

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; James M. Eufemia, Chief of Police; George Lang, Chief Financial Officer; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the agenda under New Business was a report by George Lang, Chief Financial Officer, regarding the Borough's recent bond sale. Also added under the Consent Agenda were Resolutions 2008-44 and 2008-45. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved.

APPROVAL OF MINUTES

Minutes of the December 27, 2007 Special Meeting were moved by Council President Sikorski, seconded by Councilmember Quattrone and approved by all but Councilmember Harinxma, who abstained.

Minutes of the January 1, 2008 Reorganization Meeting were moved by Council President Sikorski, seconded by Councilmember Quattrone and approved by all but Councilmember Harinxma, who abstained.

Minutes of the January 7, 2008 Regular Meeting open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Quattrone and approved by all but Councilmember Harinxma, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, said that she was speaking as a citizen and not as a member of the Animal Welfare Committee. It was brought to her attention, she said, that veterinarians are opposed to the language which she had proposed at a prior meeting which would add the term "guardian" to "owner" in the Borough's animal control ordinances. The American Veterinary Medical Association, she said, is opposed to free spaying and microchipping by animal shelters, and is "involved with slaughterhouse and biomedical industries." "They view this as a slippery slope," she said, because it could mean that research animals would be regulated. The American Kennel Club and breeders are opposed to this, she said, because they prefer to view animals as property. She pointed out that Rhode Island has included this language in their state laws through legislation which was sponsored by teachers and students. Both San Jose and St. Louis have adopted the language as well in their city ordinances. Wanaque, New Jersey has adopted the language with respect to companion animals only. Ms. Deal said that she has spoken with some veterinarians who speak highly of this initiative, including Dr. Elliott Katz, who heads *In Defense of Animals*. Ms. Deal said that she will continue to pursue this as a private citizen and that it would "behoove the Borough to go forward and show that we are progressive." She closed her comments with a quote from Mahatma Gandhi: "I hold that, the more helpless a creature, the more entitled it is to protection by man from the cruelty of man."

Joe Balcewicz, 413 Stockton Street, stated that he favors a ban on farm animals being kept in the Borough as it was defined in the ordinance which Council last considered. "The Borough has become too crowded to allow farm animals on residential properties," he said, and added that it became clear that some members of Council would prefer to restrict that ownership rather than ban it outright. If restrictions imposed in other towns were enacted here, he said, it would most likely disqualify most residents from keeping them, so he would prefer an outright ban. He urged Council to "take a proactive stance" on this issue rather than rely on public health nuisance regulations.

Elizabeth Balcewicz, 413 Stockton Street, thanked Council for their continued discussion of this issue. She said that she believes that some members of Council and the Board of Health feel that this is a dispute between neighbors, but said, "We had no issue with them until their chickens started causing a serious decline in our quality of life, and it escalated when they took no action." She said that this has the potential to "escalate throughout the Borough to a large issue of rodents," and that enacting an ordinance will protect neighboring residents. "Each time I go out in my yard," she said, "I don't know what to expect." She said that there is an odor 25% of the time, and no evidence of rats right now, but she is afraid that these problems will worsen once again as the weather turns warmer.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTION 2008-40, AUTHORIZING PAYMENT NO. 3 AND CHANGE ORDER NO. 1 – THINK PAVERS HARDSCAPING, LLC (NORTH MAIN STREET AND BANK STREET IMPROVEMENTS)

Ms. Roberts reviewed the provisions of this Resolution, which would approve a change order that includes sidewalk and pavers in front of Borough Hall and the firehouse. This was done, she said, in an effort to utilize the available grant funding as best we can, as the original contract came in at well below the \$350,000 grant awarded for the project. This change order represents an 8% increase in the contract, she said, but even if the project were expanded up to 20% (the maximum allowed under the Public Contracts Law), we would not fully utilize the available funding. She said that she is speaking with the State about the possibility of utilizing the remaining funds in another way.

Resolution 2008-40 was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

WHEREAS, on September 17, 2007, the Borough Council awarded a contract for improvements on North Main Street and Bank Street in the Borough of Hightstown to Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of Two Hundred and Forty-Seven Thousand and Forty-Four Dollars (\$247,044.00); and

WHEREAS the Borough Engineer has recommended the approval of Change Order No. 1 to this contract in the amount of Nineteen Thousand Eight Hundred and Forty Dollars and Thirty Five Cents (\$19,840.35), as detailed on the attached listing; and

WHEREAS the contractor has also submitted Payment Request No. 3 for work done in the total amount of \$51,405.26; 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 Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of Nineteen Thousand Eight Hundred and Forty Dollars and Thirty Five Cents (\$19,840.35) 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 Sixty-Six Thousand Eight Hundred Eighty-Four Dollars and Thirty-Five Cents (\$266,884.35).
3. Payment Request No. 3 to Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of \$51,405.26 is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-01,

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WESTERLEA AVENUE IN AND BY THE
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING
\$332,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$78,500 BONDS OR NOTES OF
THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2008-01. No one came forward and the floor was closed.

Ordinance 2008-01 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance adopted, 6-0.

ORDINANCE 2008-01

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WESTERLEA AVENUE IN AND BY
THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$332,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$78,500
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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$332,500, including a \$250,000 State of New Jersey Department of Transportation Municipal Aid Grant expected to be received (the "State Grant"). Although no down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose described in Section 3 is being partially funded by the State Grant, an amount equal to \$4,000 is provided for as a down payment for this purpose. The down payment is now 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 improvement or purpose not covered by application of the down payment or from the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$78,500 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the roadway of Westerlea Avenue, from Grape Run Road to Leshin Lane, including milling, re-paving, the replacement of distressed areas of pavement, curbs, sidewalks and fire hydrants and improvements to drainage structures and sanitary sewer manhole lids, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 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 \$78,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$57,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, 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 2008-02,

AN ORDINANCE TO AMEND THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*, CHAPTER 2 THEREOF, REGARDING MEMBERSHIP OF THE HISTORIC PRESERVATION COMMISSION

Mr. Raffetto reviewed the provisions of Ordinance 2008-02, which would increase the number of regular members in the Historic Preservation Commission from five to seven. Statute requires that at least one less than a majority of the members (in this case, three) must be Class A or Class B members. The ordinance was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

Councilmember Rosenberg asked Mayor Patten to please consider, if the ordinance is adopted, the Council's unanimous endorsement of Dan Buriak as an appointee to the Commission.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-02 was set for February 4, 2008.

UNFINISHED BUSINESS

DISCUSSION: ORDINANCE TO PROHIBIT THE KEEPING OF FARM ANIMALS

Council President Sikorski stated that he has reviewed the sample ordinances provided by the Borough Attorney, and feels that Wanaque's ordinance would be best suited as a model to be used in crafting an ordinance for Hightstown. As the Borough's population increases, he said, there is a need for us "to be proactive in addressing this situation and future situations that may occur." Discussion ensued.

Mayor Patten stated that there is currently a problem, and efforts to abate that problem have not been successful. However, there are other animals kept within the Borough that have *not* created problems. He asked how this ordinance would impact those residents. Council President Sikorski asked if it would be possible to grandfather existing animals. Mr. Raffetto stated that this is possible. He noted that Wanaque's ordinance provides that there can only be one farm animal per acre, and that a property must be a minimum of three acres before farm animals can be kept, and two acres before fowl can be kept. Few, if any, Borough properties would qualify, he pointed out.

Councilmember Schneider stated, "if there is a minimum of three acres, just prohibit them." He went on to say that grandfathering is problematic, particularly in light of the existing problem. "We're a little uninformed," he said, "in that we don't know what other farm animals there are." He suggested that an ordinance be introduced immediately to require the registration of all animals so that the Borough would have this information.

Mr. Raffetto stated that the ordinance he drafted previously was an outright ban on the keeping of farm animals, and included a provision that those keeping them had 60 days in which to remove them.

Ms. Gallagher and Chief Eufemia noted that it may be possible to obtain information regarding existing animals during the upcoming dog/cat census. The Chief noted, however, that we cannot force a resident to provide that information as part of the census. He added that the Borough has only one property larger than two acres, and none over three acres.

Councilmember Bond stated, "We are a very small Borough with small lots." He suggested that the Borough either place tight restrictions on the number of animals permitted and the distance that they must be from any property line, or ban them totally. "Otherwise," he said, "it's a waste of time." As an example, he said, a maximum of two chickens could be permitted, provided that they are kept at least 25 to 35 feet from any property line.

Mayor Patten noted that this issue would not exist if the problem had been abated with the cooperation of the property owners, or if the Board of Health issued a citation and the judge punished them.

After further discussion, it was generally agreed to follow the recommendation made by Councilmember Bond and prohibit farm animals and fowl from being kept with 35 feet of a property line. Mr. Raffetto will draft an ordinance for introduction at the next meeting.

NEW BUSINESS

SCHEDULING OF BUDGET MEETINGS

It was discussed and agreed that budget meetings would be held at 6:30 p.m. on January 29, February 12 and February 20.

BOND SALE AND MOODY'S RATING

Mr. Lang reported that a bond sale was held that day to permanently finance Bond Anticipation Notes which had been issued. We obtained a rate of 3.3 percent, which was excellent. There were three bidders. Mr. Lang attributed the success of the sale to three factors: a term that was not too long, market conditions, and an updated and improved bond rating. Our rating in 2002 was A3 with a negative outlook. Moody's just performed another review and updated our rating. It is still A3, however, the negative outlook was removed, and the report issued by Moody's was quite positive, indicating stable operations¹. "We did well today," he said. Mayor Patten commended Mr. Lang and Ms. Gallagher.

¹ The Moody's report is included in its entirety at the end of these January 22 minutes.

CONSENT AGENDA

Resolutions 2008-41 through 2008-45 were moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-41 AUTHORIZING REFUND OF TAX OVERPAYMENT

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

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
First American Real Estate Tax Services Attn: Refunds 1 First American Way Westlake, TX 76262 Mail Revised General Ordinances of the Borough of Hightstown – DFW 1-3	\$976.85	Block 2.01 Lot 1 C00094	142 Mill Run East

; and

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

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

RESOLUTION 2008-42 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – FREDERICK C. RAFFETTO, ESQ.

WHEREAS, there exists the need for professional legal services for 2008 pertaining to general municipal, water and sewer, redevelopment and litigation/union matters; and

WHEREAS, Frederick C. Raffetto, Esq., of the firm Ansell Zaro Grimm & Aaron, 1500 Lawrence Avenue, Ocean, New Jersey, was appointed Borough Attorney by resolution adopted by the Borough Council on January 1, 2008 and has offered to perform such services as outlined in the agreement which is attached hereto and made a part hereof; and

WHEREAS, the agreement provides that:

1. For general legal services, including but not limited to general municipal matters, litigation matters, labor matters, and water and sewer matters, and for appearances at meetings other than regularly scheduled Council meetings, the Attorney shall be compensated at the rate of \$110.00 per hour, and \$55.00 per hour for services rendered by a Paralegal.
2. For attendance at regularly scheduled Council meetings, the Attorney shall receive a flat fee of \$300.00 per meeting.
3. For services relating to redevelopment matters for which a private developer has posted escrow funds to cover the costs associated with the services of Borough professionals, or which are anticipated to be paid for by the Borough but reimbursed by private developer(s), the attorney shall be compensated at the rate of \$175.00 per hour, and \$55.00 per hour for services rendered by a Paralegal; and

WHEREAS, it is presently anticipated that the maximum costs for legal services other than redevelopment are as follows:

Attendance at Council meetings	7,000.00
Litigation	13,000.00
General Matters	30,000.00
Water and Sewer Matters:	
Water	5,000.00
Sewer	5,000.00

; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Ansell, Zaro, Grimm & Aaron has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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 Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement between the Borough of Hightstown and Frederick Raffetto, Esq.² regarding the above-referenced professional legal services.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Ansell, Zaro, Grimm & Aaron is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2008 budget and/or other available sources, including escrow funds.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:

² The agreement is on file in the Borough Clerk's office with the certified copy of Resolution 2008-42.

- a. Frederick C. Raffetto, Esquire, Borough Attorney
- b. Arlene O'Rourke, Borough Treasurer
- c. George Lang, Borough Chief Financial Officer
- d. Candace Gallagher, Borough Administrator/Clerk

7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

8. That a notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2008-43 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 **\$1,720,943.42** from the following accounts:

Current	\$ 760,044.76
W/S Operating	58,730.35
General Capital	712,380.15
W/S Capital	151,034.67
Animal Control Account	13.32
Grant	34,853.32
Trust Account	3,078.78
Public Defender	175.57
Lien Trust	421.85
Unemployment Trust	75.40
Payroll	<u>135.25</u>
TOTAL	<u>\$1,720,943.42</u>

RESOLUTION 2008-44 AUTHORIZING A TRANSFER OF FUNDS IN THE 2007 BUDGET

WHEREAS, N.J.S.A 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the succeeding fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2007 CURRENT budget are hereby authorized:

		FROM:	TO:
INSIDE CAP:			
Legal Services & Costs	Other Expenses	\$12,146.00	
Public Buildings & Grounds	Salaries & Wages	\$1,306.00	
Streets & Roads Maintenance	Salaries & Wages	\$2,716.00	
Streets & Roads Maintenance	Other Expenses	\$110.00	
Police Department	Salaries & Wages		\$3,274.00
Police Fire & Radio Communications	Salaries & Wages		\$748.00
Street Lighting	Other Expenses		\$110.00
OUTSIDE CAP:			
Emergency Medical Services	Other Expenses		\$12,146.00
TOTAL		\$16,278.00	\$16,278.00

WHEREAS, James G. Teller of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Teller has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief John Archer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of James G. Teller in Hightstown Engine Company No. 1 is hereby accepted.

PUBLIC COMMENT II

Mayor Patten once again opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, asked if the regulations regarding farm animals would include snakes and other indoor creatures. She also stated that she was "spoken to before the meeting by Jeff Bond regarding excessive talking," and said that she "takes exception to that." She asked Council to let her know if they have a problem, as she would prefer not to be "reprimanded after the fact."

Eugene Sarafin, 600-628 South Main Street, stated that it would be appropriate to require a zoning variance to keep farm animals. He criticized leaders of the Republican party, including Richard Nixon, Ronald Reagan, and President Bush, and said that problems should be solved by peaceful means. "We live in a society," he said, "that wants to cut taxes but wants police protection, etc. McCain said it right -- if you want [services], pay for them and raise taxes. We have to decide what we want in our society." He closed his comments by saying that Governor Corzine is proposing an unfair rate increase.

John Archer, Fire Chief, presented a report detailing the activities of Hightstown Engine Co. No. 1 during 2007. A total of 270 calls were answered, he said, including 54 fires, seven rescues, 20 hazard conditions, 129 service calls and 66 false alarms. A total of 2,324 man-hours were put in responding to these calls, he said, and 45 different members responded. Additional time was spent on training, drills and other activities. Mayor Patten commended the Fire Company for the "excellent job" they do, and Chief Archer thanked Mayor Patten, Council President Sikorski and Councilmember Quattrone for attending the recent installation dinner, and Councilmembers Bond and Rosenberg for letting him know that they would not be able to attend.

Joe Murtaugh, 427 South Main Street, spoke regarding the proposed change to the Borough's animal control ordinances which would add the term "guardian." The vast majority of veterinarians are against this, he said, and he urged Council to visit the AVMA's website. They are opposed to this not just as it relates to research animals, he said, but to companion animals as well. He anticipated that this language will be tested legally sooner or later, and said, "there is so little to gain and potentially so much to lose in a legal battle we can't afford." He asked Council to consider both sides of this issue before making any changes to our ordinances.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-39, authorizing a closed session for the purpose of discussing personnel and litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on January 22, 2008 at approximately 8 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Personnel

Litigation – The 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: April 22, 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 Councilmember Schneider, seconded by Council President Sikorski and unanimously approved. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk