

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.

Mayor Patten called for a moment of silence for former Mayor Harold "Skip" Cox, who passed away on July 10, 2005.

The flag salute was led by Police Chief James Eufemia, and 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; James M. Eufemia, Chief of Police; Randall Gottesman, Borough Planner and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was moved as submitted by Councilman Sikorski, seconded by Councilman Quattrone and approved by all.

APPROVAL OF MINUTES

Minutes of the **July 5, 2005** open and closed sessions, **July 18, 2005** budget meeting and **April 18, 2005** budget meeting were moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved as submitted.

RESOLUTION 2005-168, PROMOTING JOHN REPPY AND BRIAN ROSSI TO THE RANK OF POLICE LIEUTENANT

Mayor Patten read aloud Resolution 2005-168. The Resolution was moved by Councilwoman Laudenberger, seconded by Council President Schneider.

Prior to the roll call, Councilman Sikorski stated that he would be voting "no" on this Resolution because he is philosophically opposed to the creation of the police lieutenant position. His vote, he said, is "not a reflection on the character and quality of these two officers, or on the recommendation of the Chief. Both are good officers and gentlemen," he said.

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

Resolution adopted, 5-1.

RESOLUTION 2005-168 PROMOTING JOHN REPPY AND BRIAN ROSSI TO THE RANK OF POLICE LIEUTENANT

WHEREAS Section 2-19.1 of the *Revised General Ordinances of the Borough of Hightstown* provides for the appointment of Lieutenants in the Hightstown Police Department; and

WHEREAS, Police Chief James Eufemia has recommended that Sgt. John Reppy and Sgt. Brian Rossi be promoted to this rank, and the Mayor and Council concur with the Chief's recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that John Reppy and Brian Rossi are hereby promoted to the rank of Lieutenant with the Hightstown Police Department effective this date, August 1, 2005.

Mayor Patten swore in both officers, each accompanied by members of his family, and said that he was "honored to give recognition to these outstanding members of our community." Each Lieutenant was invited to comment following his swearing in. Lt. Reppy took that opportunity to thank the Mayor and Council for the recognition and to thank his family for their support.

Chief Eufemia thanked the governing body for their commitment to the police department and to the Borough's residents. Lt. Reppy and Lt. Rossi, he said, are "mentors and morale boosters, knowledgeable and have integrity beyond question. They are two of the finest officers I have had the good fortune to work with."

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, stated that the new street signs provided through GHEWIP are lovely, "but only birds can see them." Their height, she said, defeats their purpose. Ms. Deal further noted that she has seen many vehicles making an illegal left turn into the Krauszer's shopping center. She suggested that a "No Left Turn" sign be placed on the back of the existing sign which faces the parking area.

Howard Levine, 414 N. Main Street, asked the Borough Attorney about progress with overcrowding issues. Mayor Patten stated that he will ask Mr. Wetterskog to report on this issue following public comment. He noted that Council meeting minutes are available which reflect the Borough's prior discussions on this issue.

Susan Muza, 160 Second Avenue, provided copies for Council of a compilation of articles and information regarding overcrowding problems faced in other towns and how they are working to address them. She summarized a few of the examples, and noted that some landlords "are making a hefty profit." In Long Beach, a landlord was reported to the I.R.S. Towns are changing their ordinances, she said, and stiffening their fines. "If we are complying with State laws," she said, "maybe we need to get the State laws changed." She noted that the harmful impact of overcrowding is in the increased cost to taxpayers in school taxes and municipal services.

Lisa Ernst, 106 Hausser Avenue, also expressed concern about overcrowding, noting that the problem is growing in Hightstown. It is not healthy or safe, she said, for "20 tenants to live in one tiny little house." "The word is out," she said. "Buy in Hightstown and put as many tenants in as you want and you don't have to register as a rental property." Ms. Ernst offered to work with the Borough to help solve the problem and urged Council to "make it clear that Hightstown won't put up with this."

Harold Barton, 410 N. Main Street, asked if there is a way to set occupancy limitations when issuing a certificate of occupancy. Mayor Patten said that Mr. Wetterskog would address that question during his comments later in the meeting.

Dan Buriak, 194 Stockton Street, referred to the Resolution on this meeting's agenda to extend the Conditional Redeveloper's agreement with Greystone. He said that it is his understanding that their plans have changed to include "about 122 residential units." He expressed concern about the impact this would have on the Borough and urged Council to "have a vision for the town" that would take precedence over any financial benefit the development might provide. He noted that he knows another developer who is interested in the property and is "familiar with the area and with the rehabilitation of older properties." He urged Council to consider the longstanding impact that this decision will have upon the community.

Gina Charsky, 158 Broad Street, reported that she called the police on the prior Thursday night to complain about a truck at Custom Bandag. She said that, although the dispatcher informed her that the officer went there, she watched a patrol car simply drive by. Ms. Charsky claimed that it was only because she wrote to the Borough's health department that there are now signs posted on the Custom Bandag building, and she said that the Borough's noise ordinance needs to be updated. She added that, later on the same Thursday evening, the fire department was there conducting a drill and she was not notified. Mayor Patten suggested that Ms. Charsky make an appointment with him and Ms. Gallagher to discuss her concerns in detail.

COMMENTS REGARDING OVEROCCUPANCY AND PROPERTY MAINTENANCE¹

Mayor Patten called upon Zoning Officer/Construction Official Harry Wetterskog to comment regarding the Borough's actions in addressing overoccupancy and property maintenance issues. Mr. Wetterskog stated that stickers have been obtained which will be placed in dwellings at the time of inspection. They are written in English and Spanish and will state the occupancy load of each residence and that sleeping in basements (unless they are less than 3 ½ feet in the ground) is prohibited. In addition, he has created a "tenant advisory form" to be signed by both tenant and landlord, containing this and other information about property maintenance, garbage disposal, the requirement for smoke and CO₂ detectors, and the prohibition regarding sleeping in unfinished attics.

Mr. Wetterskog went on to say that "action on North Main Street started a long time before residents came in to complain." Work is ongoing at the old Wyckoff house and the grounds have been much better maintained than in the past. "This won't be solved overnight," he said. "There is an ongoing cleanup of the property."

Lastly, Mr. Wetterskog noted that the owners of 409 North Main Street applied for a permit to put in a driveway. He said that he has established that they are "well within the legal confines of our ordinances." He said that he has not received any complaints about the property on Hausser Avenue which was referenced during public comment. He urged anyone with a complaint to submit it to him in writing. "When I get a letter," he said, "I have a process. 90% of the time I get into the home." He expressed his appreciation to Ms. Muza for the information she compiled, but suggested that Hightstown's problems are less severe than those of the towns mentioned. "Some towns establish a minimum bedroom size of 150 square feet," he said. "If we had that, we'd have spouses in separate rooms." He took exception to comments that the Borough "isn't doing anything," and offered to meet with anyone to show them exactly what his office is doing. The

¹ Clerk's note: This report took place later in the meeting (following action on Resolution 2005-170), but is included here for the sake of continuity, as Mr. Wetterskog was responding in part to concerns raised during public comment at this and prior meetings.

Borough has done all that the solicitor recommended at the last meeting, he said, and has hired a part-time interpreter to accompany him on inspections. He again urged those with complaints to send him a letter and to meet with him.

REDEVELOPMENT ISSUES

UPDATE BY BOROUGH ATTORNEY

Mr. Raffetto reported that the Borough's redevelopment subcommittee has met several times over the last few months. The Conditional Redeveloper's agreement which was approved in March contained due dates for certain submissions. Each has been met, with the exception of the last due date. July 15 was the deadline for execution of the full Redeveloper's Agreement.

Mr. Raffetto went on to say that Greystone made a public presentation at the beginning of May of the concept plan that had been submitted to the Borough, and it was favorably received; however, a recent financial analysis by them has indicated that this plan is not feasible. Greystone was "taken to task" by the subcommittee for this, he said, and has since presented a number of different concepts and different financial scenarios. Greystone, he said, feels that the commercial market is not that strong, and is now requesting consideration by the Borough for an increase in the number of residential units. The subcommittee has determined that it would be in the Borough's best interest to commission an independent outside consultant to undertake a market analysis that will determine if Greystone's conclusions and assumptions are accurate. It will slow down the process somewhat, but it is part of the Borough's performing "due diligence." If Greystone's assumptions are correct, neither they nor any other developer would be able to build in accordance with the redevelopment plan, and Council would need to consider amendments to that plan. If the study shows that what Greystone is telling is *not* in fact correct, Council may decide that Greystone is not the right developer for the project.

Mr. Raffetto added that the study would be commissioned by the Borough, and paid for using escrowed monies from Greystone. There would be no net cost to the Borough.

Mr. Raffetto and Mr. Gottesman compiled and distributed an informal Request for Proposals and have received four proposals in response. The contractor recommended by consensus is Pete Sockler of Sockler Mignogna Dilello Realty Group. Mr. Sockler knows the Borough well, and his proposed fee was lower than that proposed by the other firms. The Borough has used his firm before in tax appeals and appraisals, and he has done this type of work before. A Resolution to award a contract to the firm is included on this agenda for Council's consideration.

Also on this agenda is a Resolution to authorize an extension of the deadline for execution of the full Redeveloper's Agreement through October 15. Greystone has been working in good faith with the Borough, Mr. Raffetto said, and has agreed to the independent analysis of their data. Neither the Borough nor Greystone were able to meet the July 15 deadline.

Discussion ensued. Mr. Raffetto pointed out that the vote to be taken tonight is to (1) extend the deadline date for the Redeveloper's Agreement; and (2) hire a professional to analyze the market data (at Greystone's expense). These actions are appropriate, he said, because the parties have negotiated in good faith to this point, and the study will put the Borough in a much better position to move forward. Mr. Gottesman agreed, saying "this is an intelligent approach."

Mr. Raffetto emphasized that no changes to the concept plan originally presented are being considered here.

The following points were raised during the succeeding discussion:

- The Borough's subcommittee is not in favor of 122 residential units, nor, clearly, is Council as a whole. Members expressed their strong opposition to this.

- Any new plan coming forward from Greystone will require a revised traffic impact study and will need to include the availability of adequate parking.
- Extending the conditional redeveloper's agreement does not mean that the Borough is "locked in" to naming Greystone as full redeveloper. Greystone is in full understanding of this.
- During the extended period, other work would continue, such as environmental remediation.
- Extending the conditional redeveloper's agreement and bringing in an outside consultant to perform the market study was an idea that came out of a subcommittee meeting with Greystone. "It was our idea, not theirs," Councilwoman Laudenberger said. "It's coming out of their pocket. It's a win-win."
- The market study would examine Greystone's assumptions regarding sales prices, and various line item assumptions in their financial data. The consultant would be employed by the Borough, and would be paid by funds placed in escrow by Greystone, as other professionals are. The proposal from Mr. Sockler is for an amount not to exceed \$10,000 without further authorization from Council, at an hourly rate of \$125 per hour. Other proposals received ranged up to \$400 per hour.
- The amount of office space to be included in the project is the area that is in contention at this time.

Council President Schneider inquired about developers that had previously been turned away. Mayor Patten stated that, while the EDT did review other proposals, they did not turn anyone down. He noted that Greystone has a contract with the property owners. "Any others interested were dealing with the owners and not with the Borough," he said.

Mr. Schneider recommended that the Borough reach out to some of the developers that had shown prior interest. "It doesn't matter if there is a contract [for sale of the property]," he said. "They can't go through with it if they are not the redeveloper."

Discussion moved toward the possibility of approving the market study without extending the conditional redeveloper's agreement. Mr. Raffetto explained that if the conditional redeveloper's agreement is not extended, funds would no longer be placed in escrow, and there would then be no funding for the market study. He said that he could see no downside to continuing the agreement through October 15. It will simply maintain the status quo until the study is complete. If the agreement is not extended, he said, the Borough would be entering a much longer process that would slow progress toward our goal.

Council President Schneider maintained that the Borough could authorize the market study and Greystone may still be willing to fund it even if the conditional redeveloper's agreement is not extended. He said that he plans to vote against extension of the agreement. Mr. Raffetto expressed doubt that Greystone would be agreeable to providing continued funding if their status as conditional redeveloper is cut off.

After further discussion, Mr. Gottesman suggested that Council approve a shorter extension to the agreement than what had been discussed – just long enough to evaluate the results of the study and get a final answer from Greystone.

Councilwoman Laudenberger said that Greystone has been told that the Borough will not accept 122 residential units, and a lot of time and energy has been invested in this. She is "not ready to cut it off just yet." "I would like to see Council move forward and let Greystone pay for a market study," she said, agreeing with Mr. Gottesman that a shorter extension may be possible. "They are still coming forward in good faith," she said. "We shouldn't cut them off at the knees right now."

Councilman Quattrone stated that he would put his faith in the Borough's subcommittee on these matters.

RESOLUTION 2005-169, RESOLUTION AUTHORIZING PROFESSIONAL REAL ESTATE CONSULTING SERVICES

Resolution 2005-169 was moved by Councilman Sikorski and seconded by Councilman Thompson.

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

Resolution adopted, 4-2.

RESOLUTION 2005-169 RESOLUTION AUTHORIZING PROFESSIONAL REAL ESTATE CONSULTING SERVICES

WHEREAS, there is a need for the Borough of Hightstown to retain the services of a professional real estate consultant in order to prepare a market study relative to the proposed redevelopment activities to be undertaken in connection with the Bank Street Redevelopment Project, which involves the properties known and designated as Block 30, Lots 1-13 and Block 21, Lots 1-14 and 26 on the Tax Map of the Borough of Hightstown (also identified as Sub-Area I in the Borough's Redevelopment Plan adopted on September 7, 2004); and

WHEREAS, the firm of Sockler Mignogna Dilello Realty Group New Jersey, Inc. has submitted a proposal to the Borough, dated July 22, 2005 to provide said services at the rate(s) specified therein; and

WHEREAS, a copy of the proposal is attached hereto and made a part hereof; and

WHEREAS, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; 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 be 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, all costs and expenses associated with this proposed professional service contract shall be paid for by the proposed redeveloper of the Bank Street Redevelopment Project, Greystone Mill, L.L.C.; and

WHEREAS, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional service contract to Sockler Mignogna Dilello Realty Group for provision of the necessary real estate consultant services.

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 an Agreement, in a form acceptable to the Borough Attorney, between the Borough of Hightstown and Sockler Mignogna Dilello Realty Group New Jersey, Inc. regarding the above-referenced real estate consultant services.
2. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. That all costs and expenses associated with this professional service contract shall be the responsibility of the proposed redeveloper of the Bank Street Redevelopment Project, Greystone Mill, L.L.C., and funding for this contract is subject to and contingent upon the existence of sufficient funds in the escrow account posted by Greystone Mill, L.L.C.
4. That there shall be a cap as to expenditure in the amount of \$5,000.00 without further authorization of the Borough Council.

5. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
6. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Arlene O'Rourke, Borough Treasurer
 - b. George Lang, Borough Chief Financial Officer
 - c. Candace Gallagher, Borough Administrator/Clerk
 - d. Thomas Letizia, Esquire
 - e. Sockler Mignogna Dilello Realty Group New Jersey, Inc.
 - f. Members of the Borough's Redevelopment Subcommittee

RESOLUTION 2005-170, RESOLUTION AUTHORIZING AN AMENDMENT (KNOWN AS THE "FIRST AMENDMENT") TO THE CONDITIONAL REDEVELOPER'S AGREEMENT EXECUTED BY AND BETWEEN THE BOROUGH OF HIGHTSTOWN AND GREYSTONE MILL, L.L.C., RELATING TO THE BANK STREET REDEVELOPMENT PROJECT

Discussion continued regarding extension of the conditional redeveloper's agreement. Councilman Thompson asked if the Borough could continue to talk with Greystone even if the agreement is not extended. Mr. Gottesman said that failure to temporarily extend the agreement at this time would be seen as a lack of good faith on the part of Council.

Discussion turned toward the length of the extension to be granted. The Resolution was amended to reflect that the deadline to have the final redeveloper's agreement to Council would be September 21, and action would be taken on October 3. It was noted that work on the Redeveloper's agreement could be moving forward simultaneously with the market study, as it could apply to other developers as well, if necessary. Greystone would be required to present a new plan to Council.

Resolution 2005-170, as just amended, was moved by Councilwoman Laudenberg and seconded by Councilman Quattrone.

Councilman Thompson said that he feels that the "consensus we're moving toward is wrong" and that the Borough is putting itself in an "exceedingly poor negotiating position ... where we can't explore any other options." Mayor Patten disagreed, and said that the Borough's subcommittee and professionals have been "very aggressive" in conversations with Greystone. "We are guided by the Redevelopment Plan," he said. "There is flexibility in that."

Mr. Raffetto again stated that Greystone has been "taken to task repeatedly" by the Borough, and "there is no guarantee that they will be the Redeveloper whether we extend the Conditional Redevelopers Agreement or not. We are not tied into them and will not be in a worse bargaining position than if you ended it." Council President Schneider asked how much Greystone has invested in this project to date. Mr. Raffetto estimated that they have spent over \$200,000 so far.

The roll was then called on Resolution 2005-170.

Roll Call: Councilmembers Quattrone, Sackowitz and Laudenberg voted yes. Councilmembers Sikorski, Schneider and Thompson voted no. Mayor Patten voted yes, breaking the tie.

Resolution adopted, 4-3.

RESOLUTION AUTHORIZING AN AMENDMENT (KNOWN AS THE "FIRST AMENDMENT") TO THE CONDITIONAL REDEVELOPER'S AGREEMENT EXECUTED BY AND BETWEEN THE BOROUGH OF HIGHTSTOWN AND GREYSTONE MILL, L.L.C., RELATING TO THE BANK STREET REDEVELOPMENT PROJECT

WHEREAS, on March 7, 2005, the Hightstown Borough Council approved Resolution No. 2005-62, which authorized the execution of a Conditional Redeveloper's Agreement (the "Agreement") between the Borough of Hightstown and Greystone Mill, L.L.C. (the "Parties") with respect to the Bank Street Redevelopment Project; and

WHEREAS, the Agreement was subsequently executed by both Parties; and

WHEREAS, pursuant to Article I, Section 1.05(a), of the Agreement, the Parties determined to abide by a certain phasing schedule for the completion of certain matters relating to the Bank Street Redevelopment Project; and

WHEREAS, one of the items referenced in Section 1.05(a) of the Agreement was an acknowledgement between the Parties that a full Redevelopment Agreement would be executed by and between the Parties on or before July 15, 2005; and

WHEREAS, Section 1.05(c) of the Agreement also provides that the Parties may, upon mutual agreement, extend any of the dates set forth in the phasing schedule; and

WHEREAS, the Parties continue to negotiate in good faith over the plans for the Bank Street Redevelopment Project; however, the Parties are not yet in a position to execute a full Redevelopment Agreement and the deadline set forth in Section 1.05(a) of the Agreement for completion of this task has now passed; and

WHEREAS, the parties mutually recognize and agree that it is necessary to extend the date referenced in the Agreement relating to the execution of a full Redevelopment Agreement for a reasonable period of time; and

WHEREAS, the parties mutually believe that this date should be extended through **September 21, 2005**.

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

1. That Section 1.05(a) of the Conditional Redeveloper's Agreement executed by and between the Borough of Hightstown and Greystone Mill, L.L.C. in or about March of 2005 is hereby amended in order to extend the date for execution of a full Redevelopment Agreement through **September 21, 2005**.
2. That the Mayor is authorized to execute and the Municipal Clerk to attest an Amendment to the Conditional Redeveloper's Agreement, in a form which is acceptable to the Borough Attorney, which provides for this revision.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Greystone Mill, L.L.C.
 - b. Thomas M. Letizia, Esquire
 - c. Members of the Borough's Redevelopment Subcommittee

DISCUSSION REGARDING AUGUST MEETING SCHEDULE

Council discussed whether to hold the second August meeting. Ms. Gallagher recommended that a special "mini-meeting" be held in order to take action on two of the ordinances to be introduced at this meeting, and to approve payment of bills. It was agreed that a special meeting would be held at 6 p.m. on August 15 and that the regular 7 p.m. meeting scheduled for that date would be canceled.

Councilwoman Laudenberger noted that the Jewish Holiday of Rosh Hashanah conflicts with the Borough's October 3rd Council meeting. It begins at sundown on that day. Council will consider this and discuss any recommended change at the next meeting.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2005-25,

AN ORDINANCE AMENDING THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* IN ORDER TO ESTABLISH PROCEDURES REGARDING THE PLACEMENT, REPLACEMENT OR REMOVAL OF PUBLIC UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO THE AUTHORITY PROVIDED IN N.J.S.A. 48:3-17(A)

Ms. Gallagher reviewed the provisions of Ordinance 2005-25, noting that a new State law allows municipalities to adopt an ordinance requiring a public utility that places, replaces or removes poles or underground utilities to notify the Code official at least 24 hours prior to the work. This ordinance also requires that poles no longer in use be removed within 90 days.

Council briefly discussed the proposed ordinance and it was agreed to amend it prior to introduction to include a requirement for provision by the utility of traffic control during these operations.

Ordinance 2005-25 (as just amended) 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.

The public hearing and final reading for Ordinance 2005-25 was set for September 6, 2005.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-26,

AN ORDINANCE TO AMEND CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING RATES FOR PROCESSING OF SEPTIC TANK WASTE

Ms. Gallagher reviewed the provisions of this Ordinance, which would increase the rate for acceptance from commercial haulers of septic tank waste by \$1.00 per 1,000 gallons (an increase of approximately 2.4%). This has been recommended by AWWTP Superintendent Bill Searing as a way to offset increasing chemical costs. The increase has been reviewed and approved by the Water-Sewer committee and is based on Mr. Searing's research into market rates and his discussions with current haulers. The adjustment should result in an increase in revenue of about \$11,000 per year.

Ordinance 2005-26 was moved for introduction by Councilman Sikorski and seconded by Councilwoman Laudenberger.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-26 was set for August 15, 2005.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-27,

AN ORDINANCE AMENDING SUBSECTION 26-10-6, ENTITLED "COLLECTION OF FEES," OF SECTION 26-10, "MANDATORY DEVELOPMENT FEES," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Mr. Raffetto stated that COAH has approved our adopted ordinance regarding mandatory development fees, but has requested a modification in the language regarding how those fees are collected. This ordinance will accomplish that.

Ordinance 2005-27 was moved for introduction by Councilwoman Laudenberg and seconded by Councilman Sikorski.

Councilman Quattrone asked Mr. Gottesman if a contribution from developers toward the Borough's parks and recreation activities could be mandated. He replied that this could be part of a Developer's Agreement.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-27 was set for September 6, 2005.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-28,

AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN ESTABLISHING GROWTH SHARE AFFORDABLE HOUSING REQUIREMENTS, AND AMENDING AND SUPPLEMENTING CHAPTER 26, "LAND USE PROCEDURES," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, NEW JERSEY," IN ORDER TO ESTABLISH A NEW SECTION THEREOF TO BE KNOWN AS SECTION 26-11

Mr. Raffetto reviewed the provisions of this Ordinance, noting that COAH's third round rules require that one affordable housing unit be constructed for every eight market rate units which are constructed. That will be required by the Borough as a part of this Ordinance, and anyone constructing less than nine units would be required to make a contribution to be used toward fulfillment of the Borough's affordable housing obligation.

Ordinance 2005-28 was moved by Councilman Sikorski and seconded by Councilman Quattrone.

Council President Schneider asked if this requirement would apply to someone constructing a single home or an addition to an existing home. Mr. Raffetto said that it would apply to new construction of a single home, but not to an addition. Mr. Gottesman noted that the ordinance *would* apply to additions on *non-residential* properties.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-28 was set for September 6, 2005.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-29,

AN ORDINANCE TO AMEND SECTION 4-21, "TAXICAB LICENSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

This Ordinance was introduced later in the meeting, under "Unfinished Business." See page 17.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-30,

AN ORDINANCE APPROPRIATING \$30,000.00 FROM THE WATER AND SEWER CAPITAL FUND BALANCE FOR THE PURCHASE OF A VEHICLE FOR USE BY THE ADVANCED WASTEWATER TREATMENT PLANT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Gallagher reviewed Ordinance 2005-30, stating that it would appropriate available funds in the water and sewer capital fund for the purchase of a pickup truck with snow plow attachment. The truck will replace a 1984 vehicle. A Resolution to approve the purchase itself will also come before Council at the time of the Ordinance's adoption. Any excess in the ordinance will be canceled by Resolution. This will not increase the Borough's level of debt or impact its budget. Councilman Quattrone noted that this vehicle is sorely needed.

Ordinance 2005-30 was moved for introduction by Councilman Quattrone and seconded by Councilman Schneider.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-26 was set for August 15, 2005.

RESOLUTIONS

RESOLUTION 2005-171, RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN ESCROW AGREEMENT WITH THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING THE DISBURSEMENT OF DEVELOPMENT FEES AND OTHER FEES COLLECTED INTO THE BOROUGH'S HOUSING TRUST FUND

Following a brief review by Mr. Raffetto, Resolution 2005-171 was moved by Councilman Quattrone and seconded by Councilman Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2005-171 RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN ESCROW AGREEMENT WITH THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING THE DISBURSEMENT OF DEVELOPMENT FEES AND OTHER FEES COLLECTED INTO THE BOROUGH'S HOUSING TRUST FUND

WHEREAS, on November 15, 2004, the Hightstown Borough Council adopted Ordinance No. 2004-28, which established standards for the collection, maintenance and expenditure of development fees pursuant to the rules promulgated by the New Jersey Council on Affordable Housing (COAH); and

WHEREAS, the fees collected pursuant to said Ordinance are intended to be utilized for the sole purpose of providing low and moderate income housing; and

WHEREAS, the Ordinance created an interest bearing Housing Trust Fund for the purpose of receiving development fees; and

WHEREAS, the Borough understands and acknowledges that it is not able to expend any funds out of the Housing Trust Fund unless the expenditure conforms to a spending plan which has been approved by COAH; and

WHEREAS, on June 23, 2005, COAH adopted a Resolution providing its approval of Ordinance No. 2004-28, subject to the condition that the Borough must clarify certain matters contained within one Subsection included therein, specifically relating to the manner of collection of the development fees; and

WHEREAS, the Borough is currently in the process of revising the Subsection at issue, as referenced by COAH; and

WHEREAS, in the meantime, COAH's approval of Ordinance No. 2004-28 further requires that the Borough must enter into an Escrow Agreement with COAH, pursuant to N.J.A.C. 5:94-6.11(a), in order to enable COAH to monitor the disbursements made by the Borough out of the Housing Trust Fund; and

WHEREAS, should COAH determine that the Borough's imposition, collection and/or expenditure of such funds is not in conformance with the terms of Ordinance No. 2004-28 (as amended), or the conditions set forth in N.J.A.C. 5:94-6.16(a), or the spending plan to be approved by COAH, then, among other things, COAH shall be permitted to monitor and direct the expenditure of all further funds out of the Housing Trust Fund; and

WHEREAS, a copy of the proposed Escrow Agreement is attached hereto and made a part hereof.

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

1. That the Mayor is authorized to execute and the Municipal Clerk to attest the attached Escrow Agreement between the Borough of Hightstown and the New Jersey Council on Affordable Housing (COAH) regarding the Borough's Housing Trust Fund.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Lucy Voorhoeve, Executive Director, COAH
 - b. Randall Gottesman, P.P., Borough Planner
 - c. Frederick C. Raffetto, Esq., Borough Attorney
 - d. Gary Rosensweig, Esquire, Planning Board Attorney
 - e. Arlene O'Rourke, Treasurer
 - f. George Lang, Chief Financial Officer
 - g. Candace Gallagher, Business Administrator/Clerk

RESOLUTION 2005-172, AUTHORIZING MUNICIPAL SERVICES AGREEMENT WITH WYCKOFF'S MILL CONDOMINIUM ASSOCIATION

Ms. Gallagher reviewed the provisions of Resolution 2005-172, and noted the importance of finally having a formal agreement in place with respect to municipal services provided to Wyckoff's Mill. This agreement runs through December 31, 2005 and is automatically renewed each year thereafter if no other action is taken. It covers snow removal, street lighting, solid waste and leaf removal.

Resolution 2005-172 was moved by Councilman Sikorski and seconded by Councilwoman Laudenberg.

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

Resolution adopted, 5-0-1.

A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN AGREEMENT WITH THE WYCKOFF'S MILL CONDOMINIUM ASSOCIATION, INC. FOR THE PROVISION OF MUNICIPAL SERVICES (AND/OR FOR THE PAYMENT OF REIMBURSEMENTS FOR SAME)

WHEREAS, the "Municipal Services Act," N.J.S.A. 40:67-23.2, et seq. (the "Act"), requires municipalities to reimburse qualified private communities (as defined within the Act) for certain services or to provide those services directly to the qualified private communities in the same fashion as the municipality provides those services on public roads and streets of the municipality; and

WHEREAS, the services that are covered under the Act include the following:

1. Removal of snow, ice and other obstructions from the roads and streets;
2. Lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment; and
3. Collection of leaves and recyclable materials along the roads and streets, and the collection or disposal of solid waste along the roads and streets; and

WHEREAS, the Act requires municipalities to enter into a written agreement with each qualified private community specifying the terms and conditions under which the municipality shall provide the above-referenced services to the qualified private community, or as to the manner in which the municipality shall reimburse the qualified private community therefor; and

WHEREAS, the Borough and the Wyckoff's Mill Condominium Association, Inc. have negotiated a proposed Municipal Services Agreement covering said services, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Mayor and Borough Council believe that it is in the best interests of the Borough to enter into the attached Agreement with the Wyckoff's Mill Condominium Association, Inc., relating to the provision of services pursuant to the Act.

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

1. That the Mayor is authorized to execute and the Municipal Clerk to attest the attached Agreement² between the Borough of Hightstown and Wyckoff's Mill Condominium Association, Inc., regarding the provision of Municipal Services (and/or the provision of reimbursement payments therefor), to the Wyckoff's Mill Condominium Association, Inc.
2. That all Municipal Officials and professionals are authorized and directed perform all actions that are necessary and/or appropriate in order to facilitate the implementation of the Agreement and the matters referenced therein.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Wyckoff's Mill Condominium Association, Inc.
 - b. Candace Gallagher, Hightstown Borough Business Administrator/Clerk
 - c. Jacqueline Brace, Community Manager
Mid-Atlantic Management Corporation
100 Clubhouse Drive
Hightstown, NJ 08520
 - d. Melissa Volet, Esquire
Stark & Stark
Post Office Box 5315
Princeton, NJ 08543-5315
 - e. Frederick C. Raffetto, Esq., Borough Attorney

² Agreement is on permanent file in the Borough Clerk's office with original copy of Resolution 2005-172.

**RESOLUTION 2005-178, RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY IN THE OWNERSHIP
OF THE BOROUGH OF HIGHTSTOWN WHICH IS NO LONGER NEEDED FOR PUBLIC USE**

Ms. Gallagher reviewed the provisions of Resolution 2005-178, noting that concerns previously expressed by Council have been addressed. The Resolution includes a requirement that the successful bidder must apply within three months to the Borough's Planning Board for approvals to construct a duplex or triplex containing at least one affordable housing unit.

Resolution 2005-178 was moved by Councilman Quattrone and seconded by Councilman Sikorski.

Roll Call: Councilmembers Laudenberger, Quattrone, Sackowitz, Schneider, Sikorski voted yes. Councilman Thompson voted no.

Resolution adopted, 5-1.

**RESOLUTION 2005-178 RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY IN THE OWNERSHIP OF THE
BOROUGH OF HIGHTSTOWN WHICH IS NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, N.J.S.A. 40A:12-13 authorizes open public sale at auction to the highest bidder of any real property not needed for public use by the Borough; and

WHEREAS, two adjacent lots located on Academy Street have been acquired by the Borough through in rem foreclosure, said lots being identified as Block 40, lot 20, and Block 40, lot 21, and are in the process of being consolidated, pursuant to the adoption of Ordinance 2005-01 on February 7, 2005, into a single lot, known as Block 40, Lot 20 (hereinafter referred to as "the Property"); and

WHEREAS, the Mayor and Council have determined that the property is not needed for public use and it is in the best interests of the Borough that it be sold at public auction in accordance with N.J.S.A. 40A:12-13; and

WHEREAS, N.J.S.A. 40A:12-13 requires advertisement of the Borough's intent to publicly auction the property;

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

1. Upon legal consolidation of the two lots, the Borough Clerk is hereby directed to publish an advertisement for public sale and auction to the highest bidder of the unified parcel (The Property), which shall be known as Block 40, Lot 20. In accordance with N.J.S.A. 40A:12-13, the advertisement shall be published once a week during the two consecutive weeks prior to the auction, but the second publication shall not be earlier than seven days prior to that date.
2. The property shall be sold with the restriction that, within three months of closing on the property, the successful bidder must apply to the Planning Board for appropriate approval(s) in order to construct one duplex structure (containing two adjoining residential units) or one triplex structure (containing three adjoining residential units), containing at least one residential unit which is restricted as affordable housing for low or moderate income persons in accordance with all requirements prescribed by the New Jersey Council on Affordable Housing (COAH).
3. The minimum bid price shall be eighty thousand dollars (\$80,000.00), and the successful bidder shall be responsible for all costs and expenses associated with the public sale and auction, as well as all costs of the Borough associated with consummating the sale of the property, including legal fees.

4. At the public auction, the successful high bidder for the parcel shall present to the Borough Administrator bid security in the amount of \$1,000.00 in the form of cash, certified check or cashier's check. In the event that a successful bidder fails to pay the full purchase price and close title as required, the bid security shall be retained by the Borough as liquidated damages, and the subject parcel shall be re-advertised for sale. Failure of the successful high bidder to present the required bid security upon acceptance of the bid shall result in immediate rejection of that bid, and the person conducting the auction shall immediately re-open the bidding to the remaining bidders. All bidders must attend the auction with the required bid security in their possession. Successful bidders will be expected to turn over their bid security upon demand by the Borough, and failure to do so shall disqualify the bidder and cause bidding to be reopened on the subject lot.
5. Acceptance or rejection of purchase offers or bids shall be made by the Borough Council not later than its second regular meeting following receipt of offers or bids and bid security. If no action is taken by the Council, all offers or bids shall be deemed to have been rejected.
6. Within thirty (30) calendar days after an approval by the Borough Council, the successful bidders/purchasers shall enter into written real estate sales agreements with the Borough, in a form which will be available at or prior to the receipt of bids or offers, and shall pay to the Borough a deposit of ten percent (10%) of the purchase price. The bid security previously paid may be applied toward the ten percent (10%) deposit. Closing of title will take place within thirty (30) days thereafter.
7. The closing shall take place at the office of the Borough Attorney or at Borough Hall, or as determined by the Borough Administrator.
8. The Mayor and Council reserve the right to reject all bids where the highest bid is not accepted.
9. The Borough Attorney, in consultation with the Borough Administrator and Borough Clerk, is directed to prepare any public notice and advertisement required by law. Said notice may be prepared by the Borough's appointed auctioneer and reviewed by the Borough Attorney.
10. The sale is not contingent upon the buyer obtaining financing or upon any other condition. By submitting the highest offer or bid and paying the bid security, all purchasers are deemed to represent to the Borough that sufficient funds are available to them to consummate the sale and that the balance of the purchase price will be paid in full at closing. Furthermore, by submitting the highest bid or offer and paying over the bid security, all purchasers agree and understand that failure to close title as required herein will result in forfeiture of the bid security to the Borough as liquidated damages.
11. In accordance with N.J.S.A. 40A:12-13, bids shall be received at open public sale at auction on the date and at the time advertised, and no other bids or offers of purchase shall be accepted after that time.
12. The Borough Clerk is hereby directed to consult with the Borough Attorney to determine and establish the most expedient schedule for advertisement and conduct of the public auction.

CONSENT AGENDA

Resolutions 2005-174, 175, 176 and 177 were moved by Councilman Sikorski and seconded by Councilwoman Laudenberger.

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

Resolutions adopted, 6-0.

RESOLUTION 2005-174**RESOLUTION SUPPORTING RENEWAL OF THE NEW JERSEY TRANSPORTATION TRUST FUND AND INCREASED DEDICATION FOR LOCAL AID**

WHEREAS, on June 30, 2006 the New Jersey Transportation Trust Fund will have no capital funding available to provide local aid for transportation projects because all incoming revenue will be used for debt service payments; and

WHEREAS, local governments have received approximately \$2.0 billion from the Transportation Trust Fund and approximately \$300 million in bridge bond funds and \$275 million in federal local road funds; and

WHEREAS, local roadways and bridges carry 55% of the traffic on country, municipal and state highways; and local governments maintain 32,810 centerline miles of roads, 2,498 major bridges and 4,584 minor bridges; and

WHEREAS, a review of annual local transportation needs indicates \$211 million for county bridges, \$7.5 million for municipal bridges, \$44 million for county roadways and \$112 million for municipal roadways for a total of \$374.5 million; and

WHEREAS, it is imperative that local governments receive a stable, dependable and long-term source of funding to actively maintain the State's roadways and bridges; and

WHEREAS, it is in the best interest of local governments to work in collaboration with the Governor of the State of New Jersey, the Commissioner of the New Jersey Department of Transportation and the New Jersey State Legislature to quantify the State's transportation needs and pursue the appropriate methods of funding;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough of Hightstown hereby calls upon the Governor and the State Legislature to provide for a stable, dependable and long-term source of funding to support the renewal of the New Jersey Transportation Trust Fund and an increase in the amount dedicated to local aid; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of the State of New Jersey, the Commissioner of the Department of Transportation, members of the State Legislature and the New Jersey League of Municipalities.

RESOLUTION 2005-175**AUTHORIZING EXECUTION OF DONOR AGREEMENT WITH BETTER BEGINNINGS DAY CARE CENTER**

WHEREAS, it is the desire and intention of the Mayor and Council to contribute \$8,500 during 2005 to Better Beginnings Day Care Center of Hightstown/East Windsor, New Jersey; and

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

WHEREAS, the Chief Financial Officer has certified that funds for this contribution have been provided in the 2005 budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement which is attached hereto and made a part hereof is hereby approved, and the Mayor is authorized to execute

RESOLUITON 2005-176**AUTHORIZING PAYMENT NO. 8 – 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 three change orders to that contract have subsequently been approved in the amounts of \$402.00, \$2,849.00 and \$4,970.00 respectively, bringing the total contract price to Nine Hundred and Fifteen Thousand Six Hundred and Seventy-Three (\$915,673.00) Dollars; and

WHEREAS on July 6, 2005, the contractor submitted Payment Request No. 8 for work done in the total amount of \$81,633.02, together with the required certified payrolls, and the Borough Engineer recommended approval of same in her memo dated July 13, 2005; and

WHEREAS approval of this payment request was previously provided by the Mayor and Council through its inclusion on the approved July 18, 2005 bill list, and the purpose of this Resolution is to memorialize same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 8 from Chicago Bridge & Iron (CB&I) Services, Inc. of New Castle, Delaware in the amount of \$81,633.02 is hereby approved.

RESOLUTION 2005-177 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 **\$1,387,175.04** from the following accounts:

Current	\$ 1,299,399.61
W/S Operating	30,902.13
General Capital	19,893.00
W/S Capital	3,042.50
Animal Control	180.00
Trust Account	201.25
RCA-COAH Escrow	900.00
Grant	115.00
Escrow – Subdivision & Site Plan (First Washington Bank)	32,541.55
Total	<u>\$ 1,387,175.04</u>

UNFINISHED BUSINESS

DISCUSSION AND POSSIBLE INTRODUCTION: ORDINANCE 2005-29,

AN ORDINANCE TO AMEND SECTION 4-21, "TAXICAB LICENSING," OF THE *REVISED* *GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Councilwoman Laudenberger, who chaired the subcommittee reviewing the Borough's existing taxi ordinance, referred to the draft copy of Ordinance 2005-29 which had been provided in the meeting packets, and recommended that Council move forward at this time with its introduction. She noted that the committee reviewed numerous ordinances from other New Jersey municipalities and pulled from them what they felt would best suit Hightstown.

Mr. Raffetto stated that he had reviewed the draft ordinance, and questioned whether Council may want to include a provision for a hearing by them in the event that an applicant is denied a license. It was agreed that Mr. Raffetto would provide suitable language for inclusion in the Ordinance.

Councilman Sackowitz stated that one of the reasons he was interested in changing this Ordinance was because he found that fares had not been addressed by Council for many years, as required by the existing Ordinance. He is concerned about price gouging and would like to see a cap on the fares. Mayor Patten noted that this provision was removed in the draft ordinance because it would hinder companies from adjusting fares to compensate for gasoline price

increases. After some further discussion, it was agreed to retain the provision in the existing ordinance which states that the maximum fare to be charged for a trip wholly within the limits of the Borough would be established annually by Resolution of Council. Councilman Thompson asked if the Borough could stipulate the maximum fares for trips from the Borough to the airport or train station. Mr. Raffetto advised against this.

Ordinance 2005-29 was moved for introduction, with changes as discussed, by Councilwoman Laudenberger and seconded by Councilman Quattrone.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-29 was set for September 6, 2005.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilman Sikorski reported that he has been meeting regularly with Mr. Wetterskog and noted that several signs posted illegally on telephone poles have been removed. He added that "all citizens are empowered to remove them ... they're illegal." He said that Mr. Wetterskog will be recommending changes to the Borough's sign ordinance with respect to sandwich board signs. He noted also that a bilingual assistant has been hired to assist with Code enforcement activities.

Mr. Sikorski closed his comments by reporting that the Borough's pension contributions will increase markedly in 2006. The PERS contribution will increase from \$7,860 to \$36,285 and PFRS from \$54,280 to \$116,230.

Councilman Quattrone noted receipt of an activity report from the Borough's Public Works department. He stressed the importance of recycling, noting that the Borough saves significantly through chipping and grass collection. In July alone, savings totaled approximately \$5,800. He urged residents not to throw away vegetative waste, but to call Public Works for a pickup instead.

Mr. Quattrone went on to report that the First Aid Squad has seven prospective new members, and there are now four EMTs available to answer calls. The summer program at Dawes Park is going well, he reported, and is serving nearly 100 children. Lastly, Councilman Quattrone reported that the Environmental Commission asked him to try and obtain a set of landscaping plans from the school district. He contacted the district, and there are none. "Hopefully, we can give them some ideas," he said.

Councilman Sackowitz asked Mr. Quattrone if the Environmental Commission exercises any oversight regarding the environmental clean up of the Mill property. He and Mr. Gottesman stated that this is not the Borough's responsibility at all, but that of the New Jersey DEP.

Councilwoman Laudenberger reported that the Community Fair will take place on Saturday, October 8, with the theme "Salute to the 70's." She thanked Councilman Quattrone for attending the most recent meeting of the steering committee and invited anyone interested to attend their next meeting, scheduled for August 9. "We have a job for all who would like to work with us," she said.

Councilman Sackowitz noted that the issues around overcrowding are "very difficult." "We want to have a free and open society," he said. "Sometimes there are things we have to grit our teeth and get through for a little while." He noted that snap decisions can't be made in government, and patience is required. Mr. Sackowitz went on to report that he will be at the October 8 Fair, and will be doing water quality testing on Peddie Lake.

Councilman Thompson spoke regarding the 2006 budget process, saying that it is "unlikely we'll see significant changes to our revenues and we can't continue to rely on Extraordinary Aid." He asked that the Borough "explore establishing an allowable budget for 2006" and "put more onus and control" in the hands of the administrator and department heads, within a framework established by Council. He asked the Borough Attorney if this would be done by Resolution. "We need to look at putting a stake in the ground now and working backwards," he said. "Sitting around looking at [budget] line items hasn't been very useful."

Mayor Patten asked Mr. Thompson, Councilman Sackowitz and Ms. Gallagher to form a committee to begin the Borough's 2006 budget process. He suggested that the Borough look at "zero-based budgeting" in 2006.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Pete Klapsogearge, 418 N. Main Street, said, "As far as the budget goes, I sat on Council – there is no money. We can't do without State aid." He went on to address Mr. Wetterskog's earlier comments, which, he said, should have been directed at Council rather than at the audience. "It's not about Latinos," Mr. Klapsogearge said. "And it's not just North Main Street - it's all over." He noted that Carol Hewins complained about overcrowding in a home on Hausser Avenue at a Council meeting months ago. Mr. Klapsogearge also expressed concern about overcrowding at the Bank Street redevelopment project, given the possibility of an increase in the number of proposed residential units. He commended Councilman Thompson for his position on this.

Mr. Klapsogearge went on to say that overcrowding is a municipal issue and that other New Jersey towns have stricter codes than Hightstown's. He accused Mr. Wetterskog of "promoting overcrowding instead of addressing it" and asked that Council consider adopting an ordinance which requires that "common space must remain common space."

Phyllis Deal, 305 Stockton Street, said, regarding overcrowding, "most of the people doing this are here working their hides off and not making much money....If we enforce these rules, where do they go? They came to work, want to work, and there's no place for them to live. It's a humanitarian issue." If we follow what was suggested, she said, it would prohibit someone from occupying a hospital bed set up out of necessity in a dining room, as sometimes happens.

Ms. Deal also expressed concern that the Borough would face problems if it did not "go with Greystone" if they own the property in question. Mayor Patten and Council President Schneider informed her that Greystone does not own the property at this time.

Lisa Ernst, 106 Hausser Avenue, asked Council to assure that a study is done regarding the impact that the Mill redevelopment will have on the school district, and how many children would be added to the system. Mayor Patten informed her that this is required as part of the Planning Board's review, along with other impact studies.

Regarding overcrowding, Ms. Ernst said, "I didn't come here tonight to accuse Harry of not doing his job. This is not 'his job' but a community issue." The renters are often victims, she said, and "shouldn't have to live like this." She suggested that the properties could be made into legal boarding houses, and added "This is not Harry's job alone. As a community, we need to come together to figure out how to fix and resolve the underground network that is happening." The landlords are the problem, and not the tenants, she said.

Larry Epstein, 109 Gilman Place, said that overcrowding is not a new issue, and he hopes that we will be able to find a solution. He said that he came to address certain "quality of life" issues that he has observed as he walks the community: (1) grass clippings in the street (noting that this is a problem near the W. C. Black School as well as in other areas); (2) the need for more police enforcement regarding bicycles being ridden on sidewalks and people "congregating

inappropriately"; and (3) the issue of garbage being placed at the curb days ahead of time. Those doing so should receive a citation, he said.

Dan Buriak, 194 Stockton Street, expressed disappointment in Council's votes on Resolutions 2005-169 and 170 (to undertake a market study, at Greystone's expense, regarding the Mill redevelopment and to extend the conditional redeveloper's agreement). He suggested that Greystone was not present at this meeting because "they know you're operating on their behalf, and had no worry that anything would stop here tonight." He asked why the Borough's Redevelopment Plan "mirrors Greystone's plans so carefully" and if a financial analysis was done as part of the Plan. "You overpaid [the planner]," he said, "if no financial analysis was put into it."

Mr. Klapsogorge spoke again to reiterate his request that Council adopt an ordinance that "keeps common space as common space." Mayor Patten said that he would form a committee to look into these issues, and invited Mr. Klapsogorge to serve on it.

No one else came forward and the floor was closed.

Mayor Patten urged the public to "be careful what you say. We are rigorously enforcing our local codes," he said, "and we don't have 30 people out there to do all that. Be careful not to say that 20 people are living somewhere without having real evidence for it." He objected to the public's use of phrases such as "No one seems to be doing anything," or "nothing is happening." "That is wrong," he said. "Things are happening, and I can attest to it. We are being as tough as we can with enforcement, but there are laws to abide by and only so many personnel."

EXECUTIVE SESSION

The Mayor read aloud **Resolution 2005-167**, authorizing a closed session for the purpose of discussing personnel. The Resolution was 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 2005-167 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on August 1, 2005 at approximately 10:15 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

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: November 1, 2005, 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.

RESOLUTION 2005-173, APPOINTING BOROUGH TAX ASSESSOR

Upon reconvening into open session, **Resolution 2005-173** 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 2005-173 APPOINTING BOROUGH TAX ASSESSOR

WHEREAS, due to the resignation on June 30, 2005, of Borough Tax Assessor Brian Schneider, a vacancy now exists in that office; and

WHEREAS, it is the desire of Mayor Robert Patten to appoint Carole Caskey of Cranbury, New Jersey to the position effective this date, August 1, 2005; and

WHEREAS, *N.J.S.A.* 40A:9-148 provides that a vacancy occurring in the office of Municipal Tax Assessor which occurs other than by expiration of term shall be filled for the remainder of the unexpired term; and

WHEREAS the appointed term of the previous assessor expires on June 30, 2006;

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

1. In accordance with the provisions of *N.J.S.A.* 40A:9-148, Carole Caskey of Cranbury, New Jersey is hereby appointed to the office of Tax Assessor for the Borough of Hightstown for the remainder of the unexpired term ending June 30, 2006.
2. A certified copy of this Resolution shall be provided forthwith to the Mercer County Division of Taxation.

Upon motion by Councilwoman Laudenberger, seconded by Councilman Sikorski and unanimously approved, the meeting was adjourned at 10:19 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk