

**OPEN SESSION**

Mayor Robert Patten called the meeting to order at 7:15 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**

	<b>PRESENT</b>	<b>ABSENT</b>
<i>Mayor Patten</i>	✓	
<i>Councilmember Laudenberger</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sackowitz</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

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

**APPROVAL OF AGENDA**

Mayor Patten requested that Resolution 2005-100 be addressed prior to the public hearing on the budget, and that Resolution 2005-113 be addressed immediately prior to the public hearing on Ordinance 2005-12.

The agenda was moved as so amended by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved.

**APPROVAL OF MINUTES**

Minutes of the April 4, 2005 open and closed sessions were moved by Councilman Sikorski, seconded by Councilman Thompson and approved as submitted by all but Councilman Schneider, who abstained because he was not present at that meeting.

**PUBLIC COMMENT I**

Mayor Patten opened the floor for public comment.

**Peter Klapsogearge**, 418 North Main Street, recalled that, at the last meeting, the Mayor had indicated that a church group was going to begin work this week on the Wyckoff house (421 North Main Street), but that has not taken place<sup>1</sup>. This matter, he said, is one of "quality and life and safety for the neighbors and the town. It's ready to implode."

Regarding the house at 409 North Main Street, Mr. Klapsogearge said, "it's a boarding house, whether or not you want to believe that." The property is zoned R-3 for single-family residential housing, he said, yet "more people live there than in two duplexes at 407 and 405." He said that he counted six or seven cars there on a recent morning. Councilman Sikorski agreed that there were at least that many cars there, and possibly more. "It's blatantly obvious what's going on there," Mr. Klapsogearge said, and he asked Council to "do the right thing" and enforce the Borough's codes. He closed by criticizing a comment made by Councilwoman Laudenberger at the prior meeting wherein she told Mr. Sarafin that he'd "better not" sell his home for use as a multifamily dwelling. He suggested that she was more concerned about issues "in her own backyard."

Councilwoman Laudenberger responded to apologize to the North Main Street residents. "The situation you are facing is very real," she said. "I responded in jest [to Mr. Sarafin] and I realize now that I should not have."

Councilman Sikorski stated that he has met twice with Mr. Wetterskog regarding these issues. "Harry is carrying out the responsibilities of his office, and he is in contact with me daily about this," Mr. Sikorski said. "Action is being taken on this property."

**Eugene Sarafin**, 600-628 South Main Street, stated that he has no respect for the governing body and referred to them as "ultimate morons." He spoke of the need for revaluation and criticized Council because money was not appropriated for it in the 2005 budget.

**Julie Barton**, 410 North Main Street, asked that the Borough's ordinances be enforced at 409 and 421 North Main Street. "409 happened due to 421," she said. "This is my home – where I hope to raise my child. I didn't know there was a disparity between North and South Main Street when I bought it." She asked Council for their help.

**Carol Hewins**, 104 Hausser Avenue, stated that she came to this meeting to support the North Main Street residents in attendance, but also wished to point out that a house on the corner of Morrison and Hausser has become a multifamily dwelling also. There is traffic, wild parties, and four or five residents at a time are picked up by vans. She said that there are five or six families living there, all with children. "They're splitting their taxes," she said. "We can't." She closed by saying, "Something has to be done about the town as a whole, not just one street. It's getting out of control."

Mayor Patten stated that the Borough is trying to enforce its ordinances, but there are civil rights issues that come into play. He urged anyone with a specific complaint to contact Ms. Gallagher, Mr. Wetterskog or Chief Eufemia to provide specific information. "Sometimes we hear these things for the first time at a public meeting," he said.

**Howard Levine**, 414 North Main Street, asked why the budget for housing code enforcement was reduced from \$1,900 in 2004 to \$500 in 2005. Ms. Gallagher stated that some funds were moved to other areas, and there may have been one-time expenditures included in 2004. She assured him that the Borough does not plan to cut routine spending on housing code enforcement issues.

**Lawrence Jones**, 148 Stockton Street, stated that there are "entirely too many vehicles" at 421 North Main Street, and urged that the Borough enforce its ordinances, including stop intersections and red light violations.

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<sup>1</sup> See Public Comment at meeting of April 4, 2005.

No one else came forward and Mayor Patten closed the floor.

## **RESOLUTION 2005-100**

### **RESOLUTION 2005-100, AUTHORIZING THE SALE OF REAL PROPERTY IN THE OWNERSHIP OF THE BOROUGH OF HIGHTSTOWN WHICH IS NO LONGER NEEDED FOR PUBLIC USE**

Councilman Quattrone stated that, at the last meeting, he had requested that action on this Resolution be postponed due to questions regarding the Borough's affordable housing obligation. Even if a duplex is built on this lot, Mr. Quattrone said, he would like to see at least one of the residences become an affordable housing unit.

Randall Gottesman of Community Grants and Planning, Inc. was in attendance, and the Mayor asked him to comment.

Mr. Gottesman addressed Council at length, stating that, several years ago, when he prepared the Borough's Housing Element and Fair Share Plan for COAH's Round Two, it included a recommendation that seven affordable units be constructed on South Academy Street that would go toward our total obligation under Round Two of 16 units. Under the new Round Three rules, he said, the Borough has other options. Mr. Gottesman's firm is working now on our revised plan, and will be recommending that *all* new construction within the boundaries of the Borough have an affordable housing component.

Councilman Quattrone expressed concern that COAH may frown upon the Borough's selling the Academy Street property without a deed restriction in place for affordable housing. Mr. Gottesman replied, "COAH won't micromanage the Borough to that extent. Their job is to wait for us to submit a Round Three plan and then react or respond to that." Mr. Quattrone suggested that it may be better to be proactive now, and this represents an opportunity for the Borough to fulfill a part of our outstanding obligation. "There's nowhere to build," he said.

Councilwoman Laudenberger said that she would not want to see the Borough's affordable housing "clustered in one place." Councilman Quattrone and Mr. Gottesman agreed.

Mr. Gottesman went on to note that COAH's Round Three rules provide optional ways for the Borough to meet its affordable housing obligation, including:

- A new "buy down - write down" program, where the Borough can use funds obtained through the assessment of developers' fees to subsidize and reduce the purchase price of any home to make it affordable to a person of moderate income. Any housing unit so subsidized would count as a full credit for the Borough without the need to generate new construction.
- There may be certain areas or types of structures where the Borough could get credit for "accessory housing," which, in essence, allows a second housing unit on a single lot.
- If there are existing rental apartments that require significant rehabilitation, and if a cooperative landlord is interested in receiving significant funding from the State to subsidize those renovations, the Borough can receive a full COAH credit for each unit rehabilitated. "You do have rental obligations as well," he said.

Mayor Patten noted that the Borough's consolidated Academy Street property is now a buildable lot, and could be sold for between \$80,000 and \$100,000. If it is deed restricted, we may only realize \$50,000 from its sale. He recommended that the Borough sell the property without the deed restriction, realize the greater revenue, and then use funds from developers' fees to subsidize the property for affordable housing, as described by Mr. Gottesman.

Councilman Thompson suggested that the Borough itself build a duplex on this lot and earn money from its sale while satisfying a part of its affordable housing obligation. Mayor Patten stated that he had suggested this at the last meeting.

Mr. Gottesman noted that this property was included in the Borough's adopted Redevelopment Plan. "It was not a major focus," he said, "but half the work is done. If Council wants to take action, it would be more cost effective [for his firm to complete the plan] than starting from scratch."

Councilman Schneider asked what would happen if a builder was constructing only two units, as the Round Three rules call for one unit of affordable housing for every eight units of new construction. Mr. Gottesman replied that the Borough would adopt a "growth share ordinance" to require a contribution from developers for each new unit of construction, to be used toward satisfying the Borough's COAH obligation. The Borough, he said, can determine how much, in subsidies, it costs to build one affordable housing unit. Mr. Gottesman estimated that cost at \$80,000, and said that it was "definitely between \$40,000 and \$120,000." Councilman Schneider stated that, in light of the value of each unit of the Borough's affordable housing obligation, "we need to consider making this deed restricted." Mr. Gottesman noted that the subsidy cost would depend on what the home sells for and added that, if one affordable housing unit is subsidized by eight market rate units, and assuming a subsidy of \$80,000, that cost would be \$10,000 per market rate unit. If a builder is building less than eight units, COAH will allow us "to set a per-unit fee that works."

Councilman Schneider questioned whether the lot in question would actually sell for between \$80,000 and \$100,000. Mayor Patten noted that this figure came from the Borough's tax assessor.

Councilman Sikorski asked Mr. Gottesman for his recommendation. Mr. Gottesman stated that, if the Borough is seeking the traditional one affordable housing unit for each eight market rate units, "you'll get that over the next few months, assuming the ordinance to be presented is approved."

Mr. Raffetto pointed out that Mr. Gottesman was asked at 5:30 that day to attend this meeting to provide information about the new COAH rules. The question of a deed restriction on this property is a policy call by Council, he said.

Regarding the possibility of the Borough doing the construction itself, Mr. Gottesman stated that he has not seen towns do that, but often a town will use the "redevelopment tool" to identify a developer and do a slightly larger project.

Councilman Schneider recommended that the Borough deed-restrict this property in order to avoid legal liability, so that the purchaser is aware upfront of the Borough's intentions for this lot. Mr. Raffetto stated that the Borough could work a deed restriction into this and attempt to sell the lot, but is not *obligated* to either deed-restrict it or to accept a bid lower than they would prefer.

Mayor Patten noted that if three or four properties on Academy Street were subdivided, with the Planning Board's consent, there could be eight housing units built. However, a deed restriction could isolate this parcel. Proceeding through a redevelopment plan could make things easier. Mr. Gottesman was asked how much it would cost to complete the Redevelopment Plan for this property. He estimated that cost at between \$10,000 and \$15,000, and said that he would be able to complete a draft within 30 days.

The consensus of Council was to put this issue aside for the time being and continue gathering information. Mr. Raffetto recommended that the existing Resolution be voted on and defeated and that we start over with this when the time comes.

**Resolution 2005-100** was moved by Councilman Quattrone and seconded by Councilman Sikorski.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted no.

**Resolution DEFEATED, 6-0.**

## PUBLIC HEARING – 2005 BUDGET

Ms. Gallagher distributed information packets containing summarizations and charts of the Borough's 2005 introduced budget<sup>2</sup> along with copies of the budget document itself, and reviewed the major budget impacts. She noted that redevelopment costs are not included in this budget because that cost can be spread over the budgets of the next five years.

Mayor Patten opened the floor for the public hearing on the introduced 2005 budget.

**Eugene Sarafin**, 600-628 South Main Street, stated that "no one could understand this budget" and accused the Borough of "running government from the water-sewer plant." We should close the town down, he said, because "we can't afford it," and added that the new ratables will not be sufficient to solve the problem. He claimed that 90 percent of Ms. Gallagher's salary is charged to the water-sewer budget and called the budget "immoral." He said that he plans to write to the DCA to recommend that the Borough receive no Extraordinary Aid and closed by saying, "Time's up for this stupid town."

No one else came forward and the hearing was closed.

Ms. Gallagher noted that Mr. Sarafin's allegation that 90 percent of her salary is charged to the water-sewer budget is inaccurate. Administrative salaries are charged in accordance with time spent on water-sewer issues (36% for most positions), and the Borough is in the second year of a five-year process of adjusting the allocation of Public Works salaries to properly reflect time spent between current and water-sewer.

## ENGINEER'S ITEMS

### RESOLUTION 2005-114, AUTHORIZING CHANGE ORDER NO. 2 TO CONTRACT WITH CB&I SERVICES, INC.

Ms. Roberts reviewed the provisions of this Resolution, which was then moved by Councilman Sikorski and seconded by Councilman Schneider.

**Roll Call:** Councilmembers Laudemberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

#### **RESOLUTION 2005-114      AUTHORIZING CHANGE ORDER NO. 2 TO CONTRACT WITH CB&I SERVICES, INC. (WYCKOFF'S MILL WATER STORAGE TOWER, R&R FILE NO. H1212)**

**WHEREAS** on June 7, 2004 the Borough of Hightstown awarded a contract for the construction of an elevated water storage tank to Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware, in the amount of Nine Hundred and Seven Thousand Four Hundred and Fifty-Two (\$907,452.00) Dollars; and

**WHEREAS** on March 7, 2005, Change Order No. 1 to that contract was approved in the amount of \$402.00, bringing the total contract price to \$907,854.00; and

**WHEREAS**, the Borough Engineer has recommended that Change Order No. 2 to this contract be approved in the amount of \$2,849.00 to provide for a change in the type of exterior paint to be used, in order to comply with new State regulations which became effective on January 1, 2005; and

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

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<sup>2</sup> Included at the end of these 4/18/2005 minutes

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

1. Change Order #2 to the contract with CB&I Services, Inc. for the Wyckoff's Mill water storage tower in the amount of Two Thousand Eight Hundred and Forty-Nine (\$2,849.00) Dollars is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 2, the revised contract price is Nine Hundred and Ten Thousand Seven Hundred and Three (\$910,703.00) Dollars.

## **RESOLUTION 2005-113**

### **RESOLUTION 2005-113, AUTHORIZING AGREEMENT WITH ST. FRANCIS MEDICAL CENTER FOR PROVISION OF EMERGENCY MEDICAL SERVICES**

Ms. Gallagher reviewed the provisions of Resolution 2005-113. Councilman Quattrone questioned a provision in the agreement which would require Borough volunteers to wear uniforms that differ from those worn by St. Francis. Representatives of St. Francis EMS were in attendance, and GERALYNN HOOD of that group responded to explain that, under State regulations, the volunteers cannot be confused with the St. Francis crew. Squad members, she said, do have navy blue polo shirts that look great and could be used.

Resolution 2005-113 was moved by Councilwoman Laudenberg and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

#### **RESOLUTION 2005-113      AUTHORIZING AGREEMENT WITH ST. FRANCIS MEDICAL CENTER FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES**

**WHEREAS** on November 15, 2004, the Borough Council authorized a letter of intent with St. Francis Medical Center for the provision of emergency medical services, as well as a formal agreement with substantially the same terms and provisions as outlined therein; and

**WHEREAS** St. Francis has been providing emergency medical services to the Borough under said Letter of Intent, and the Borough and St. Francis now wish to enter into a formal agreement for these services, which agreement is attached hereto and made a part hereof; and

**WHEREAS** said agreement provides, in addition to the provision by Saint Francis of emergency medical services, for the lease to St. Francis of the Borough's 1994 ambulance, which lease has been duly authorized by the adoption on this date of Ordinance 2005-12;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to sign, and the Borough Clerk to attest, the agreement between St. Francis Medical Center and the Borough of Hightstown which is attached hereto and made a part hereof<sup>3</sup>.

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<sup>3</sup> Agreement is on file in the Borough Clerk's office.

## ORDINANCES

### PUBLIC HEARING (CONTINUED) AND FINAL READING: ORDINANCE 2005-12, AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A LEASE AGREEMENT WITH SAINT FRANCIS MEDICAL CENTER REGARDING THE USE OF A BOROUGH- OWNED AMBULANCE

Ms. Gallagher provided a brief review of this Ordinance. Mr. Raffetto recommended that a non-substantive change be made to the Ordinance in order to clarify that it authorizes the leasing of the vehicle as set forth in the agreement approved with Resolution 2005-113. That change will be made and will not require readvertisement.

Mayor Patten opened the public hearing on Ordinance 2005-12.

**Lawrence Jones**, 148 Stockton Street, questioned the lease to St. Francis of an ambulance which, he said, was purchased by the First Aid Squad with donations from residents.

Ms. Gallagher stated that this 1994 ambulance was purchased prior to her employment here, but her understanding is that it was financed by the Borough through the MCIA. The ambulance remains in the ownership of the Borough.

**Eugene Sarafin**, 600-628 South Main Street, stated that the Borough did pay for that ambulance with tax dollars and not donations. He asked if St. Francis will be providing mutual aid to other towns. Ms. Gallagher stated that it is the intent to do so and, in fact, St. Francis has been providing mutual aid since they began serving the Borough earlier in the year. Mr. Sarafin stated that volunteerism in first aid can no longer work. He claimed that the Squad has "\$200,000 in surplus in their account" and said that they should divide it up and give their new ambulance to the town. He expressed support for the Ordinance.

No one else came forward and the public hearing was closed.

Ordinance 2005-12 was moved for adoption by Councilman Quattrone and seconded by Councilman Sikorski.

**Roll Call:** Councilmembers Laudemberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

#### ORDINANCE 2005-12      AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO LEASE A BOROUGH- OWNED AMBULANCE TO SAINT FRANCIS MEDICAL CENTER

**WHEREAS**, N.J.S.A. 40A:12-14 authorizes any municipality to lease any real property, capital improvement or personal property not otherwise needed for public use under the terms and conditions set forth in that statute; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-14(c), a municipality may, by Ordinance, authorize a lease of such property to a non-profit corporation or association for a public purpose, which arrangement may be for nominal or other consideration, without the necessity of open public bidding; and

**WHEREAS**, on November 15, 2004, the Hightstown Borough Council adopted Resolution No. 2004-306, which authorized the Borough to execute a letter of intent with Saint Francis Medical Center ("Saint Francis"), a non-profit corporation, for the provision of emergency medical services and ambulance services to the Borough; and

**WHEREAS**, Resolution No. 2004-306, as well as Resolution No. 2005-113, authorized the Borough to enter into a subsequent formal written agreement with Saint Francis in order to provide for such emergency medical and ambulance services; and

**WHEREAS**, one component of the arrangement contemplated between the Borough and Saint Francis includes the prospective leasing of a Borough-owned ambulance to Saint Francis for nominal consideration, so as to assist Saint Francis in providing emergency medical and ambulance services to the public; and

**WHEREAS**, the purpose of this Ordinance is to authorize the Borough to lease said Borough-owned ambulance to Saint Francis for nominal consideration, in accordance with N.J.S.A. 40A:12-14.

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

1. That the Borough is hereby authorized to lease a 1994 Ford ambulance, VIN# 1FDKE30M2RHA00249, to Saint Francis Medical Center, a non-profit corporation, in order to assist with the provision of emergency medical and ambulance services to the public. Upon the execution of the formal written agreement contemplated by Resolution Nos. 2004-306 and 2005-113, the said ambulance shall no longer be needed for use by the Borough.
2. That all of the pertinent terms and conditions relating to the leasing of the vehicle are set forth in the formal written agreement contemplated by Resolution Nos. 2004-306 and 2005-113 (as referenced above). Among other things, the term of the lease arrangement shall be for a five (5) year period, with the Borough being responsible for all fees associated with the ambulance (including maintenance costs and insurance coverage).
3. That the lease of the ambulance shall be for the nominal consideration of One Dollar (\$1.00) per year.
4. That it is hereby recognized that the public purpose to be served by the lease shall be for the provision of emergency medical and ambulance services to protect the health, safety and welfare of the public. The Borough Business Administrator shall be considered the officer who is responsible for enforcement of the terms and conditions of the agreement.
5. That, as a condition to the leasing of the vehicle, Saint Francis Medical Center shall be required to annually submit a report to the Borough Business Administrator setting out the use to which the leasehold was put during the prior year, the activities of the Lessee undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax-exempt status of the non-profit corporation (Saint Francis) pursuant to both State and Federal Law.
6. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest an agreement with Saint Francis Medical Center which provides for the lease arrangement referenced herein, under the terms and conditions referenced above, which shall be acceptable to the Borough Attorney.
7. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
8. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
9. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-13,**  
**AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL***  
***ORDINANCES OF THE BOROUGH OF HIGHTSTOWN***

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2005-13.

**Eugene Sarafin**, 600-628 South Main Street, asked what parents will do who have previously been driving up and dropping off their kids along the portion of the street where stopping and standing will now be prohibited. Mayor Patten stated that the school's staff will be maintaining arrival and departure procedures. Mr. Sarafin recommended that the



language of the ordinance be changed to provide that stopping or standing would be allowed if dropping off schoolchildren.

No one else came forward and the hearing was closed.

Councilman Quattrone asked, "Why have we gone to this extreme?" Mayor Patten stated that there is a problem with arrival and departure times with parents stopping, opening car doors into the line of traffic, stopping on the wrong side of the road, and kids getting out on the right side of the car. "We have had serious problems," he said. This ordinance needs to be enacted for the safety of the kids, he said, and the school principal is in favor of it. "It has been chaotic," he added, "and this ordinance was thought out very carefully." Councilman Schneider asked where the children would be dropped off. Mayor Patten answered that the parents would drive into the horseshoe area where a teacher or aide would be there to escort the child inside. Councilman Thompson stated that the Rogers School has a good system in place that is similar, and he feels confident that this will work.

Ordinance 2005-13 was moved for adoption by Councilman Sikorski and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance adopted, 6-0.**

**ORDINANCE 2005-13                      AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC,"  
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

**WHEREAS** the Chief of Police has recommended that, in the interest of public safety, the *Revised General Ordinances of the Borough of Hightstown* be amended to prohibit stopping or standing along a portion of Harron Avenue;

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

Section 1. Subsection 7-10.1, "Stopping or Standing Prohibited During Certain Hours on Certain Streets," is hereby amended by the addition of the following new location:

Name of Street	Side	Hours	Location
Harron Avenue	East	All times	From the southerly curbline of Stockton Street to a point 543 feet south

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

**INTRODUCTION AND FIRST READING: ORDINANCE 2005-14,  
AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO  
ESTABLISH NEW CHAPTER 25, "STORMWATER CONTROL"**

Ms. Roberts provided a review of the provisions of Ordinance 2005-14. The adoption of this Ordinance implements the Stormwater Management Plan which was recently approved by the Planning Board, and is required by NJDEP as part of the Borough's stormwater permit. This ordinance, she said, is very similar to what the State has adopted as its new stormwater regulations, but one difference is that, as a designated Town Center, the Borough is exempt from a recharge requirement. Councilman Quattrone asked how much it has cost the Borough to have this plan drawn up, noting that the Borough is once again forced to expend funds to meet requirements set forth by the State. Ms. Roberts said that she has done a number of things for the Borough related to stormwater. Ms. Gallagher noted that the Borough received a grant

from NJDEP of over \$8,000 that was intended to be used toward satisfying the new stormwater requirements, including Ms. Roberts' fees, and we will be applying again in 2005.

Ordinance 2005-14 was moved for introduction by Councilman Sikorski and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance introduced, 6-0.**

## INTRODUCTION AND FIRST READING: ORDINANCE 2005-15,

AN ORDINANCE TO AMEND SECTION 26-9 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING CHECKLISTS FOR SUBDIVISIONS AND SITE PLAN APPROVAL

Ms. Roberts explained that this Ordinance is necessary in order to bring the Borough's checklists into compliance with Ordinance 2005-14.

Ordinance 2005-15 was moved for introduction by Councilman Quattrone and seconded by Councilwoman Laudenberger.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Ordinance introduced, 6-0.**

The public hearings and final readings for both introduced ordinances was set for May 2, 2005.

## BUDGETARY RESOLUTIONS

### RESOLUTION 2005-115, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

**Resolution 2005-115** was moved by Councilman Sikorski and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

**Resolution adopted, 6-0.**

### RESOLUTION 2005-115      AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2005 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 2005 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	449,721.00	526,936.55	976,657.55
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	224,850.00	336,472.00	561,322.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
<b>TOTAL</b>	674,571.00	1,709,956.55	<b>2,384,527.55</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2005 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.

## **CONSENT AGENDA**

Resolutions 2005-98 and 2005-116 were moved by Councilwoman Laudenberg and seconded by Councilman Schneider.

**Roll Call:** Councilmembers Laudenberg, Quattrone, Sackowitz, Schneider, Sikorski and Thompson voted yes.

### **Resolutions adopted, 6-0.**

#### **RESOLUTION 2005-98      AUTHORIZING PROFESSIONAL SERVICES AGREEMENT – COMMUNITY GRANTS & PLANNING, INC. (2005 SMALL CITIES CDBG PUBLIC FACILITIES PROJECT, DCA GRANT AGREEMENT #05-2627-00)**

**WHEREAS**, there exists the need for consultant services to assist in the planning, administration and implementation of the Borough's 2005 Small Cities CDBG Public Facilities program (DCA Grant Agreement #05-2627-00); and

**WHEREAS**, it is the desire of the Mayor and Council to engage Community Grants & Planning, Inc. of East Windsor, NJ, to perform these services for an hourly rate of \$112 per hour and a total fee not to exceed \$15,960.00, as outlined in the agreement which is attached hereto and made a part hereof; and

**WHEREAS**, Greystone Mill, L.L.C. has agreed to provide funding for this expenditure through amounts posted in escrow with the Borough;

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

1. The agreement with Community Grants & Planning, Inc., which is attached hereto and made a part hereof, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a).
3. Performance under this agreement is subject to the posting of sufficient funds by Greystone Mill, L.L.C. to cover its cost.

4. A copy of this Resolution as well as the agreement shall be placed on file in the office of the Borough Clerk.
5. A notice of this action shall be printed once in the official newspaper as required by law.

#### **RESOLUTION 2005-116      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 Mayor, the appropriate Councilmember and the Treasurer in the amount of **\$1,909,599.71** from the following accounts:

Current	\$ 759,995.23
W/S Operating	320,230.34
General Capital	2,098.23
W/S Capital	804,431.84
Animal Control	85.00
RCA-COAH Escrow	12,950.00
Uniform Construction Trust	757.17
Escrow – Subdivision & Site Plan (First Washington Bank)	9,051.90
<b>Total</b>	<b><u>\$ 1,909,599.71</u></b>

### **UNFINISHED BUSINESS**

#### **REVISIONS TO BOROUGH'S TAXI ORDINANCE**

Councilwoman Laudenberger asked that this discussion be postponed until the next meeting, when Chief Eufemia is present. Ms. Gallagher was asked to invite our local taxi license holders to attend and comment at the next meeting.

#### **THE MILL REDEVELOPMENT PROJECT**

Mr. Raffetto provided a brief update regarding activity to date on the Mill Redevelopment project. One requirement in the Conditional Redeveloper's Agreement with Greystone Mill, LLC was that a mutually agreeable concept plan would be submitted by them by April 15, 2005. The subcommittee reviewed Greystone's most recent updated proposal and requested certain changes, which were made. The conceptual plan meets with the subcommittee's approval, he said, and Greystone will make a formal presentation of the new plan at the May 2 meeting. Ms. Gallagher will notify the Borough's other boards and commissions, and, as a courtesy, residents within 200 feet of the property. This will be advertised as a joint meeting of Council, the Planning Board, the Environmental Commission, the Parks and Recreation Commission and the Historic Preservation Commission.

### **NEW BUSINESS**

#### **REPLACEMENT OF CURBS AND SIDEWALKS ON STOCKTON STREET**

Ms. Roberts reported that the Borough notified residents by letter of the work which would be taking place on Stockton Street and Rogers Avenue. In response, a number of residents have indicated that they would like to have their curbs replaced before the paving starts. Once the paving is done, curb replacement would not be possible for five years due to the County's moratorium on road opening following a project such as this.

Ms. Roberts said that the issue of replacing curbs and sidewalks on Stockton Street last came before Council in 2002. She reviewed an updated estimate of the costs, which included replacement of brick with brick and slate with slate, in addition to the concrete sidewalks. The total for curbs, sidewalks and aprons was estimated at \$450,000. To do curbs alone would cost \$350,000. If the Borough wishes to install curbs, she said, we would request the County to delay the milling and paving of Stockton Street until next year, and move forward immediately toward doing the work in the fall. "The County needs an answer tomorrow morning," she said.

Ms. Gallagher stated that she spoke that day with Aaron Watson, head of the County's Department of Transportation and Infrastructure. He indicated that, if the project were delayed, the County would do their best to reschedule it in 2006 and work with the Borough toward that end, although he could not make any guarantees that it would take place in 2006. Mayor Patten asked if there would be engineering work needed for replacement of the curbs and Ms. Roberts stated that there would be. She added that the condition of the curbs on Stockton Street is "pretty bad."

Councilman Quattrone asked why this wasn't done in 2002. Ms. Roberts stated that questions at that time regarding brick vs. concrete sidewalks in the area of the historic district, as well as the issue of assessment to the homeowners, resulted in the project "going nowhere." She noted that sidewalk work could be done at anytime. It is the curbs which would be subject to the five-year moratorium.

Councilman Quattrone asked how the assessments would work. Ms. Roberts stated that, in 1992, there was an assessment for work on Springcrest Drive, and each property owner was assessed based on linear footage of property frontage. There are 101 properties on Stockton Street, she said. The largest frontage is the Rogers School, with 550 feet. That assessment could be roughly \$35,000. Council questioned whether it is possible to assess tax exempt properties for this work.

Chief Financial Officer George Lang explained the process of assessing homeowners, noting that the cost could be spread over ten years. Regarding assessments to the churches and schools, Mr. Raffetto stated that, although they are tax exempt, they do have a responsibility to maintain their properties, and he feels that we would be able to assess them for this work. Councilman Quattrone questioned where the leverage would be in that case. Mr. Raffetto stated that non-payment would result in a lien.

Councilman Sikorski stated that his inclination is to ask the County to delay the work. The condition of the curbing is a more serious problem than the condition of the pavement, he said, and this is a golden opportunity to address it. Stockton Street is a main gateway into the Borough, he said, and curb replacement would help to address the flooding issues there. There are many places on Stockton Street with no curbing at all.

Mayor Patten asked if grant funding would be available to cover the cost. Ms. Roberts stated that the County is not likely to fund this. If we were to request State funding for work on a County road, the County would need to be a co-applicant with the Borough. That has not occurred in the past, she said.

Councilman Quattrone suggested that the Borough proceed with the paving work, replace sidewalks within the next five years, and replace curbs after that. Councilman Sackowitz agreed.

A straw vote was taken and the consensus of Council was to proceed with the paving as scheduled and to look into grant funding for replacement of the curbs.

## **CORRESPONDENCE**

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

- Tax/Water/Sewer Collector's Reports – March 2005
- Letter from resident commending Borough police officers
- Letter of formal complaint from North Main Street residents regarding properties at 421 North Main Street and 409 North Main Street

## PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

**Eugene Sarafin**, 600-628 South Main Street, stated that, in 1980, the County rebuilt South Main Street and paid for all curbs and driveway aprons. Curbs, he said, belong to the road owner, because the roadway is maintained by the curbs. They keep it from washing away and being destroyed. "You could make a good case with the county" to pay for the curbing, he said.

Mr. Sarafin addressed the Borough Attorney to object to the private meeting held with Greystone during the prior week. He feels that this should have been subject to the Open Public Meetings Act, with minutes taken and official notification provided. He also objected to the proposed plan for the property, which he called "stupid and ugly."

**Lawrence Jones**, 148 Stockton Street, stated that his curbs were installed when Stockton Street was last redone, and he will not pay for new curbs or sidewalk. He said that police cars and dump trucks parked there and broke it when it was brand new. He referred to the trial period of allowing daytime parking on a portion of Stockton Street and called it "absurd." He added that the sidewalks at the Gospel Mission are "horrible" and should have to be replaced.

**Dan Buriak**, 194 Stockton Street, stated that, when he received notification from the Borough about the paving work, he and his neighbors had already been talking with contractors about replacing their curbs, under the assumption that it was their responsibility and that those who do not maintain their property will be penalized. He said that he has lost four trees in front of his property to snow plows as a result of the disintegrated condition of his curbs, and added that a neighbor with no curbs has lost trees to motorists. "I don't care about remilling," Mr. Buriak said. "The issue is safety." He said that vehicles sometimes don't make the curve in the road near his house. Regarding the engineer's estimate, Mr. Buriak said that he feels it is too high. His quote for 50 linear feet of Belgian Block curbing was \$1,000, he said.

**Chrissy** of Johnnie's Deli stated that this is the third time in 4 ½ years that there will be construction taking place, and some businesses were not notified. "No one cares about the business community," she said. "It's a slap in the face."

Ms. Gallagher explained that she notified all properties with Stockton Street and Rogers Avenue addresses. Some businesses fronting on Main Street were not included, she said, and she apologized for that oversight.

**Johnny Wittington**, owner of Johnny's Deli, stated that the Borough's downtown businesses have suffered through quite a few construction projects, and "this next one will put the nail in the coffin for us." He said that he would not want to see the Borough lose the opportunity to replace its road, but there are a lot of issues with the curbing and the possible loss of a lot of businesses and their support.

Councilman Quattrone asked if the road will be replaced in front of Johnnie's Deli. Ms. Roberts stated that it would not; however, the detour must begin at Stockton Street. The County plans to allow local traffic through, she said, and the project should take no longer than three weeks.

Mr. Wittington stated that the County has almost completely blocked the roadway at Rogers Avenue [where work began that day], and the detour takes traffic around the whole town. The sign at Rogers, he said, does not indicate that local traffic would be allowed through.

Mayor Patten stated that the Borough is not trying to inconvenience its businesses but rather to improve the roadway.

**Eugene Sarafin**, 600-628 South Main Street, warned the Council to reconsider their decision regarding replacement of the curbs on Stockton Street. "You all voted not to look out for the safety of citizens walking to and from school," he said, "which is fine if you didn't have testimony that it is dangerous." If someone does get hurt, he said, the Borough is "set up for liability." He recommended that the paving be delayed until curbs could be replaced.

**Lawrence Jones**, 148 Stockton Street, stated that "curbs don't help with safety" and said that it would be unfair to assess homeowners \$4,000 for curbing.

**Todd Lanphear**, 306 Stockton Street, said that his house is adjacent to a storm drain. He has two driveway aprons. When the road floods at the storm drain, water comes down his driveway through the open curb and floods his property.

No one else came forward and the floor was closed.

Upon motion by Councilman Sikorski, seconded by Councilwoman Laudemberger and unanimously approved, the meeting was adjourned at 9:40 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk