

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:05 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
Mayor Patten	✓	
Councilmember Sackowitz		✓
Councilmember Laudenberger	✓	
Councilmember Quattrone		✓
Councilmember Schneider	✓	
Councilmember Sikorski	✓	
Councilmember Thompson	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; Frederick Raffetto, Esq., Borough Attorney; Randall Gottesman, Planning Consultant; George Lang, Chief Financial Officer; Gary Rosensweig, Planning Board Attorney and Edward McManimon, Bond Counsel.

Ms. Gallagher noted that this meeting was advertised as a joint meeting of the Borough Council, Planning Board, Environmental Commission, Parks and Recreation Commission and Historic Preservation Commission. The following members were present: *Planning Board*: Jim Jurgens, Matthew Cuddy, William Searing; *Environmental Commission*: Roger Cook, Harold Mulleavey, David Zaiser, Robert Ohle, Charles "Cappy" Stults, Barbara Jones; *Historic Preservation Commission*: Clark Hutchinson, Kathy Patten; *Parks and Recreation Commission*: Sandra Bontempo, Gary Grubb.

APPROVAL OF AGENDA

Deleted from the agenda was Resolution 2005-120, which would approve the issuance of a taxi driver's license to Deva Lawrence. The agenda was moved as amended by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved.

APPROVAL OF MINUTES

Minutes of the April 18, 2005 open session were moved by Councilman Sikorski, seconded by Councilman Schneider and unanimously approved as submitted.

PRESENTATION

REVISED CONCEPTUAL PLAN FOR THE MILL PROPERTY – GREYSTONE MILL, LLC

Mayor Patten stated that the members of a subcommittee consisting of himself, Councilmembers Laudenberger and Sikorski, Borough Attorney Frederick Raffetto, Borough Engineer Carmela Roberts, Planning Board Attorney Gary Rosensweig, Bond Counsel Ed McManimon and Chief Financial Officer George Lang have met several times with representatives of Greystone over the last several months.

Mr. Raffetto provided an overview of the redevelopment process to date, beginning with its commencement in 2003 when the Borough Council asked the Planning Board to determine if areas of the Borough were in need of redevelopment. Greystone Mill, LLC has been designated as Conditional Redeveloper for the Mill property, and has presented a number of plans to the Borough. They have been most cooperative in making requested changes to the plans, Mr. Raffetto said, and have funded the entire process. "Together," Mr. Raffetto said, "we've crafted a plan that is beneficial to both the Borough and to Greystone, and accomplishes the goals and objectives of the approved Redevelopment Plan." The intention tonight, Mr. Raffetto said, provided that the Borough is in agreement with the conceptual plan to be presented by Greystone at this meeting, is to approve that plan in accordance with the Conditional Redeveloper's agreement. He emphasized that there are still many other approvals to take place. The next step, he said, will be to designate Greystone as Redeveloper and enter into a Redeveloper's Agreement.

Tom Letizia, attorney for Greystone Mill, addressed Council and public and presented the revised conceptual plan, noting that it is the result of many discussions with various boards and commissions, Borough departments and residents. The plan, he said, incorporates the views and concerns expressed over the course of the past year, and carries out the goals of the Borough's redevelopment plan.

The revised plan depicts a mixed use development consisting of residential, office, retail and municipal space, including 6,300 square feet of new municipal space to be created through renovations to the existing municipal building. It includes a greenway along Rocky Brook and pedestrian accessways, with a "functional and efficient parking plan to accommodate various uses."

Mr. Letizia said that Greystone would be requesting approval of a short-term tax abatement for the new and renovated buildings. During this time, the property would not be fully assessed, and Greystone would make a payment to the Borough in lieu of taxes. While the overall taxes paid by Greystone during this period would be less, the Borough's revenue will be significantly higher than under normal taxation, because the Borough would retain 100% of the incremental payments above the current tax revenue. The land would continue to be fully assessed and the buildings would be fully assessed after five years. This proposal, he said, is beneficial to both Greystone and to the Borough. It will assist Greystone in attracting purchasers and will provide a significant source of revenue to the Borough for the renovation of existing municipal space.

Regarding affordable housing, Mr. Letizia said, "We recognize that this will generate an obligation, and we will work with the Borough on a compliance plan to be approved by COAH." Greystone does anticipate providing some affordable units onsite, he said.

John Wolfington, principal of Greystone Mill, LLC, noted that Greystone has "worked diligently over the last 14 months to come up with a plan that would meet the Borough's needs." Retail space has been added along North Main Street with an added second floor for the Borough's needs. Greystone is "very happy" with this plan, he said.

Dee Santos of Maser Consulting (civil engineers for the project) reviewed changes that were made to the access points and parking, noting that the plan includes 40 parking spaces beyond what would be required. Street parking on Bank Street and North Academy Street is included but there is flexibility in that it could be eliminated if necessary. 40 spaces

are designated for municipal use near the municipal building and 21 spaces near the firehouse. Green space and open space has been maximized, she said, and impervious coverage has been reduced from what currently exists. In the revised plan, the setback from the Historical Society's headquarters to the proposed addition is 40 feet, which would require a modification to the redevelopment plan.

Joseph Jancuska, Greystone's architect, provided a brief review of the drawings presented.

Richard Redding, economist for Greystone, spoke briefly to explain the tax abatement that will be requested by Greystone. Currently, he said, the Borough realizes \$10,000 per year in tax revenue from this property. During the first five years of the abatement, the Borough would receive \$420,000 per year, and after the property reverts to full and normal taxation, the Borough's share of the tax revenue would be approximately \$170,000.

Mayor Patten opened the floor for questions.

Christian Kirkpatrick, president of Hightstown-East Windsor Historical Society, asked for clarification regarding what Greystone is seeking from the Historical Society. Ms. Santos stated that there is no "land taking" involved, but rather a change in the setback. Greystone is trying not to impact that facility, she said, but rather to provide adequate pathways and handicap spaces, and integrate it into the overall development.

Eugene Sarafin expressed concern about the parking plan and safety in some of the "canyons and dark spaces." He suggested that access to the lot be limited from some entrances. Ms. Santos stated that, once the traffic impact analysis is complete, they will evaluate the access points of the parking lot.

Harold Mulleavey asked what soil evaluations have been done. Ms. Santos replied that preliminary geotechnical evaluations are complete, and that what they are proposing in this plan "is sustainable." They are taking down one building where there was arsenic contamination, she said, and a letter of interpretation from NJDEP for Rocky Brook and the associated wetlands is "already in hand."

Robert Ohle (retired tax assessor) asked if the Borough would maintain taxation on the buildings. Mr. Redding stated that, under the proposed tax abatement plan, taxes would remain at the same level during the five years of the abatement period. There will be no reduction in revenue, and the Borough will receive all of the increased portion during that time.

Matt Cuddy commended everyone involved in crafting the new plan, and asked about the parking for the eight townhouses to be situated on Academy Street. Ms. Santos replied that parking there will be accomplished with rear entry garages.

Mr. Sarafin asked what the true value of the property would be after five years. Mr. Redding estimated that the assessment would be \$16 million. Mr. Sarafin claimed that someone would have to make up the difference in the school tax bill. Mr. Redding disagreed, saying, "Taxpayers don't have to make up the difference. It is not a liability to the Borough. To the contrary, we retain a higher percentage of the revenues."

Bond Counsel Ed McManimon spoke to clarify that issue. "This is not comparable to Hamilton," he said. "It is not a tax, it's a contract." There is minimal impact to the schools, he said, adding "The Borough subcommittee made it clear that they wanted a short-term exemption. This produces significantly more income to the taxpayers. In Hamilton, it was the taxpayers and not the school who were impacted. This property is not taxable for five years, so it doesn't pay a school tax. It is a tax exemption, not a tax abatement."

Mr. Sarafin stated that an "independent group" should study this issue and make recommendations.

Michael Theokas, proprietor of Theo's Lakeside Tavern, said that this is a "fantastic plan -- progress with a capital 'P' -- and it tells residents that the town is moving forward and working toward improving business in town and beautifying the downtown area." He asked Council to unanimously endorse the plan and said that he is looking forward to the outcome. His comments were met with applause from the those in attendance.

Phyllis Deal noted that CCL Label currently has egress behind the rug mill and asked how this plan would affect them. Ms. Santos stated that there would be no truck access at that point. There will be two access points on Stockton Street, she said, where they can get deliveries.

Lawrence "Whitey" Jones stated that trucks have always come through that area, and if residential traffic were to go through also, there could be an accident. Ms. Santos stated that various aspects of the traffic pattern can be reevaluated after more information is available.

Shade Tree Commissioner David Zaiser applauded all who worked on this plan, and expressed the appreciation of the Environmental Commission for Greystone's efforts to include the Greenway onsite. He encouraged continued dialogue with the Commission as the project unfolds.

Jim Jurgens stated, "You've come a long way, baby!" It is clear, he said, that Greystone has listened to the concerns which have been expressed, and he was especially pleased to see the character of Main Street extended here and the adaptive reuse of the existing municipal building. He expressed some concern about parking on Bank Street, particularly since it could impede access to and from the First Aid Squad.

Mr. Sarafin asked if a parking garage would be helpful. Mr. Wolfington stated that the existing onsite parking is sufficient without the need for stacked parking.

Chris Emigholtz asked how the proposed tax abatement would impact the average tax bill. Mr. Redding stated that this information is not yet available, and the revenue figures provided earlier are only estimates at this point.

Mr. Mulleavey asked if the parking lot near the bridge would be for residential use only. Ms. Santos stated that it would be a shared use, with permit parking only. Mr. Mulleavy said that he'd like to be sure that the footbridge will remain in the plans. Mr. Wolfington noted that this would be considered a public walking path.

Council President Schneider asked what is planned for the rear portion of the existing municipal building. Ms. Santos said that there would be landscaping and exterior improvements. Mr. Schneider asked where the police department access points would be located and she pointed out three access points on the plan, one of which would be for fire and police only.

Peter Klapsogearge noted the need for renovations in the police department.

Mr. McManimon stated that the negotiations are designed to have the developer pay for improvements to our municipal building. The details of this have not yet been determined. The extent to which aspects of this come into play, he said, will be the subject of negotiations, and will be driven by economics.

No other comments were heard, and Mayor Patten closed the floor and thanked Greystone's representatives for their presentation.

RESOLUTION 2005-122, A RESOLUTION CONDITIONALLY APPROVING A CONCEPT PLAN FOR THE BANK STREET REDEVELOPMENT PROJECT, AND AUTHORIZING FURTHER ACTIONS BY THE BOROUGH AND GREYSTONE MILL, LLC

Mr. Raffetto reviewed the provisions of Resolution 2005-122, noting that this Resolution would provide approval merely for the concept which has been presented, with the understanding that many things still need to be accomplished before the redevelopment project can come to fruition. Once the Borough designates Greystone as the full redeveloper (if that takes place), and after the redeveloper's agreement is executed, the matter would proceed to the Planning Board for their full review of the site plan, with hearings and public input as with any other project.

Resolution 2005-122 was moved by Councilman Sikorski and seconded by Councilwoman Laudenberger.

Councilman Schneider asked Chief Eufemia to comment regarding the concept plan as presented, noting that he had some concerns about accessibility for the police department. Chief Eufemia said that the biggest difference he sees is the police cars driving around to exit on the firehouse side of the building, which, he said, was "not a deal breaker." He said that he assumes that there will be further discussions regarding traffic flow. He noted that proper signage is crucial, and emergency lights and sirens do help when traffic is heavy, as it often is during rush hours. Mr. Raffetto stated that, if the police egress issue was determined to be problematic, the Borough would still have the ability to change that. "This is approval of the concept only," he said. "If you're comfortable with generally what is being proposed, we can roll up our sleeves and get to work on the nitty gritty."

Councilwoman Laudenberger noted that one of the Borough's strongest requests was for retail on North Main Street. That is now there, and she said that she is "exceptionally pleased."

Councilman Sikorski said that he is "comfortable with the plan." "Life is a series of compromises," he said, "and they have been made."

Councilman Thompson pointed out the value in the Borough's having asked difficult questions during this process. "It makes a big difference," he said, "and we need to continue to ask."

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

Resolution adopted, 4-0-2.

RESOLUTION 2005-122 A RESOLUTION CONDITIONALLY APPROVING A CONCEPT PLAN FOR THE BANK STREET REDEVELOPMENT PROJECT, AND AUTHORIZING FURTHER ACTIONS BY THE BOROUGH AND GREYSTONE MILL, LLC

WHEREAS, the Borough of Hightstown and Greystone Mill, LLC ("Greystone"), are parties to a Conditional Redeveloper's Agreement, which was approved on March 7, 2005 and executed thereafter, relating to the redevelopment of an area along Bank Street involving 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 (the "Bank Street Redevelopment Project"), also identified as Sub-Area I in the Borough's Redevelopment Plan; and

WHEREAS, pursuant to Section 1.05 of the Conditional Redeveloper's Agreement, an agreement as to a final concept plan for the Bank Street Redevelopment Project was to be reached by April 15, 2005; and

WHEREAS, over the last several months, the Borough's Redevelopment Subcommittee and representatives of Greystone have engaged in meetings and discussions regarding the creation of a concept plan for the Bank Street Redevelopment Project which would be mutually beneficial and agreeable to the Borough and to Greystone; and

WHEREAS, as a result of these meetings and discussions, and prior to the April 15, 2005 deadline, Greystone submitted a concept plan for development of the Bank Street Redevelopment Project to Borough's Redevelopment Subcommittee; and

WHEREAS, the Borough's Redevelopment Subcommittee has found this concept plan to be satisfactory, in conceptual form only; and

WHEREAS, the Borough's Redevelopment Subcommittee has recommended that the full Borough Council, acting as the Redevelopment Agency for the Borough, consider conditionally approving this concept plan, so that the Borough and Greystone may proceed to take the appropriate next steps and actions to move the Bank Street Redevelopment Project forward; and

WHEREAS, it is specifically known and understood that this concept plan may need to be revised further in the future, and that the final development plan for the Bank Street Redevelopment Project shall depend upon many additional factors, including but not limited to the results of the required traffic and circulation study, further requirements of the Borough's professionals, final review and approval of the plan by the Borough Council acting as the Redevelopment Agency for the Borough, the negotiation, approval and execution of a Redeveloper's Agreement with Greystone, and the required review and approval of the Borough's Planning Board as to site plan and all other matters as required under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, this concept plan was presented by Greystone to the full Borough Council, acting as the Redevelopment Agency for the Borough, at a joint meeting involving members of the Borough Council, the Planning Board, the Environmental Commission, the Parks and Recreation Commission, the Historic Preservation Commission and the public on May 2, 2005; and

WHEREAS, the Borough Council, acting as the Redevelopment Agency for the Borough, has reviewed the concept plan and the comments raised at the public presentation of May 2, 2005, and has found the proposed plan to be satisfactory, in conceptual form only, with the understanding that the final plan for development of the Bank Street Redevelopment Project may be revised in the future as a result of the continuing review and approvals set forth above; and

WHEREAS, the Borough Council, acting as the Redevelopment Agency for the Borough, now wishes to provide its conditional approval for this concept plan, as presented to the public on May 2, 2005, such that the Borough and Greystone may proceed to take the appropriate next steps and actions to move the Bank Street Redevelopment Project forward.

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

1. That the Borough Council hereby conditionally approves the concept plan as presented by Greystone to the public on May 2, 2005.
2. That this approval is conditional, and relates only to the conceptual form of the plan presented, so that that the Borough and Greystone may proceed to take the next appropriate steps and actions to move the Bank Street Redevelopment Project forward. It is specifically known and understood that the final plan for development of the Bank Street Redevelopment Project shall depend upon many additional factors, including but not limited to the results of the required traffic and circulation study, further requirements of the Borough's professionals, final review and approval of the plan by the Borough Council acting as the Redevelopment Agency for the Borough, the negotiation, approval and execution of a Redeveloper's Agreement with Greystone, and the required review and approval of the Borough's Planning Board as to site plan and all other matters as required under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.
3. That the Borough's professionals are hereby authorized and directed to commence preparation of a Redeveloper's Agreement with Greystone, which shall be presented to the Borough Council for review and approval at a future meeting.
4. That, following execution of the Redeveloper's Agreement, Greystone may proceed with all actions that are appropriate relating to the Bank Street Redevelopment Project, subject to receiving all required municipal approvals pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. and the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

5. That the Borough Council's conditional approval of the concept plan for the Bank Street Redevelopment Project, as presented on May 2, 2005, is specifically without prejudice to the Borough's right to require further revisions to the plan as deemed necessary and/or appropriate as a result of the Borough's continued review of this matter as this process moves forward.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Greystone Mill, LLC
 - b. Thomas M. Letizia, Esquire
 - c. Frederick C. Raffetto, Esquire, Borough Attorney
 - d. Edward J. McManimon, Esquire, Bond Counsel
 - e. Gary Rosensweig, Esquire, Planning Board Attorney
 - f. Carmela Roberts, P.E., Borough Engineer
 - g. Randall Gottesman, P.P., Borough Planner
 - h. George Lang, C.P.A., R.M.A., Borough Chief Financial Officer

PUBLIC COMMENT I

Mayor Patten opened the floor to public comment.

Eugene Sarafin, 600-628 South Main Street, said that all who worked on the plan for the Mill property should be proud. He expressed concern about the proposed PILOT, and stated that he spent the morning testifying before the Mercer County Tax Board. He asked when the Borough is sending the County an updated tax map. Ms. Gallagher stated that the Borough has received that request from the County and will be sending the map shortly. Mr. Sarafin urged the Borough to revalue and complained that his quarterly water bill is twice that paid in East Windsor Township.

Mayor Patten expressed his condolences to Mr. Sarafin on the recent passing of his mother.

Peter Klapsogorge, 418 N. Main Street, stated that he has previously addressed Council regarding the old Wyckoff house and the old Taylor house. The latter, he said, is zoned single family residential, yet he feels it is being used as a boarding house. He added that the article which appeared about this in the *Windsor Hights Herald* included incorrect addresses. He asked if the Borough is "any closer to enforcing the zoning on that property."

Councilman Sikorski stated that he meets daily with Mr. Wetterskog, who "is in the process of taking all the steps that can be taken." Mr. Klapsogorge said that he has been told that there is nothing that the Borough can do, because it can't be proven that it is a boarding house. He added that this is not just a North Main Street problem -- similar circumstances exist on other streets as well. He said that others were here to speak, but had to leave prior to public comment. "If we don't address the zoning issue," he said, "we're creating affordable housing by allowing this to happen at the Taylor house. It's a potentially bad situation." Our ordinances will work if they are enforced, he said, and if not, they should be reevaluated and strengthened. If they are not enforced, he said, his own civil rights will have been violated by the Borough's failure to do so.

Mayor Patten objected to accusations that the Borough isn't doing anything. "We *are* doing it," he said. "We are enforcing our laws as best we can, and trying to change the laws where we can. We are addressing the concerns of all who come before us. Questions are asked, and we're giving answers, but it's not to the satisfaction of some of our people. Give our people credit for going above and beyond to ensure that our town is a nice place to live."

Mr. Sarafin spoke again to commend the Mayor for allowing the public to speak and to ask questions. He went on to object to Chief Eufemia's attending the meeting in uniform, which, he said, "makes us look like a police state."

Julie Barton, 410 N. Main Street, said that she is looking forward to the Mill project. She went on to say that she hopes that the Borough's zoning and housing laws will be enforced. She saw work being done on the old Wyckoff house over the weekend, she said. "It was cosmetic, but it was an attempt." Regarding the old Taylor House, Ms. Barton stated, "it is a fact that 10 or 15 adults live there. Everyone should follow the housing and zoning codes of the town. It's single family zoning ... We need to keep on top of this. Otherwise Hightstown will turn into Trenton or Perth Amboy or Carteret." She offered her assistance if needed. Mayor Patten suggested that she call Mr. Wetterskog and meet with him during the day to discuss her concerns. Ms. Barton said that she has contacted him previously, and he did get back to her promptly, but she is still struggling with the situation (construction vehicles parked at the house next door to her). "It's difficult," she said, "but something really needs to be done."

Mayor Patten stated that the concerns expressed are valid, "but we have a process we have to go through. We're doing it as quickly as possible."

No one else came forward and the floor was closed.

ORDINANCES

PUBLIC HEARING: ORDINANCE 2005-14, AN ORDINANCE 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, which will implement the Stormwater Management Plan adopted by the Planning Board as a requirement of our stormwater permit. Mr. Raffetto pointed out that final action cannot be taken on the Ordinance until the Planning Board has had the opportunity to review the ordinance and provide their recommendations to Council. The public hearing, however, can be held as advertised and closed or continued to the next meeting.

Mayor Patten opened the floor for the public hearing on Ordinance 2005-14.

Torry Watkins, 68 Meadow Drive, noted that his water bill is considerably lower than Mr. Sarafin's, and reiterated his recommendation (made at prior meetings) to initiate a requirement for bagging leaves for collection. He feels that this would "go a long way to reduce stormwater pollution," would reduce labor costs and would eliminate the need to use the front end loader and leaf vacuum. The equipment is damaging curbs in his neighborhood, he said.

Eugene Sarafin, 600-628 South Main Street, asked Ms. Roberts if the stormwater requirements are as stringent as she had originally anticipated. She replied that new development and redevelopment projects will have to meet certain water quality and quantity standards. The Mill, for example, will have to treat their stormwater runoff. Mr. Sarafin suggested that, when the developer realizes that cost, they may feel that it would be less expensive to build a parking garage. Mr. Sarafin asked if Enchantment will be affected by the regulations. Ms. Roberts said that they will not, as they had received prior approval. Mr. Sarafin expressed support for the ordinance.

No one else came forward. Consensus of Council was to close the hearing at this time, and Mayor Patten closed the floor.

It was moved by Councilwoman Laudenberger that action on Ordinance 2005-14 be postponed to June 6. The motion was seconded by Councilman Schneider.

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

Final action postponed, 4-0-2.

PUBLIC HEARING: 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 reviewed the provisions of Ordinance 2005-15, which will amend our checklists to be in compliance with the Stormwater Ordinance to be adopted with Ordinance 2005-14. Mr. Raffetto noted that this Ordinance, too, must be reviewed by the Planning Board prior to final action by Council.

Mayor Patten opened the public hearing on Ordinance 2005-15.

Eugene Sarafin, 600-628 South Main Street, noted his presence at the hearing.

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

Councilwoman Laudenberger moved to postpone final action on Ordinance 2005-15 to June 6. Her motion was seconded by Councilman Thompson.

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

Final action postponed, 4-0-2.

**INTRODUCTION AND FIRST READING: ORDINANCE 2005-16,
AMENDING SECTION 26-10, "MANDATORY DEVELOPMENT FEES," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN***

Mr. Gottesman reviewed the provisions of Ordinance 2005-16, which would increase the development fees to be charged by the Borough to the maximum that is permissible under COAH's third round rules: one percent for residential development and two percent for non-residential development. He expressed his full support for this Ordinance.

Ordinance 2005-16 was moved for introduction by Councilman Schneider, seconded by Councilwoman Laudenberger.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-16 was set for June 6, 2005 in order to allow time for the Planning Board's review.

BUDGETARY RESOLUTIONS

**RESOLUTION 2005-118, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION
OF THE 2005 BUDGET**

Resolution 2005-118 was moved by Councilman Sikorski and seconded by Councilwoman Laudenberger.

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

Resolution adopted 4-0-2.

RESOLUTION 2005-118 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	87,918.54	976,657.55	1,064,576.09
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	27,130.46	561,322.00	588,452.46
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
TOTAL	115,049.00	2,384,527.55	2,499,576.55

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 hereof¹.
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 2005-119 and 2005-121 were moved by Councilman Sikorski and seconded by Councilman Thompson.

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

Resolutions adopted 4-0-2.

¹ See end of these 5/2/05 minutes.

RESOLUTION 2005-119**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-151 TO BETTER BEGINNINGS DAY CARE CENTER**

WHEREAS, Better Beginnings Day Care Center wishes to hold an off-premise merchandise raffle at 318 North Main Street on July 28, 2005 (raindate August 4, 2005); and

WHEREAS, the group has submitted application number RA-151 for this raffle along with the required fees; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-151 to Better Beginnings Day Care Center for their merchandise raffle to be held on July 28, 2005 (raindate August 4, 2005).

RESOLUTION 2005-121**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 **\$891,371.15** from the following accounts:

Current	\$ 701,729.73
W/S Operating	93,778.20
General Capital	29,734.36
W/S Capital	5,555.92
Grant	96.00
Trust	940.00
RCA-COAH Escrow	37,800.00
Escrow – Subdivision & Site Plan (First Washington Bank)	21,736.94
Total	<u>\$ 891,371.15</u>

OLD BUSINESS

REVISIONS TO EXISTING TAXI ORDINANCE

Councilwoman Laudenberger stated that she has reviewed the sample taxi ordinances from other towns, and would like to see the Borough look closely at West Windsor's ordinance, and adopt something that closely resembles certain parts of theirs. She noted that Councilman Quattrone had recommended that our ordinance address handicapped riders, which West Windsor's ordinance alludes to.

Chief Eufemia was asked for his comments. He stated that our ordinance should be reshaped to suit our current needs. It requires general updating, he said, and he recommended further review. Mayor Patten asked Ms. Laudenberger to chair a committee existing of herself, Councilman Quattrone and Chief Eufemia to develop a draft ordinance for Council's review. Councilman Schneider asked how a person would currently find out what taxis are registered in town. Ms. Gallagher stated that this information is on file in the Clerk's office and could be provided upon request. She added that it could be placed on the Borough's website, as well.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilwoman Laudenberger stated that the Celebrate Hightstown! Committee is planning another event over Columbus Day weekend and will meet in May to review plans.

Mayor Patten noted that the Borough's 5th Annual Borough-wide garage sale would be held on the coming weekend.

Councilman Sikorski reported that the Planning Board has not met since the last Borough Council meeting. He meets daily with Mr. Wetterskog regarding code enforcement issues, he said, noting that Mr. Wetterskog is usually in his office before 8 a.m. each morning. This is a busy time of year for the construction office, he said. Issues regarding both the old Wyckoff house and the old Taylor house are being addressed. A summons has been issued to one, and letters sent to the other. To go into further detail, he said, would represent an invasion of privacy. Lastly, Mr. Sikorski reported that he met on Saturday with the Latino committee.

Ms. Gallagher reported that she is in the process of arranging meetings of the newly appointed Solid Waste Committee and Downtown Improvement Committee.

Chief Eufemia reported that the County has begun the paving work on Stockton Street, and is "right on schedule." The Borough is doing all that it can to accommodate those who may be inconvenienced during this period, he said.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Torry Watkins, 68 Meadow Drive, asked if meeting dates have been set for the Borough and Township Councils to jointly review the defeated school budget. Ms. Gallagher noted that meetings will be held on May 10 and May 17 at 7:30 p.m. in the Hightstown High School cafeteria. Mr. Watkins urged Council to use this opportunity to "educate the public as to the true problem with tax rates – New Jersey depends too heavily on property taxes for school financing."

Eugene Sarafin, 600-628 South Main Street, thanked Mayor Patten for the condolences he expressed earlier in the meeting. His mother, Blanche, he said, was "one with Hightstown for as long as she lived." Women of that era, he said, were "unbelievable," and she lived "a marvelous life to 96." He noted that, for many years, Hightstown was the center of agriculture for Allentown, Cream Ridge, Upper Freehold and Cranbury.

EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2002-117**, authorizing a closed session for the purpose of discussing personnel. The Resolution was moved by Councilwoman Laudenberger and seconded by Councilman Sikorski. Ms. Gallagher noted that action may be taken following closed session.

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

Resolution adopted, 4-0-2.

RESOLUTION 2005-117 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 May 2, 2005 at approximately 9:40 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: August 2, 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.

Upon reconvening into open session, **Resolution 2005-123** was moved by Councilman Sikorski and seconded by Councilman Thompson.

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

Resolution adopted, 4-0-2.

RESOLUTION 2005-123 AUTHORIZING EMPLOYMENT AGREEMENT WITH HARRY WETTERSKOG

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Employment Agreement with Harry Wetterskog, which is attached hereto and made a part hereof, is hereby approved and the Mayor and Borough Clerk are authorized to execute same.

EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND HARRY W. WETTERSKOG

THIS AGREEMENT, entered into as of this 1st day of January, 2005, by and between the Borough of Hightstown, 148 North Main Street, Hightstown, New Jersey, 08520 (hereinafter referred to as "BOROUGH") and Harry W. Wetterskog (hereinafter referred to as "WETTERSKOG").

WITNESSETH

BOROUGH and WETTERSKOG agree as follows:

1. Effective January 1, 2005, and continuing through December 31, 2005, WETTERSKOG shall serve as the Borough's Construction Official, Zoning Officer, Building Subcode Official, Building Inspector, Fire Inspector, Mechanical Inspector and Housing Inspector, with duties and responsibilities as set forth in the *Revised General Ordinances of the Borough of Hightstown* and appropriate State statutes.
2. The obligations and benefits of the employee shall be as set forth in the current edition of the Borough's *Personnel Policy Manual*, except as set forth herein below:
3. WETTERSKOG will report directly to the Borough Administrator or such other official as may be designated by the Mayor and Council, and shall be responsible for the day-to-day operations of the offices of the Construction Official, Zoning Officer, Building Subcode Official, Building Inspector, Fire Inspector, Mechanical Inspector and Housing Inspector.
4. The benefits to be provided by the Borough and enjoyed by WETTERSKOG during his employment shall be as follows:
5. WETTERSKOG shall receive a base salary for the calendar year 2005 in the total amount of \$75,555.00, broken down as follows:

CONSTRUCTION OFFICIAL	\$ 26,155
ZONING OFFICER	15,500
BUILDING SUBCODE OFFICIAL	6,700
BUILDING INSPECTOR	7,800
FIRE INSPECTOR	3,900
HOUSING INSPECTOR	15,500
6. WETTERSKOG shall receive 20 vacation days during 2005.
7. WETTERSKOG shall receive longevity pay during 2005 in the amount of \$650.

8. WETTERSKOG will receive pension coverage, life insurance, paid holidays, paid personal days, paid sick leave and bereavement leave as per the Borough's *Personnel Policy Manual*.
9. WETTERSKOG may accrue a maximum of forty-five (45) days of unused sick leave, and upon retirement or termination, will be compensated in accordance with the provisions of the Borough's *Personnel Policy Manual*.
10. WETTERSKOG will be permitted a maximum of three (3) days off with pay each year to attend the New Jersey Dept. of Community Affairs conference, and a reimbursement for expenses related to his attendance at same of up to \$500.00 per conference. Prior approval to attend the conference must be received from the Borough Administrator or Borough designee.
11. WETTERSKOG will be permitted to attend up to six (6) one-day seminars each year as required to maintain his New Jersey DCA license and to remain current with Code changes. Prior approval to attend any seminar must be received from the Borough Administrator or Borough designee.
12. WETTERSKOG's regular schedule will be 8:30 a.m. to 4:30 p.m., Monday through Friday; but, in order to serve the public, there may be a flexible work schedule as agreed upon by WETTERSKOG and the Borough Administrator or Borough designee. WETTERSKOG may be required to attend evening meetings of the Council and Planning Board, not to exceed twelve (12) hours per month.
13. WETTERSKOG will not be required to reside within the boundaries of the Borough of Hightstown.
14. WETTERSKOG will be permitted to have additional employment other than with the Borough of Hightstown.
15. In lieu of receiving health benefits which are enjoyed by other Borough employees, and in accordance with the Borough's *Personnel Policy Manual*, WETTERSKOG will receive a cash payment of \$2,150.00 per year.
16. WETTERSKOG will have the use of a Borough-owned vehicle for official Borough business during his work hours, or he may use his own vehicle at the current allowance for mileage reimbursement as enjoyed by other Borough employees.
17. WETTERSKOG hereby acknowledges receipt of a current copy of the Borough of Hightstown's *Personnel Policy Manual*.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and date first above written.

Adjournment was moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk