

## OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:10 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 Sackowitz</i>	✓	
<i>Councilmember Laudenberger</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Frederick Raffetto, Esq., Borough Attorney; and Randall Gottesman, P.P., Planning Consultant.

### APPROVAL OF AGENDA

Deleted from the agenda were Resolution 2005-224, to appoint a Housing Authority Commissioner, and Resolution 2005-217, authorizing an Executive Session. The agenda was moved as amended by Councilman Sikorski, seconded by Councilman Thompson and approved by all.

### APPROVAL OF MINUTES

Minutes of the October 5, 2005 open session were moved by Councilman Sikorski, seconded by Council President Schneider and approved as submitted by all but Councilmembers Quattrone and Sackowitz, who abstained.

## PUBLIC COMMENT I

Mayor Patten noted that a recent article in the *Windsor Heights Herald* regarding cuts in the school district's gifted and talented program was incorrect, and there will a retraction in the next edition. He then opened the floor for public comment,

**Kathy Patten**, 135 South Street, encouraged the attendance of the Borough's elected officials at a public gathering on October 23 to be sponsored by the Regional Equity Coalition. Issues to be addressed will include property tax reform, affordable housing and immigration concerns.

**Matt Cuddy**, 216 South Main Street, expressed appreciation to Mayor Patten for attending a recent meeting that had been planned among East Windsor, Hamilton and Washington Township regarding the future of the Rt. 130 corridor. "In a town this small, in a state where Home Rule is the rule, things that happen outside out town can have a significant impact on our quality of life. The Mayor was at the meeting and did stand up and say 'Remember, we're watching, because this will affect us.'" Mr. Cuddy urged members of Council and the Planning Board to stay on top of this issue and to "invest all we can in planning and coordination with our neighbors."

No one else came forward and the floor was closed.

## PRESENTATION: REDEVELOPMENT OF THE MILL PROPERTY – *SATISH MEHTA, ITN, INC.*

Mr. Raffetto provided an overview of the Redevelopment process to date, beginning in June 2003 when the Borough Council asked the Planning Board to determine whether certain areas of the Borough were in need of redevelopment, continuing through a series of meetings with Greystone Mill, LLC and, finally, the expiration in September 2005 of the Conditional Redeveloper's Agreement with them when the parties were unable to reach a mutually satisfactory agreement regarding the proposed project. The Borough is no longer tied to Greystone in an exclusive relationship, he said, and may consider other developers. Recently, Mr. Satish Mehta (ITN, Inc.) made a proposal to representatives of the Borough and was present at this meeting to publicly present his proposal for redevelopment of the Mill property. Because Mr. Mehta has a contractual tie to the property through Greystone, Mr. Raffetto said, it would be appropriate for the Borough to consider dealing with him.

Mr. Mehta stated that, under Greystone's original proposal, he was a subcontractor for Greystone. After the Conditional Redeveloper's Agreement expired, discussions began between them regarding completion of the project. Greystone expects him to "lead the project toward completion," regardless of whether they develop the property jointly or he buys out Greystone's rights entirely. That, he said, is yet to be determined.

Mr. Mehta proposed redeveloping the site largely in accordance with the plan originally presented by Greystone to the public in May, which was received favorably by the Council and the public at that time. He utilized one of Greystone's conceptual plans from last May and reviewed each aspect of his proposal. One major difference from the original proposal was his request to increase the number of condominium units from 72 to 92, which, Mr. Raffetto pointed out, would require an amendment to the Borough's adopted Redevelopment Plan.

Mr. Mehta's proposal included:

- Eight 4 BR, 2½ BA townhouse units, measuring approximately 2,300 square feet each, housed in four 3-story duplex units with detached garages. They will be powered by solar energy.
- A total of 92 condos (2 BR, 2BA), measuring approximately 1,200 square feet each, with additional storage area to be provided in the basement. Third floor condos will be premium condos with high ceilings. 80 of the units will be market rate and 12 will be COAH affordable units.
- A physical fitness area/gymnasium for use of the entire complex.
- A 43,000 sf office/commercial building to be comprised of office condos. This will include a 2,700 sf upscale restaurant component with outdoor dining.
- A retail building along Main Street with shops on first floor and space for the municipality on the second floor.

During his presentation, it was noted that:

- He is currently negotiating for the purchase of granite so that he can outfit each residence with granite countertops.
- The bridge between the condominiums and the office/commercial space would be maintained but may be utilized by the restaurant and may not be utilized for access purposes (this is subject to further review).
- A five-year PILOT would be requested in order to increase the attractiveness of the condo units to potential buyers.
- The project is anticipated to take three years to complete, and he anticipates constructing it in two phases, with duplexes and condos to be built first. Mr. Mehta estimated the overall cost of the redevelopment to be in the area of \$25.7 Million.
- He said that he has questioned the Borough Engineer about parking, and she has assured him that there is adequate parking available for his proposal without the need for parking on Bank Street.

Mayor Patten asked Mr. Mehta where he would draw tradespeople from. He replied that he would invite all local businesspeople to bid on the jobs, and would be happy to use local labor as long as he would not have to sacrifice on quality, scheduling or cost effectiveness. The Mayor then opened the floor to questions from Council.

Councilman Thompson noted that 92 condominium units is an increase above what was discussed by Council and agreed upon in the Redevelopment Plan, and asked what is causing the increase. Mr. Mehta replied that these are larger units than, for example, those in Wyckoff's Mill, and noted that he will be able to construct 92 units rather than 72 without using more space because he will be using the existing space more effectively. "If you have a bigger unit," he said, "you don't necessarily get an increase in price that is proportionate." He added that the number of units to be built impacts the number of quality features which can be included (such as the planned granite countertops and solar power).

Councilman Thompson asked if it is "fiscally impossible" to construct fewer units and Mr. Mehta replied that he would need to construct at least these 92 condo units in order for the project to be financially rewarding. He also represented that, in his opinion, no other developer could do less than that and have the project work from a financial perspective.

Mayor Patten noted that the Borough is awaiting the market study commissioned from Peter Sockler, which will be instructive in this respect.

Councilman Quattrone asked if a traffic study has been planned with respect to this proposal. Mr. Mehta replied that he has recently obtained the traffic study prepared for Greystone and will be reviewing it.

Councilman Sikorski asked about environmental issues at the site. Mr. Mehta explained that there are three issues there: asbestos, lead paint, and arsenic. The lead paint and asbestos are not a problem, he said. There are ways to remove and dispose of those. Regarding the arsenic, which is located in one corner of the property, Mr. Mehta said that there are monitoring wells in place in areas where there will be no residences, and they have not shown any leakage. They will be there for the next five or six years, and reported on quarterly by NJDEP. The monitoring and the environmental pollution is the responsibility of Philips Lighting, he said.

Council President Schneider asked if there would be entrances to the duplexes from Academy Street. Mr. Mehta said that each duplex will have the appearance of one house with one front entrance and possibly one side entrance.

Councilwoman Laudenberger asked if the parking to be provided beneath the condos would provide two spots per unit. Mr. Mehta could not answer at this time.

Councilman Sikorski asked about the traffic impact of the entrance on Stockton Street. Mr. Mehta said that this will be addressed in the traffic report.

Councilman Quattrone asked what the Borough would receive in the way of Borough offices. Mr. Mehta replied that the Borough would have use of the second floor space which would be a "shell" without leasehold improvements. "It will be one big box," he said, "fully finished."

Councilman Thompson asked whether, if certain changes were made to the plans, it would then be fiscally possible to construct fewer units. Mr. Mehta again stated that this would not be "prudent business." Mr. Thompson asked whether this would be possible if, rather than renovating the older building, it was torn down. Mr. Mehta responded that it would not. Demolition is costly, he said, and if the building were demolished, certain areas would then need to remain open because of the proximity of the creek.

Mr. Mehta noted that the plans he is displaying are conceptual only, and he does not yet have all the answers. "What are the town's preferences?" he asked.

Mr. Raffetto noted that improvements to the current municipal building are a requirement of the existing Redevelopment Plan. Mr. Mehta said that he was not aware of this, and those are not included in this proposal. He said that he would prefer for that to be a separate project.

Mr. Raffetto suggested that Mr. Mehta be prepared to provide the Borough with financial and other information, and to post funds in escrow to fund activities by the Borough's professionals. "Whatever is needed," Mr. Mehta said. "I am familiar with the process."

Mayor Patten then opened the floor to questions and comments from the public. Among the questions posed were:

*Q: Hasn't the Borough's agreement with Greystone lapsed?*

A. Mr. Raffetto explained that this does not exclude them from consideration. Since Mr. Mehta has an interest in the property, he said, it is advantageous to the Borough to deal with him. While the Borough could entertain other proposals, proceeding would involve condemnation if the developer does not own the property. Eminent domain, he said, is a lengthy process.

*Q: Will there be enough parking for the increased number of condos and the restaurant?*

A. Mr. Mehta responded that this is being addressed right now, and there are no answers yet. He said that the Engineer's initial response to him was that the parking will be "more than sufficient" but he will be looking more closely at this and if it is a problem, it will need to be resolved. Richard Pratt, architect and Planning Board member, was present, and noted that some parking can be shared. For example, evening restaurant patrons could utilize the same parking as that used by office workers during the day.

*Q: Why should the Borough consider a tax abatement? Hightstown is a desirable place to live right now.*

A. Mayor Patten stated that a tax abatement is an incentive for both the Borough and the developer. Mr. Gottesman noted that redevelopment projects tend to be more costly than others, and this is a brownfield site. The Borough wants to provide incentives to the developer to bring in the project within market. He noted that the Borough would actually bring in more tax revenues during the abatement period, and will then have a "wonderful ratable for decades." Schools and the county would receive less during the abatement period than afterward, but no less than they are receiving at present. Mayor Patten noted that, at this time, the Borough has made no commitment to any tax abatement. Mr. Raffetto added that approval of any abatement would

require further action by Council; however, it has been understood that this is a part of the process. During the abatement period, the Borough keeps a larger share of the revenue, and the owners would pay less in taxes. Under regular taxation, owners would be paying much more, making the units less attractive for purchase than in neighboring towns.

*Q: Stockton Street is congested already. Won't this add more traffic?*

A. It will add traffic, and traffic studies will reveal how to optimize the traffic flow. Plans can change accordingly.

*Q: How can you redevelop a property with environmental contamination?*

A. Mr. Mehta said that the environmental issues have been extensively studied, and a plan for dealing with them will be submitted to NJDEP for approval. These issues will not interfere with the construction plan, he said, and do not pose any problem for the townhouses. He noted that the arsenic contamination is only 8 to 14 inches deep. As it will be on open land, there are several options for handling this.

*Q. is the contract between Greystone and the current property owners an assignable contract?*

A. "Yes," Mr. Mehta replied. "The contract between myself and Greystone is also assignable."

Fire Chief John Archer urged Council to proceed with the redevelopment of this property. "We have an eyesore right now," he said, "and it has been for a long time. Anyone wanting to redevelop it is a bonus to Hightstown and we should look seriously at it. It's nice to throw stones, but we have a viable option here."

Mike Theokas of Theo's Lakeside Tavern asked Council to keep an open mind during this redevelopment process, and to recognize and allow for the fact that developers are in business. "This is a great project," he said. He cautioned the governing body that Hightstown is "quickly forming a reputation as being unwelcoming to development and change." While he does not advocate "rubber stamping" things, "development *means* change," he said, adding, "You have to keep an open mind and keep this project moving, or it will still be a big, empty, rat-infested warehouse three years from now." He urged Council to "think on a larger scale."

Mr. Mehta noted that he believes that a large corporation would have difficulty completing a job with this number of units because they must answer to investors, and must prove a certain rate of return.

After Mr. Mehta's presentation, Council inquired as to how to move this process forward so that the Borough can continue to entertain discussions with Mr. Mehta and fine tune his proposal. Because this matter is at such a preliminary stage, and because the Borough has no money budgeted to re-convene the professionals without financial assistance from a developer, Mr. Raffetto recommended that the Borough consider executing a Memorandum of Understanding (M.O.U.) with ITN, Inc., similar to the M.O.U. that was initially executed with Greystone, memorializing that the parties have reached an understanding whereby the developer agrees to post a specified amount of funds in escrow with the Borough to facilitate the Borough's efforts to redevelop the site. The M.O.U. would convey no rights whatsoever to the developer, and is simply a mechanism to allow for the posting of funds by an outside party to pay our professionals for services which might in the end benefit the developer, but with no guarantees and at the developer's own risk. Council indicated its consensus for Mr. Raffetto to prepare an M.O.U. and a Resolution authorizing the Borough's officials to execute same for consideration at the November 7 meeting. If adopted, Mr. Mehta will be required to post escrow funds and the Borough will start to engage in discussions with him. If those discussions prove favorable, the Subcommittee could consider recommending to the full Council that ITN, Inc. be designated the Conditional Redeveloper and/or possibly the full Redeveloper of the site at some future date.

## ORDINANCES

### PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-34,

BOND ORDINANCE PROVIDING FOR STREETScape AND OTHER IMPROVEMENTS IN THE MAIN STREET REDEVELOPMENT AREA IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 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 2005-34.

**Phyllis Deal**, 305 Stockton Street, asked that, when extending the downtown revitalization work along North Main Street, the Borough take into consideration the fact that the sidewalks around the hanging flower baskets have become stained and make some provision for that. She also said that she would like the street signs to be lower.

No one else came forward and the hearing was closed.

Council President Schneider asked what would happen if the cost of this project came in under the amount included in this Ordinance. Ms. Gallagher stated that any excess would be cancelled.

Ordinance 2005-34 was moved for adoption by Councilwoman Laudenberg and seconded by Councilman Sikorski.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider and Sikorski voted yes.  
Councilman Thompson was absent.

**Ordinance adopted, 5-0-1.**

**ORDINANCE 2005-34            BOND ORDINANCE PROVIDING FOR STREETScape AND OTHER IMPROVEMENTS IN THE MAIN STREET REDEVELOPMENT AREA IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$450,000, including the anticipation of a \$350,000 grant, and further including the sum of \$5,000 as the down payment required by the Local Bond Law. 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 and the grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$95,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for streetscape and other improvements in the Main Street Redevelopment Area, including the construction of new curbs, sidewalks and decorative sidewalk pavers, streetlights, benches and garbage receptacles, and further 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 capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 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 \$95,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$60,000 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 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.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-35,  
ESTABLISHING A MUTUAL AID AGREEMENT FOR EMERGENCY POLICE SERVICES AMONG  
AND BETWEEN THE MUNICIPALITIES OF MERCER COUNTY PURSUANT TO N.J.S.A 40A:14-  
156, 40A:14-156.1, 40A:14-156.2 AND 40A:14-156.3**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2005-35.

No one came forward and the hearing was closed.

Ordinance 2005-35 was moved for adoption by Councilman Quattrone, seconded by Councilman Sikorski.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider and Sikorski voted yes.  
Councilman Thompson was absent.

**Ordinance adopted, 5-0-1.**

**ORDINANCE 2005-35                    ESTABLISHING A MUTUAL AID AGREEMENT FOR EMERGENCY POLICE SERVICES AMONG  
AND BETWEEN THE MUNICIPALITIES OF MERCER COUNTY PURSUANT TO N.J.S.A. 40A:14-  
156, 40A:14-156.1, 40A:14-156.2, AND 40A:14-156.3**

**WHEREAS**, N.J.S.A. 40A:14-156, 40A:14-156.1, 40A:14-156.2, and 40A:156.3 authorize municipalities to enter into mutual aid and assistance agreements for police services in cases of emergencies; and

**WHEREAS**, the County of Mercer consists of 13 municipalities, 12 of which have municipal police or fire departments operating for or within the Township of East Windsor, the Township of Ewing, the Township of Hamilton, the Borough of Hightstown, the Township of Hopewell, the Township of Lawrence, the Borough of Pennington, the Borough of Princeton, the Township of Princeton, the City of Trenton, the Township of Washington, and the Township of West Windsor, which regularly interact and provide assistance to each other in police related emergencies; and

**WHEREAS**, each of the aforementioned municipalities in the County of Mercer wish to formalize and refine existing practice by entering into mutual aid agreements;

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

**Section 1: Mutual Aid Agreements Established.** Pursuant to N.J.S.A. 40A:14-156 and N.J.S.A. 40A:14-156.1, *et. seq.*, there are hereby established mutual aid agreements among and between the Borough of Hightstown and each of the aforementioned municipalities in the County of Mercer, New Jersey, which shall become effective upon the adoption by one or more of the aforementioned municipalities (hereinafter referred to as "participating municipalities") of reciprocal ordinances to provide mutual aid in police services in case of emergency. This agreement shall apply whenever this municipality may have an emergency within its boundaries requiring additional police assistance to protect life and property, and whenever any of the aforementioned municipalities may experience a similar emergency.



**Section 2: Emergency Defined, S.O.P.** For purposes of this Ordinance, the term “emergency” shall be defined to include situations in which the number of available police officers in a participating municipality is insufficient to meet the public need in a particular situation and situations where police aid involving special expertise, training, or equipment is required in order to protect life and property or to assist in suppressing a riot or disorder. No formal declaration of emergency is required to implement the provisions of the Mutual Aid Agreement.

**Section 3: Requests for Assistance.** The Police Chief, Police Director, or acting head of the Police Department, or Mayor, or Chief Executive Officer of a participating municipality, is hereby authorized to request assistance from the Chief or other head of the Police Department of any other participating municipality to provide aid in accordance with *N.J.S.A. 40A:14-156, et. seq.*

**Section 4: Provision of Assistance.** A participating municipality shall provide police assistance when a valid request in accordance with this Agreement to supply personnel is made, to the extent possible without endangering persons or property within the confines of the providing municipality.

**Section 5: Powers, Rights, Immunities.** The members of the providing municipality’s Police Department supplying aid shall have the same powers, authorities, rights, and immunities as the members of the police force of the requesting municipality when aid is being rendered therein. Said members shall also have, while so acting, such rights and immunities as they may otherwise enjoy in the performance of their normal duties in the municipality rendering such assistance.

**Section 6: County Critical Incident Management Plan.** These mutual aid agreements established herein by and between the aforementioned municipalities in the County of Mercer shall further authorize mutual police aid and assistance under the County Critical Incident Management Plan as established by the Mercer County Prosecutor as the Chief Law Enforcement Official in the county. The plan provides for a response by specially trained regional Emergency Response/Special Weapons and Tactics Team in the event of certain hostage, barricade, sniper, high risk armed apprehensions, terrorist, or similar situations occurring within a municipality within the County of Mercer.

**Section 7: Benefits, Injury, Death.** Members of the police force of the providing municipality suffering injury, or their legal representatives, if death results while rendering assistance in the requesting municipality, shall be entitled to all such salary, pension rights, Workers’ Compensation, or other benefits, as they would have accrued if such injury or death had occurred in the performance of duties in their own municipality, with such benefits to be the responsibility of the providing municipality.

**Section 8: Reimbursement.** A municipality receiving police assistance hereunder pursuant to the terms of the County Critical Incident Management Plan shall not be required to directly reimburse the regional team for services so provided. The member municipalities shall, however, otherwise support the function of the respective regional response teams by providing the necessary manpower, equipment, and supplies on an ongoing annual basis pursuant to the terms of the County Critical Incident Management Plan.

Where emergency police aid is otherwise provided under circumstances outside of the County Critical Incident Management Plan, reimbursement shall be pursuant to *N.J.S.A. 40A:14-156*, or such other terms and conditions for reimbursement specifically agreed to between specific municipalities.

**Section 9: Internal Affairs.** Any complaints of an internal affairs nature made against an officer for conduct while serving in a municipality other than his/her home municipality pursuant to this Mutual Aid Agreement shall be investigated by appropriately designated police officials from the home municipality. This investigation may be assisted by police officers from the municipality where the alleged incident occurred. Any allegations of potential criminal conduct by an officer shall be immediately referred to the Mercer County Prosecutor’s Office for review.

**Section 10: Effective Date.** This Ordinance shall take effect upon final passage and publication according to law. It shall become effective with respect to this municipality’s activities with another participating municipality, when such other participating municipality has adopted an ordinance reciprocal to this one, and such ordinance has become effective in that municipality.

## PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-37,

AN ORDINANCE TO AMEND ORDINANCE 2000-10, ADOPTED JUNE 5, 2000, ENTITLED,  
"BOND ORDINANCE PROVIDING FOR PHASE ONE OF THE GREENWAYS PROJECT IN AND BY  
THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$287,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$272,650  
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 2005-37.

No one came forward and the hearing was closed.

Ordinance 2005-37 was moved for adoption by Councilman Sikorski, seconded by Councilwoman Laudenberg.

Roll Call: Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider and Sikorski voted yes.  
Councilman Thompson was absent.

### **Ordinance adopted, 5-0-1.**

**ORDINANCE 2005-37** AN ORDINANCE TO AMEND ORDINANCE 2000-10, ADOPTED JUNE 5, 2000, ENTITLED,  
"BOND ORDINANCE PROVIDING FOR PHASE ONE OF THE GREENWAYS PROJECT IN AND  
BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$287,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$272,650.00  
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

**WHEREAS**, Bond Ordinance 2000-10, appropriating funds for Phase I of the Borough's Greenways Project, was finally adopted on June 5, 2000 and included an appropriation of up to \$62,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 ("Section 20 expenses"); and

**WHEREAS**, it is necessary to amend this Ordinance in order to increase the portion of the appropriation that is allocated to Section 20 expenses; and

**WHEREAS**, it is not necessary to alter the total amount appropriated by the Ordinance or the amount of bonds or notes authorized to be issued;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and 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 ONE. Section 6(d) of Bond Ordinance 2000-10 is hereby amended in its entirety to read as follows:

(d) An aggregate amount not exceeding \$90,000.00 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 TWO. In all other respects, Bond Ordinance 2000-10 is ratified and confirmed.

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

## **RESOLUTIONS**

**Resolutions 2005-218, 219, 220, 221, 222 and 223** were moved by Councilman Sikorski and seconded by Council President Schneider.

Roll Call: Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider and Sikorski voted yes.  
Councilman Thompson was absent.

**Resolutions adopted, 5-0-1.**

**RESOLUTION 2005-218 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 **\$942,220.76** from the following accounts:

Current	\$ 802,283.23
W/S Operating	110,206.53
General Capital	1,829.00
W/S Capital	6,003.98
Animal Control	340.00
Grant	383.47
Trust	1,596.21
Public Defender	1,250.00
Escrow – Subdivision & Site Plan (First Washington Bank)	2,826.42
RCA COAH – Escrow	15,501.92
<b>Total</b>	<b><u>\$ 942,220.76</u></b>

**RESOLUTION 2005-219 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-157 TO PEDDIE SCHOOL**

**WHEREAS**, Peddie School wishes to hold an off-premise 50/50 raffle at the Peddie School on May 6, 2006; and

**WHEREAS**, the group has submitted application number RA-157 for this raffle along with the required fees; and

**WHEREAS**, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-157 to the Peddie School for their 50/50 raffle to be held on May 6, 2006.

**RESOLUTION 2005-220 AUTHORIZING WAIVER AND REFUND OF TEMPORARY FOOD LICENSE FEE**

**WHEREAS** on Saturday, October 1, a fundraiser was held at 105 Oak Lane for the East Windsor Travel Soccer Dynamo; and

**WHEREAS** because the fundraiser included a bake sale, it was necessary for the group to obtain a temporary food establishment license from the Board of Health at a cost of \$35.00; and

**WHEREAS** Julie Kramer, coordinator of the event, has requested that this fee be waived and refunded to the group as set forth in her letter dated October 4, 2005;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the temporary food establishment license fee charged to this group in the amount of \$35.00 be waived, and that the Treasurer is hereby authorized to issue a refund to Ms. Kramer in that amount.

**RESOLUTION 2005-221****AUTHORIZING REFUND OF COMMUNITY FAIR FEE**

**WHEREAS** on July 22, 2005, the Borough of Hightstown received and deposited payment in the amount of \$15.00 from Assemblymen Michael Panter and Robert Morgan for space reserved at Hightstown's 3<sup>rd</sup> Annual Community Fair; and

**WHEREAS** subsequently, the Assemblymen determined that they would not be able to attend the fair; and

**WHEREAS** on October 3, 2005, the Borough Treasurer requested permission to refund the fee paid by Assemblymen Panter and Morgan for this event;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Treasurer is hereby authorized to refund to Assemblymen Panter and Morgan the amount of \$15.00 as detailed herein.

**RESOLUTION 2005-222****AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS** duplicate payments for third quarter taxes on property located at 17 Huber Court were received from the homeowner, John Mastrobattista, and the mortgage company for this property, resulting in an overpayment in the amount of \$978.85; and

**WHEREAS** the homeowner has requested a refund of the overpayment; and

**WHEREAS** the Tax Collector has requested permission to grant this request;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Treasurer is hereby authorized to refund to John Mastrobattista, 17 Huber Court, Hightstown, New Jersey, the amount of \$978.85 as set forth herein.

**RESOLUTION 2005-223****AUTHORIZING APPLICATION FOR STATE AID UNDER THE MUNICIPAL STORMWATER REGULATION PROGRAM**

**WHEREAS** the Mayor and Council of the Borough of Hightstown desire to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$8,468.00 to fund stormwater activities as described in the Scope of Services (Grant Agreement between the Borough of Hightstown and the State of New Jersey, by and for the Department of Environmental Protection, Grant Identifier WQ05-299);

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

1. Candace B. Gallagher or the successor to the office of Borough Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute any amendments thereto.
2. The Borough of Hightstown agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to this Agreement.

## **CORRESPONDENCE**

The following items of correspondence were noted for the record, included in the meeting packets and placed on file in the office of the Borough Clerk:

- Letter from New Jersey Department of Transportation announcing award to Borough of \$180,000 Municipal Aid for reconstruction of Cole Avenue and Clinton Street
- Tax/Water/Sewer Collector's Reports – September 2005
- Letter from resident regarding Greenways path

## PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

**Councilwoman Nancy Walker Laudenberger** spoke from the podium to thank all in the Borough who supported and worked on the Community Fair which was held on the previous Sunday.

No one else came forward and the floor was closed.

Upon motion by Councilwoman Laudenberger, seconded by Councilman Sikorski and unanimously approved, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk