stream but utilize it as fuel, he said.

No one else came forward and the hearing was closed.

Councilmember Harinxma asked why it is important to adopt this ordinance at this meeting. Ms. Gallagher and Ms. Roberts explained that adopting the ordinance would start the clock running on making funds available for the purchase of whichever type of media is ultimately determined to be most beneficial for the Borough. It is important to begin this process as soon as possible in order to preserve our ability to take in septage and grey water, which brings in approximately \$400,000 per year in revenue. One filter is failing, Ms. Roberts said, and the other is "not well." If the filters fail, we would have to stop taking that in until they are repaired. Ms. Gallagher said that a meeting has been scheduled for June 12 to include herself, Mayor Patten, Councilmember Bond, Ms. Roberts, Ed Gillette, Larry Blake and Biff Searing to review the pros and cons of plastic vs. rock media and to discuss the acceptance of grease. She stressed that no funds will be spent from this ordinance without further action and approval of Council, but adopting the ordinance at this time will position the Borough to purchase whichever type of media is deemed to be most appropriate as soon as possible.

Ordinance 2008-10 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Bond.

Councilmember Quattrone said that he would like to attend that meeting to learn more about the process. He expressed support for adopting the ordinance at this time, and said "I don't see where waiting will do any good at all ... we don't want an emergency appropriation."

Councilmember Bond said that, as Council discussed at the introduction of this ordinance last meeting, "we are not necessarily going to spend all of this money ... that is yet to be determined. This sets us up to be ready." He asked if the June 12 meeting could be advertised as a public meeting so that all of Council could attend. Mayor Patten discouraged this, and stated that Mr. Searing would be happy to show any Council members around the plant at any time and explain the processes.

Councilmember Schneider expressed support for adopting the ordinance at this meeting, noting that, if other expenditures are needed, those could be separately funded at a future date.

Councilmember Rosenberg questioned the urgency of this, and why it came to Council at this point. He referenced a lengthy memo from Mr. Searing which was provided to Council at that meeting, and did not feel that Council had enough time to read and digest that before acting on this ordinance. Ms. Gallagher stated that the memo from Mr. Searing is for their information only, and is not germane to the *appropriation* of these funds. It provides information about the trickling filters, the media and the problems they are experiencing, but it is still necessary to appropriate the funds for whichever method we ultimately choose.

Council President Sikorski stated that issues such as these should be addressed sooner, with more time to review them. Ms. Roberts stated that this has been an item of discussion for over a year, and "didn't just pop up." What changed, she

said, was that we began having trouble with the second trickling filter about three weeks ago, and Mr. Searing advised us that, if something isn't done by late summer, he may not be able to continue accepting septage and grey water. Ms. Gallagher noted that replacement of the trickling filter media was included in the 2008 capital budget which was introduced on March 17.

Councilmember Schneider again expressed support for adopting this ordinance. If we lose our capacity to bring in septage and grey water, he said, we lose money. He added that upgrading to plastic media "could be a huge net positive" for the Borough.

At the request of Councilmember Harinxma, Ms. Gallagher explained again why it is important to adopt this ordinance at this meeting. Councilmember Bond echoed her comments, noting that, by adopting this ordinance, Council is appropriating the funds, but is not yet authorizing their spending. He added that he has attended every water and sewer committee meeting since January, and this issue has been discussed at each meeting, and included in the committee's meeting minutes, which are distributed to Council.

Mayor Patten asked who would make the decision regarding the best way to solve the problems in our trickling filters. Ms. Roberts said that she hopes a consensus will be reached at the June 12 meeting, and a recommendation brought back to Council. Council, she said, will ultimately make this decision.

Councilmember Bond stated that this is an investment in our infrastructure, and whichever type of media is chosen will be installed in house by Public Works.

Council President Sikorski again objected to taking action at this time and said that this should have been brought to Council's attention "much earlier."

Ms. Gallagher noted, prior to the roll call, that four affirmative votes by Council members will be needed in order for the ordinance to be adopted.

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

Ordinance adopted, 4-2.

**ORDINANCE 2008-10            BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$404,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$384,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$404,000, including the aggregate sum of \$20,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$384,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u>  | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated Maximum<br/>Amount of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|---|---|---|---------------------------------|
| a) The refurbishment and/or replacement of media for two trickling filters for the Advanced Wastewater Treatment Plant, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto. | \$373,548                                       | \$355,020   | 15 years                        |
| b) The acquisition of a pickup truck with snow plow and utility body for the Water Plant, including all related costs and expenditures incidental thereto.  | <u>\$30,452</u>                                 | <u>\$28,980</u>   | 5 years                         |
| TOTALS  | <u>\$404,000</u>                                | <u>\$384,000</u>  |                                 |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. 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 6. The following additional matters are hereby determined, declared, recited and stated:



(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.24 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$384,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$6,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

## INTRODUCTION AND FIRST READING: ORDINANCE 2008-11,

### AMENDING CHAPTER 13, "HOUSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO PROHIBIT THE USE OF ATTICS AS SLEEPING SPACES

Ms. Gallagher provided a brief review of Ordinance 2008-11, which would amend the Borough Code to prohibit the use of attics as sleeping spaces, as recommended by Construction Official George Chin.

Council President Sikorski stated that this ordinance has been referred to the Planning Board, which has unanimously supported its adoption. It will address many long term problems we have had, and Mr. Chin's memo to Council set forth the reasons for his recommendation. Councilmember Bond pointed out that attics which are currently being used as sleeping spaces would not be grandfathered. Mayor Patten questioned this, particularly in cases where permits were obtained and adequate egress is in place. Mr. Raffetto stated that there could be an argument that there would be no grandfathering with this ordinance, and said that he will review that further prior to the public hearing. Mr. Bond said that he believes it is already illegal to use attic rooms for sleeping in rental units.

After some further discussion, Ordinance 2008-11 was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance introduced, 5-1.

The public hearing and final reading for Ordinance 2008-11 was set for June 16, 2008.

#### INTRODUCTION AND FIRST READING: ORDINANCE 2008-12,

AMENDING CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING DECKS AND PATIOS WITHIN THE AA ZONING DISTRICT AND HEIGHT OF ACCESSORY BUILDINGS IN R-2 AND R-3 ZONING DISTRICTS

Ms. Gallagher reviewed the provisions of Ordinance 2008-12, which would limit the height of accessory structures to 16 feet in the R-2 and R-3 zoning districts, consistent with requirements in the R-1 and R-4 districts. It would also establish requirements for approval of patios in the AA District. Council President Sikorski noted that this ordinance was reviewed by the Planning Board, which has recommended its adoption.

Ordinance 2008-12 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 2008-12 was set for June 16, 2008.

#### INTRODUCTION AND FIRST READING: ORDINANCE 2008-13,

AMENDING CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO PROHIBIT PARKING ALONG ETRA ROAD

Following a brief review by Ms. Gallagher, Ordinance 2008-13 was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-13 was set for June 16, 2008.

## RESOLUTIONS

### RESOLUTION 2008-147, RESOLUTION AUTHORIZING PREPARATION AND ISSUANCE OF ESTIMATED TAX BILLS FOR THE THIRD INSTALLMENT OF 2008 TAXES

Chief Financial Officer George Lang recommended that Council approve the issuance of estimated tax bills for the third quarter of 2008. We can't adopt our budget until the State has finalized its State Aid and Extraordinary Aid. By sending out estimated tax bills, he said, we improve our cash flow and are able to pay the school and county their share of the taxes. In addition, it is more fair to taxpayers because, if the billing is delayed, they could receive two billings within 30 days or so, which could present a hardship. The estimated third quarter billing would include the school and county adopted budgets, and the municipal budget would be based on the budget as introduced. Any adjustments in state aid would be reflected in the fourth quarter bill. "Hopefully," Mr. Lang said, "we'll get the majority of our State aid back, and some Extraordinary Aid." He noted that the DCA is not certifying tax rates even for those towns which have already adopted their budgets, due to the uncertainty of the State budget.

Resolution 2008-147 was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 6-0.

#### RESOLUTION 2008-147      RESOLUTION AUTHORIZING PREPARATION AND ISSUANCE OF ESTIMATED TAX BILLS FOR THE THIRD INSTALLMENT OF 2008 TAXES

**WHEREAS**, the Borough of Hightstown has not adopted its 2008 municipal budget and the Tax Collector will be unable to mail the Borough's 2008 tax bills on a timely basis; and

**WHEREAS**, the Hightstown Borough Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

**WHEREAS**, in accordance with Chapter 72, P.L.1994, the Borough Council requests the Director of the Division of Local Government Services to approve the estimated tax levy exceeding one hundred percent (105%) listed below. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save unnecessary costs and interest expenses on borrowing;

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

1. The Tax Collector of the Borough of Hightstown is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Hightstown for the third installment of 2008 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by Chapter 72, P.L. 1994 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2008 is hereby set at \$ 14,308,521.33.
3. In accordance with law, the third installment of 2008 taxes shall not be subject to interest until the later of August 1, 2008 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated bills shall contain a notice specifying the date on which interest may begin to accrue.

## NEW BUSINESS

### SUMMER MEETING SCHEDULE

Ms. Gallagher asked Council if they wished to hold one or two regular meetings per month in July and August. After a brief discussion, it was agreed to hold meetings on the first Monday of each month and to cancel the meetings previously scheduled for the third Mondays. Mr. Raffetto recommended that this be done by Resolution. A verbal Resolution to this effect, to be numbered as Resolution 2008-153, was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

#### RESOLUTION 2008-153      CANCELING CERTAIN COUNCIL MEETINGS IN JULY AND AUGUST 2008

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the regular Borough Council meetings previously scheduled for 7:00 p.m. on Monday, July 21, 2008 and Monday, August 18, 2008 are hereby CANCELED.

### PUBLIC HEARING ON THE INTRODUCED BUDGET FOR 2008

Ms. Gallagher reviewed the introduced budget for the year 2008, which would carry a 28 cent municipal tax increase. She provided a spreadsheet detailing each line item and categorizing each non-salary line item as either largely controllable by the Borough, impacted by the Borough's actions but minimally controllable, or those over which the Borough has little or no control. The spreadsheet indicated that controllable expenses were reduced by \$46,880 from 2007 figures, and minimally controllable items were reduced by \$35,699, while those expenses which are outside of the Borough's control (including State-mandated increases in pension costs) rose sharply once again this year, by \$196,808.

The 28-cent increase, she said, is comprised of:

#### *Tax increases:*

|   |             |
|---|-------------|
| - Reduction in State formula aid  | 10.8 cents  |
| - Elimination of State Homeland Security Assistance Aid                                       | 2.3 cents   |
| - Extraordinary Aid not anticipated   | 6.9 cents   |
| - Increase in uncontrollable expenses,<br>including State-mandated increases in pension costs | 9.1 cents * |
| - Increased salaries/social security costs  | 4.0 cents   |

#### *Tax decreases:*

|  |             |
|--|-------------|
| - Reduction in controllable expenses           | (2.4 cents) |
| - Reduction in minimally controllable expenses | (1.6 cents) |
| - Net increase in other revenues               | (1.7 cents) |

|                        |           |
|------------------------|-----------|
| <i>Rounding factor</i> | 0.8 cents |
|------------------------|-----------|

|              |                 |
|--------------|-----------------|
| <b>TOTAL</b> | <b>28 CENTS</b> |
|--------------|-----------------|

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\* Clerk's note: the first four items listed, all of which are entirely outside of the Borough's control, account in and of themselves for a 29.1 cent increase and are offset by the Borough's own efforts.

Mayor Patten opened the public hearing on the budget.

**Eugene Sarafin**, 600-628 South Main Street, criticized the State government for failing to generate revenues to pay for needed services. Regarding the municipal budget, he said that Ms. Gallagher "does a marvelous job" and added, "What can one say when one puts together the fact that every year, people do get raises and things cost more money? I can't imagine how we deal with gasoline costs and all you get hit with." He asked, "Is there efficiency in consolidation? The answer today is that we've never made an effort to do anything about it." He said that he "doesn't understand the mentality" in East Windsor and "why they don't see the advantage to them to share services with Hightstown." He noted that while a penny on Hightstown's tax rate comprises about \$21,000 in spending, in East Windsor one penny equals \$136,000 and in Cranbury it is \$646,000. The Borough, he said, doesn't "make any effort to figure out what we can do without" and duplication of police and emergency services is costing us money. Governor Corzine, he said, *will* "win" and schools and towns *will* be consolidated. He asked if there is a study ongoing. Ms. Gallagher stated that the grant application for the feasibility study regarding shared police services has been submitted. "One day you'll bite the bullet," Mr. Sarafin said. He closed by saying that he doesn't know what to do or what the future will bring, and thanked the governing body for putting together the budget.

**Mike Theokas**, 142 Mill Run East, stated, "We have a \$6 million budget, we are efficient, we have reduced whatever we can reduce, but uncontrollable costs, salaries and social security continue to rise and we can't do anything about it. It's a dangerous game and we're not equipped to play it.... begging for money from a broke state is not the answer.... We're fighting a gallant fight but it's a gunfight and we have bows and arrows." He said that salaries paid by the Borough are not even competitive and most employees are underpaid, but where salaries and benefit costs rise, the only way to cover it is to raise taxes. He added that the Memorial Day celebrations and Porch Tour were "fantastic," and said that the Borough "does those things very well, but we can't do the business of municipal government because we don't have what we need to do it."

**J. P. Gibbons**, 602 North Main Street, stated that he was the only member of the public in attendance at one budget meeting where Council "gallantly tried to save every dollar you could," but that "it is asinine to build a budget on the fact that you're going to get about ten percent of your revenue every year from the State." We rely on Extraordinary Aid, he said, when we should be asking what it is that we can do for ourselves. "The people that should be paying to play are not," he said. "We're talking about a 28-cent increase while at the same time I'm reading about the largest property owner in the Borough building a \$30 million plus addition with no taxes paid to the Borough.... about the creation of an additional construction project for three or four more houses, and no more revenue to the Borough.... about a headmaster's house with seven bedrooms, with no increase to the Borough." He went on to say that the buildings and homes are tax exempt if they're used for educational purposes, and including a room for that purposes in the homes makes them entirely tax exempt. "Try that with the IRS!" he said.

Mayor Patten asked Mr. Gibbons at this time to focus on the introduced budget. Mr. Gibbon stated that he is focusing on the revenue side of the budget. "I am irritated because we need to bring revenue to the Borough," he said. "The only way we can do that, after all the extraordinary efforts you've taken, is to raise the tax rates again." He went on to say that he believes that the Borough *is* sustainable, in and of itself, with its own resources, and asked Council to consider requesting that the State "either give us back our aid or give us the ability to tax Peddie School going forward, or anyone else we can't tax.... We need to generate revenue. We can't do that if the four largest property owners are not contributing." Mr. Gibbons said that he will do his best over the next six months to try and get more revenue for the Borough, and he solicited Council's efforts toward that end as well. He closed his comments by referencing comments in the press by Peddie's headmaster suggesting that they could do more to help the Borough this year, and said "we need to revisit that."

**Gail Doren**, 201 Hutchinson Street, said that she does not disagree with anything that has been said at this hearing, "but what's in front of us is the bills we have to pay." She said it seems that the Borough has "done a really good job whittling

this down as much as possible. We don't have the income we think we ought to have, and the bills have to be paid." She said that the Borough has done a good job of budgeting and "the budget seems fine" to her.

Mr. Sarafin spoke again to say that "the sensible thing to do is to close the Borough." He said that the Borough's tax rate is \$1.40 higher than East Windsor's, and that he hopes he'll see the Borough close in his lifetime.

No one else came forward and the hearing was closed.

## CONSENT AGENDA

Resolutions 2008-136, 2008-137 and 2008-148 through 2008-151 were moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolutions adopted, 6-0.

**RESOLUTION 2008-136      AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-010 –  
FAMILY WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUOR)**

**WHEREAS**, Family Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-010, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Family Wines and Liquors, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

**WHEREAS**, the Chief of Police has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Family Wines and Liquors, Inc. doing business as Hightstown Liquor at 107 Stockton Street:

2008-09 Plenary Retail Distribution License  
License #1104-44-002-010  
Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2008-137      AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-005 – WINE  
DEPOT CORPORATION, T/A HEDY'S LIQUORS**

**WHEREAS**, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-005, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

**WHEREAS**, the Chief of Police has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Wine Depot Corporation, doing business as Hedy's Liquors at 500 Mercer Street:

2008-09 Plenary Retail Consumption License with Broad Package Privilege  
License #1104-32-001-005  
Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2008-148      AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-007 –  
CMMA, LLC (T/A THEO'S LAKESIDE TAVERN)**

**WHEREAS**, CMMA, LLC, has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-007, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that CMMA, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

**WHEREAS**, the Chief of Police has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to CMMA, LLC, doing business as Theo's Lakeside Tavern at 101-103 Main Street:

2008-09 Plenary Retail Consumption License  
License #1104-33-003-007  
Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**RESOLUTION 2008-149      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                  | 206,104.00                    | 1,810,622.48                 | 2,016,726.48                   |
| Capital Outlay – Current | 0.00                          | 0.00                         | 0.00                           |
| Debt Service - Current   | 0.00                          | 59,689.60                    | 59,689.60                      |
| Water/Sewer              | 4,000.00                      | 1,071,873.00                 | 1,075,873.00                   |
| 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>             | 210,104.00                    | 3,093,451.60                 | 3,303,555.60                   |

**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<sup>1</sup> 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 2008-150      AUTHORIZING PAYMENT ON BEHALF OF PARTICIPANTS IN THE BOROUGH OF  
HIGHTSTOWN LENGTH OF SERVICE AWARD PROGRAM (LOSAP)**

**WHEREAS**, the Borough of Hightstown instituted a Length of Service Award Program (LOSAP) with the adoption of Ordinance 1999-20 on August 2, 1999 and its subsequent approval by referendum at the November 1999 general election; and

**WHEREAS**, said LOSAP became effective January 1, 2000; and

**WHEREAS**, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2007, as set forth on Schedule A, attached<sup>2</sup>; and

**WHEREAS**, *N.J.A.C. 5:30-14.10* requires that these listings be approved by Resolution of the governing body;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the certified listings set forth on the attached Schedule A of volunteer members of the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 who qualified for credit under the LOSAP program for the year 2007 are hereby approved, and the Borough Administrator is directed to take all steps necessary to provide payment on their behalf to Lincoln Financial Group in accordance with the provisions and requirements of *N.J.S.A. 40A:14-191* and *N.J.A.C. 5:30-14.1 et seq.* and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be provided to the Hightstown First Aid Squad and Hightstown Engine Co. No. 1; and

**BE IT FURTHER RESOLVED** that, in accordance with *N.J.S.A. 40A:14-192*, copies of the approved listings shall be posted for a period of not less than 30 days in the Borough Clerk's office, at the Hightstown Firehouse and at the Hightstown First Aid Squad building.

**RESOLUTION 2008-151      AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules<sup>3</sup>, 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 **\$1,192,380.01** from the following accounts:

|                 |               |
|-----------------|---------------|
| Current         | \$ 779,682.42 |
| W/S Operating   | 335,975.84    |
| General Capital | 25,228.49     |
| W/S Capital     | 27,962.00     |

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<sup>1</sup> Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-149.

<sup>2</sup> Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-150.

<sup>3</sup> Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-151.



|                                 |                               |
|---------------------------------|-------------------------------|
| Animal Control                  | 32.40                         |
| Trust Account                   | 19,541.85                     |
| Grant Account                   | 2,771.01                      |
| Law Enforcement Trust           | 381.00                        |
| Escrow, Subdivision & Site Plan | <u>805.00</u>                 |
| <b>Total</b>                    | <b>\$ <u>1,192,380.01</u></b> |

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Eugene Sarafin**, 600-628 South Main Street, stated that it is a violation of the Open Public Meetings Act to deliberately circumvent that act. He claimed that the Mayor is doing that in not inviting a quorum of Councilmembers to attend the upcoming meeting of Borough officials at the sewer plant. "It gives the impression that you don't want the public to know," he said. "If there's not room, fine. But why not just let it be open?"

**J. P. Gibbons**, 602 North Main Street, stated, regarding D. M. Properties and North Preserve, that the record shows that Ms. Roberts did try to get that developer to comply with orders issued over a year ago. He recalled that, early in this project, he told the Planning Board that he had issues with this developer and was told that there was no problem with them. "Several times you had to shut the process down due to violations," he said. Mr. Gibbons went on to say that there are two abandoned homes on Academy Street that "look horrendous," and he recommended that the Borough inspect that property to determine if it may be a potential fire hazard.

No one else came forward and the floor was closed.

## COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Bond gave the police report for May, noting that the department answered 1,393 calls, issued 457 motor vehicle summons, made 15 DWI arrests and 53 criminal arrests, towed 33 vehicles and participated in 73 investigations. He also reported that officers have been assigned to seat belt patrols under the Click it or Ticket program, and that the police department was instrumental in the Borough's Memorial Day events.

Councilmember Rosenberg urged all to visit the new website, [DowntownHightstown.org](http://DowntownHightstown.org). There are 15 events listed which will take place over next two months or so, and the site offers "a great picture of what we are as a town." Mr. Rosenberg also reported that the Environmental Commission planted 40 trees around the Borough recently. He thanked the members of the Porch Tour committee, and said that the event "couldn't have turned out better ... it was one of the best days in the history of the Borough." Lastly, Councilmember Rosenberg thanked members of the community, Mayor Patten, Police Sgt. Glen Runge and the emergency medical squad for their care and concern when his grandmother was injured on Memorial Day.

Councilmember Harinxma reported that the Parks and Recreation Commission is working on a 5K run to take place on the day of the Community Fair, and a triathlon a week later, which will be "exciting for Hightstown." The Commission plans another summer concert series this year, to begin on June 19. Concerts will take place at 6:30 p.m.

Council President Sikorski thanked Councilmember Quattrone for his efforts in making Memorial Day such a success. Many residents expressed their appreciation, he said, and it was "one of the best parades we've had in recent history." Mr. Sikorski also thanked members of the Historic Preservation Commission and the Hightstown – East Windsor

Historical Society for making the Porch Tour such a success. People came from out of town for that event, and appreciated the homes. Lastly, Council President Sikorski noted that the Borough does have mechanisms in place to respond to complaints about overgrown grass and property maintenance, but noted that some properties are in foreclosure and that makes things more difficult.

Councilmember Schneider stated, "if there are properties that are not in compliance, the public calling the Borough is exactly how the Borough responds to those things. We can take care of it at their expense."

Councilmember Quattrone thanked the Parade Committee for their work, and said that he enjoyed giving flags out to the children at the parade. When an adult requested a flag, Mr. Quattrone explained that the budget this year would only allow for flags to be given to children, so the gentleman gave him \$2.00, which was turned over to Mr. Lang at the meeting. Councilmember Quattrone commended those who worked on the Porch Tour, an event which, he said, is "here to stay." He thanked Joe Mannino for not cutting the 163-foot hoagie until the parade was over. Lastly, Mr. Quattrone noted that the hanging baskets downtown "look prettier than ever." He thanked Council for allowing him to work on the parade, and said that he plans to do it again next year.

Mayor Patten stated that he is "proud to be a Hightstonian," and "May 26 was an extraordinary time in our history. We are an example of small town Americana and small is beautiful." He noted that the Garden Tour will take place on Saturday, June 14 and the Community Fair and Triathlon will take place in October. "We continue to do these things with the help of our volunteers," he said.

## EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-152, authorizing a closed session for the purpose of discussing tax appeal litigation and litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 6-0.

### RESOLUTION 2008-152 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 June 2, 2008 at approximately 9:30 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

#### **TAX APPEAL LITIGATION: Hightstown Development Associates LITIGATION: Presbyterian Home at Meadow Lakes v. Borough of Hightstown**

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: September 2, 2008 or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, **Resolution 2008-154** was moved by Councilmember Bond and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

**RESOLUTION 2008-154        RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING SETTLEMENT OF CERTAIN LITIGATION KNOWN AS "THE PRESBYTERIAN HOME AT MEADOW LAKES, INC. VS. THE BOROUGH OF HIGHTSTOWN, ET ALS," AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT IN CONNECTION THEREWITH, AS WELL AS A TRI-PARTY AGREEMENT BETWEEN THE BOROUGH, THE PRESBYTERIAN HOME AT MEADOW LAKES, INC., AND PEDDIE SCHOOL**

**WHEREAS**, there is certain litigation pending before the Superior Court of New Jersey, Law Division, Mercer County, entitled The Presbyterian Home at Meadow Lakes, Inc. vs. The Borough of Hightstown, et als, bearing Docket No. MER-L-98-08; and

**WHEREAS**, the litigation concerns the terms and conditions under which the Borough of Hightstown shall provide water and sewer service to the Plaintiff for sixty (60) new and/or replacement residential units which are being constructed at the Plaintiff's existing age-restricted development in East Windsor Township, located at Block 29, Lot 2 on the East Windsor Township Tax Map; and

**WHEREAS**, the Borough and the Plaintiff, The Presbyterian Home at Meadow Lakes, Inc., (collectively, the "parties") have agreed to a settlement of the litigation; and

**WHEREAS**, the terms and conditions of the settlement are as set forth in a proposed Settlement Agreement, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, in connection with the terms and conditions of the settlement, the parties wish to enter into a Tri-Party Agreement, which includes the parties and Peddie School; and

**WHEREAS**, a copy of the Tri-Party Agreement is also attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT 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 settlement of the matter known as The Presbyterian Home at Meadow Lakes, Inc. vs. The Borough of Hightstown, et als, bearing Docket No. MER-L-98-08, in accordance with the terms and conditions which are set forth, in concept, in the attached Settlement Agreement and the attached Tri-Party Agreement.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Settlement Agreement, or one which is substantially similar thereto and satisfactory to the Borough Attorney, in order to conclude the said litigation.
3. That the Mayor is hereby also authorized to execute, and the Borough Clerk to attest, the attached Tri-Party Agreement, or one which is substantially similar thereto and satisfactory to the Borough Attorney, in connection with the said litigation.
4. That all relevant Borough officials are hereby authorized and directed to execute all documents and to undertake all necessary actions in order to effectuate this settlement.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Joshua Greenfield, Esquire and Maureen Cafferty, Esquire (Plaintiff's counsel)

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\* Agreements are on permanent file in the Borough Clerk's office with original copy of Resolution 2008-154.

- b. Michael McKitish, Peddie School
- c. Frederick C. Raffetto, Esquire, Borough Attorney
- c. Carmela Roberts, P.E., Borough Engineer
- d. Gary Rosensweig, Esquire, Planning Board Attorney
- e. Candace B. Gallagher, Borough Administrator

Adjournment was then moved by Council President Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk