

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:00 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember 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, Planning Consultant; and Gary Rosensweig, Esq., Planning Board Attorney.

APPROVAL OF AGENDA

At the Mayor's request, it was agreed that the discussion of a change order request by Community Grants & Planning which was listed under New Business would be discussed earlier in the meeting along with other COAH issues. The agenda was moved as so amended by Councilman Sikorski, seconded by Councilwoman Laudenberger and approved by all.

APPROVAL OF MINUTES

Minutes of the November 21, 2005, open session meeting were moved by Councilman Sikorski, seconded by Councilman Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Seth Kurs, 22 Maple Avenue, expressed concern about emergency medical services in the Borough, noting that on two occasions within the past year, his family had to wait for 20 minutes for an ambulance to arrive. He noted that Saint Francis has not been consistently available to answer calls, and recommended that the Borough look into an interlocal agreement or hiring its volunteers as paid staff and billing for services.

Mayor Patten thanked Mr. Kurs for his concerns and said that the Borough is currently looking at its options in this regard.

Phyllis Deal, 305 Stockton Street, noted that several sidewalks in town were not cleared and have become icy, which is a "threat to life and limb."

Eugene Sarafin, 600-628 South Main Street, stated that Americans should learn to speak Spanish, and told Council, "it's amazing how little you can accomplish in 12 months," referring to them as "stupid" and telling them that they "have no idea what's going on." He once again urged that the town be "closed down" because "we can't afford it."

No one else came forward and the floor was closed.

COAH ISSUES

PRESENTATION: HOUSING ELEMENT AND FAIR SHARE PLAN

Randall Gottesman, P.P., Community Grants & Planning, Inc.

Mr. Gottesman reviewed the Housing Element and Fair Share Plan which was adopted recently by the Planning Board. The plan indicates that the Borough's projected affordable housing obligation over the ten year period which began January 1, 2004 is 52 units, and does not take into consideration whatever development may take place at the Minute Maid site. There, Mr. Gottesman said, "we'll ensure that it addresses, at minimum, its own obligation and maybe significantly more." The plan provides for the provision of 53 units, including the rehabilitation of seven existing homes. The projected cost to the Borough, according to an analysis provided by Mr. Gottesman, is \$777,000, \$180,000 of which could be provided through a Small Cities grant, and the remainder of which would come from the developers' trust fund. That fund, he said, is projected to total \$777,750, and would have a surplus remaining. The Borough should monitor this, he said, and adjust the growth share ordinance periodically as appropriate.

RESOLUTION 2005-245, A RESOLUTION OF THE HIGHTSTOWN BOROUGH COUNCIL PETITIONING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) FOR SUBSTANTIVE CERTIFICATION OF ITS ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

RESOLUTION 2005-246, A RESOLUTION OF THE HIGHTSTOWN BOROUGH COUNCIL REGARDING ANY SHORTFALLS ASSOCIATED WITH THE PROVISION OF AFFORDABLE HOUSING AS SET FORTH IN THE BOROUGH'S ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

The two Resolutions on this agenda, Mr. Gottesman said, are (1) to petition COAH to review and approve our plan; and (2) to address what the Borough will do in the event that there is a shortfall of funding for this purpose. That Resolution, he said, is required by COAH at the point of submission (and the deadline for that submission is December 20); however, we have tailored the sample Resolution provided by COAH in order to provide a little more flexibility to the Borough.

Mayor Patten asked Mr. Gottesman about the protection afforded to the Borough by petitioning COAH. He replied that, without going through this process, if the Borough were to be sued by private individuals or developers, it would go to the courts without mediation or intervention by COAH. If the Borough were sued when participating in the COAH process, COAH is enabled by the State to intercede and resolve the case without the expense of going through the courts, and our plan would have the "assumption of validity." The Mayor asked, "If a developer recognized that the Borough was not certified, and wanted to put 52 affordable units on a property, could he go ahead and do that?" Mr. Gottesman replied that he would be able to sue the Borough and require that he be permitted to put in all 52 units. The Planning Board would not be able to control that. Councilman Sikorski asked if that potential would still exist with the passage of

Resolution 2005-245. Mr. Gottesman stated that it takes awhile to become certified, but the Borough would be protected from the point of submission.

Referring to Table 6 of the Plan, "COAH 2005 Regional Income Limits," Councilman Sikorski asked how it is determined which figure to use. Mr. Gottesman stated that a formula is used to determine this. For sale housing, he said, the *average* unit must be affordable to someone earning 52% of median income.

Mr. Gottesman noted that there will be work needed prior to and following submission, including trying to enter into an agreement with landlords for a lease down program and making sure that there are built in protections and assurances for the Borough regarding property maintenance, insurance, etc. Regardless of the actions taken at this meeting, he said, Council will need to approve any agreement entered into. In addition, COAH has new requirements. We will need to prepare an affirmative marketing and spending plan that will dictate how the developer must market the properties, as well as an operating manual for the Borough. He added that every municipality is required to designate a municipal employee as Housing Liaison. "COAH intends for this to be an ongoing process," he said.

Councilman Sikorski stated that there are concerns about the Mission property on Stockton Street, particularly with respect to property maintenance. Neighbors there, he said, have spent a considerable amount of money renovating their properties and a previous situation with transient housing there resulted in a fire. He asked the Borough Attorney to be sure that, when any money is expended, the interest of the Borough will be protected with respect to property maintenance issues.

Mr. Sikorski also questioned, with respect to Resolution 2005-246, where the money would come from in the event that there was a shortfall. "Would it come from the general tax dollar?" he asked. Mr. Gottesman replied, "That's the way that COAH would like it. In reality, it rarely happens." He said that he does not know of any case where bonding was required that was not anticipated. Before it got to that point, he said, we would need to have a real shortfall, and if that happened, we would try to amend the plan to develop other solutions. As a last resort (although it would not be his recommendation) the Borough would have the option to "de-petition" itself. Councilman Sikorski noted that one "Whereas" clause in the Resolution indicates that the Fair Housing Act does not require a municipality to raise or expend municipal funds to provide low and moderate income housing. Mayor Patten asked Gary Rosensweig, Planning Board Attorney, to respond.

Mr. Rosensweig stated, "The Resolution that COAH wanted us to pass is, in my mind, unacceptable." He has discussed this with the Borough Attorney, he said, and he suspects that several attorneys will be trying to make changes to that Resolution. In the Fair Housing Act and COAH handbook, he said, there is no requirement for a municipality to raise or expend funds for affordable housing. "Certainly, towns can volunteer and put funds into this worthy project," he said. "Our attempt was to make the Resolution fit with municipal law and the requirements of the Fair Housing Act. I don't like submitting plans without addressing what COAH requires," he said, "but this addresses that issue in an accurate, legal way. This protects you in the circumstance of a shortfall." He noted that the Borough can expect a surplus in the trust fund, but if funds are needed, the plan is adjustable and fees are adjustable. The Resolution as written does not commit the Borough to spend taxpayer funds on affordable housing. "You can choose to," he said, "but you are not committed by this Resolution. This is consistent with my understanding of municipal law," he added. "COAH's sample Resolution was not."

Council President Schneider asked Mr. Rosensweig if it is to the Borough's advantage to be listed with COAH. Mr. Rosensweig replied that it is. "You don't want to expose yourself to an exclusionary housing lawsuit," he said, "especially as a Town Center, where growth is supposed to occur. That would be 'easy picking.' This allows you to decide your policies rather than having to follow the developer's policy." He noted that the Borough has the flexibility to amend its Plan as things change. It is very important, he said, to be protected by COAH. "Your best position is to be part of the process and control it. It is too risky otherwise."

Councilman Quattrone noted a typographical error on page 28 of the plan (where "North Academy Street" should be changed to read "South Academy Street"). He thanked Mr. Rosensweig for his clarification and input in this process.

Resolution 2005-245 was then moved by Councilman Quattrone and seconded by Councilman Sikorski.

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

Resolution adopted, 5-0-1.

RESOLUTION 2005-245 A RESOLUTION OF THE HIGHTSTOWN BOROUGH COUNCIL PETITIONING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) FOR SUBSTANTIVE CERTIFICATION OF ITS ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Borough of Hightstown, in the County of Mercer, State of New Jersey, adopted the Housing Element of the Master Plan on November 14, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached hereto pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on November 14, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached hereto pursuant to N.J.A.C. 5:95-2.2(a)2;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, State of New Jersey, that the Borough of Hightstown hereby endorses the Housing Element and Fair Share Plan as adopted by the Hightstown Borough Planning Board; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Hightstown, pursuant to the provisions of N.J.S.A. 52:27D-301, et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the New Jersey Council on Affordable Housing (COAH) for review and certification; and

BE IT FURTHER RESOLVED, that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED, that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Hightstown Borough Municipal Clerk's Office located at 148 North Main Street, in the Borough of Hightstown, New Jersey, during the hours of 8:30 a.m. to 4:30 p.m. on Mondays through Fridays for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

1. COAH (Lucy Voorhoeve, Executive Director)
2. Candace B. Gallagher, Borough Administrator
3. Frederick C. Raffetto, Esq., Borough Attorney
4. Randall Gottesman, P.P., Borough Planner
5. Hightstown Borough Planning Board
6. Gary Rosensweig, Esq., Planning Board Attorney

Resolution 2005-246 was moved by Councilman Quattrone and seconded by Councilwoman Laudenberger.

Councilman Sikorski asked Mr. Rosensweig if this Resolution carries the same weight as the prior Resolution. "Without this," Mr. Rosensweig replied, "you'd have COAH objecting to the former Resolution, and then a long process unfolds."

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

Resolution adopted, 5-0-1.

**RESOLUTION 2005-246 A RESOLUTION OF THE HIGHTSTOWN BOROUGH COUNCIL REGARDING ANY SHORTFALLS
ASSOCIATED WITH THE PROVISION OF AFFORDABLE HOUSING AS SET FORTH IN THE
BOROUGH'S ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Borough of Hightstown, Mercer County, has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to COAH allocates funds for:

1. Hightstown Housing Rehabilitation Program
2. Transitional Housing Project;
3. Lease-Down Project; and

WHEREAS, Hightstown Borough anticipates that funding will come from the following sources to satisfy these obligations:

1. Small Cities CDBG Housing Rehabilitation funds (\$200,000)
2. Growth Share Fees (25 units at \$21,750 Per unit = \$543,750); and

WHEREAS, it is COAH's position that the Borough of Hightstown must allocate funds for the provision of affordable housing as set forth in the Borough's adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in *Hightstown's* COAH-certified Housing Element and Fair Share Plan, Hightstown shall take all appropriate actions to secure and make available sufficient funding from all available sources to address any shortfalls; and

WHEREAS, the "FHA (Fair Housing Act) does not require a municipality to raise or expend municipal funds to provide low and moderate income housing"; * (* - COAH Handbook, at page 93)

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Hightstown, *Mercer County*, State of New Jersey, that the Governing Body does hereby agree to take appropriate actions, consistent with law, to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other related reason; and

BE IT FURTHER RESOLVED that any shortfall may also be funded by bonding if there are no other resources, provided, however, that the Borough should first utilize all other funding sources available to it, including but not limited to, development fees and growth share fees; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

1. COAH (Lucy Voorhoeve, Executive Director)
2. Candace B. Gallagher, Borough Administrator
3. George Lang, Borough Chief Financial Officer
4. Arlene O'Rourke, Borough Treasurer
5. Frederick C. Raffetto, Esquire, Borough Attorney
6. Randall Gottesman, P.P., Borough Planner
7. Hightstown Borough Planning Board
8. Gary Rosensweig, Esq., Planning Board Attorney

REQUESTED AMENDMENT TO COAH CONTRACT - COMMUNITY GRANTS & PLANNING, INC.

Ms. Gallagher reported that Community Grants & Planning has requested an increase in the contract which they were awarded in April for consulting services needed to petition COAH for substantive certification under the new Round III rules and to take the plan into the implementation phase. The original contract was approved in the amount of \$10,000. The firm has requested an additional \$15,000, to bring the total contract to \$25,000. Ms. Gallagher stated that, currently, there are no funds available for that increase; however, if it is Council's wish to consider this, it may be possible to transfer money within the budget, if it is available, when we are closer to year end. She added that much of the additional work has already been done by the firm (without her foreknowledge) and, because that work was done during 2005, it would need to be paid, if approved, from the 2005 budget.

Mr. Gottesman apologized for not having come to the Borough prior to doing the work, and explained that it was difficult to accurately predict in April the amount of work that would be needed for this project, as this is the first time that anyone is doing this. It has been "volumes of work," he said, and added that much still remains to be done. He assured Council that he was not trying to take advantage of the Borough.

Councilman Quattrone stated, "I have a problem with this. We were presented with a \$10,000 contract. If we had known it would be \$25,000, we may not have done it. We don't have the money."

Councilman Thompson stated that, while he certainly does not believe that anything "underhanded" was done here, he feels it is important to maintain consistency when he makes decisions such as this one. Recently, he said, a developer came back to us with a different number of units and was denied. "We don't have the money to do it," he said, "nor would it be appropriate based on what was agreed to."

Mr. Gottesman asked if it would be possible to reach a settlement of some sort. Mayor Patten asked Ms. Gallagher and Councilman Thompson to meet with Mr. Gottesman to discuss the matter further.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2005-38,

AN ORDINANCE PROVIDING FOR THE CREATION OF AN ECONOMIC DEVELOPMENT COMMITTEE IN AND FOR THE BOROUGH OF HIGHTSTOWN, AND AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, NEW JERSEY" ACCORDINGLY

Ms. Gallagher reviewed the provisions of Ordinance 2005-38, which was drafted by the Borough Attorney following the discussion at the last meeting. Councilman Quattrone expressed his full support for the proposed Ordinance, which he said was "word for word what we asked for." Councilman Thompson agreed that the Ordinance reflects the intent of what Mr. Bond and others brought forward. Councilwoman Laudenberger asked who served on the committee that met regarding this Ordinance. It was noted that the committee that met with the Borough Attorney included Jeff Bond, Eugene O'Connor, Bill Gilmore, Councilman Thompson and Councilman Quattrone.

Ordinance 2005-38 was moved for introduction by Councilman Thompson and seconded by Councilman Quattrone.

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

Ordinance introduced, 5-0-1.

CONSENT AGENDA

Resolutions 2005-247, 248, 249, 250, 251 and 252 were moved by Councilman Sikorski and second by Councilman Quattrone.

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

Resolutions adopted, 5-0-1.

RESOLUTION 2005-247 AUTHORIZING RELEASE OF MAINTENANCE BOND – JEFFREY BOND

WHEREAS in December 2003 Jeffrey Bond posted a letter of credit in the amount of \$2,475.90 as a maintenance guarantee for improvements to 167 – 177 Mercer Street; and

WHEREAS the Borough Engineer has inspected the improvements and has found that all improvements installed have remained in satisfactory condition, and has recommended release of this maintenance bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized and directed to return to Jeffrey Bond, 210 South Main Street, the letter of credit posted with the Borough in the amount of \$2,475.90, as detailed herein.

RESOLUTION 2005-248 AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – BRETT OLMA

WHEREAS, Brett Olma posted funds in escrow with the Borough of Hightstown for inspection fees relative to Planning Board application #2005-04; and

WHEREAS, the work has been completed and the Borough Engineer has recommended that the balance remaining in that fund be released to Mr. Olma; and

WHEREAS, the Borough Engineer and Planning Board Attorney have certified that all amounts due to them relative to this project have been paid;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to release to Brett Olma the amount of \$892.92, representing the balance of the funds remaining in his escrow account as detailed herein;

AND, BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the following:

- (a) Brett Olma
- (b) Planning Board Attorney Gary Rosensweig
- (c) Borough Engineer Carmela Santaniello
- (d) Planning Board Secretary Debbie Bodine-Kolo

RESOLUTION 2005-249 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS duplicate payments were received by the Borough for taxes on property located at 332 South Main Street (Block 55, Lot 26; Michael and Laura Campbell) resulting in an overpayment on the account of \$2,370.16; and

WHEREAS the Tax Collector has requested permission to refund the amount of the overpayment to the homeowners;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Treasurer is hereby authorized to refund to Michael and Laura Campbell, 332 South Main Street, Hightstown, New Jersey, the amount of \$2,370.16 as set forth herein.

RESOLUTION 2005-250**AUTHORIZING REFUND OF COMMUNITY FAIR FEES**

WHEREAS the Borough of Hightstown received and deposited payments for space reserved at Hightstown's 3rd Annual Community Fair as follows:

Carole Zeitlin, 25 Covington Road, East Windsor, New Jersey	\$15.00
Christian Doran, 9 Wayne Way, East Windsor, New Jersey	\$15.00

; and

WHEREAS subsequently, the above parties determined that they would not be able to attend the fair and have requested a refund of the fees paid; and

WHEREAS the Community Fair Committee has recommended that these fees be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Treasurer is hereby authorized to refund to Carole Zeitlin and Christian Doran the amount of \$15.00 each, as detailed herein.

RESOLUTION 2005-251**AUTHORIZING WAIVER OF INTEREST ON DELINQUENT TAXES**

WHEREAS Michael and Anne Herzog, new property owners at 4 Leshin Lane, were assessed an interest penalty of \$22.49 for late payment of their fourth quarter taxes; and

WHEREAS they have informed the Borough that they did not receive notification regarding the due date of the fourth quarter taxes, and have therefore requested a waiver of this penalty;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized to remove the interest penalty charged to Michael and Anne Herzog, 4 Leshin Lane, as detailed herein, including any additional interest charged to date.

RESOLUTION 2005-252**AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$265,958.37** from the following accounts:

Current	\$ 138,717.49
W/S Operating	54,337.71
General Capital	9,049.00
W/S Capital	29,857.25
Trust	1,102.50
RCA COAH – Escrow	12,900.00
Escrow – Subdivision & Site Plan (First Washington Bank)	19,994.42
Total	<u>\$ 265,958.37</u>

NEW BUSINESS

RECOMMENDATIONS BY CHIEF OF POLICE FOR CERTAIN TRAFFIC REGULATIONS

Chief Eufemia stated that he would recommend the following new traffic regulations be enacted by the Borough:

- “No Left Turn” out of the Main Street parking lot onto Route 33. Numerous times, he said, vehicles turning left out of that lot have struck the sign post there, and cars trying to leave the lot and turn left will often block traffic. A plan is in the works, he added, to move the two signs on that island somewhat so as to avoid their being hit so frequently.
- “No Parking” on Rogers Avenue between Stockton Street and Railroad Avenue. Currently parking is permitted during certain hours on one side of the street, but cars parked there create a safety hazard. This is a truck route, he said, and traffic is often forced into the oncoming lane when going around cars that are parked there.

Council had no objections to proceeding in accordance with the Chief’s recommendations. It was noted that NJDOT’s prior approval may be necessary.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilwoman Laudenberger reported that she attended the recent DARE graduation at the Walter C. Black School and added that Ms. Gallagher attended as well. Ms. Laudenberger presented November’s police activity report and noted that the Department was present for the annual Santa parade and provided traffic control. She thanked Chief Eufemia for all that the Department does for the residents of the Borough.

Councilman Quattrone reported that the Parks and Recreation Commission will be meeting during the coming week, and that the Environmental Commission is working on easements and permits that will be needed for the alternate Greenways Phase I route. He stated that St. Francis Medical Center has been onsite 24/7 since November 18, and he has seen them answering many calls and “doing the job.”

Mr. Quattrone went on to present the monthly activity report of the Public Works department, noting that during November, the Department completed 128 work orders, which took 852 hours. He noted the importance of recycling, stating, “this is the only way that taxpayers can save themselves money.” Lastly, he recommended that the Borough require a permit in order for a company to dig within the Borough. “They have to get a markout,” he said, “but they should also pay a permit fee, so that we have control. If there is a problem, they have to fix it.” He noted that many towns require this, and charge up to \$100 per permit. Each monitoring well, he said, should have a permit.

Councilman Sikorski reported that he attended the November 14 Planning Board meeting where the Housing Element and Fair Share Plan was approved. Mr. Wetterskog, he said, has returned to work, and he meets with him twice a week to keep abreast of housing issues. He said that he will be attending the upcoming meeting of the Board of Health, and recommended that concerns expressed regarding leaf collection be referred to the Environmental Commission, with a June deadline for the recommendations. Lastly, Mr. Sikorski noted an article that appeared in that morning’s *Trenton Times* regarding Hispanic residents.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Torry Watkins, 68 Meadow Drive, asked if Chief Eufemia would also recommend a "No Left Turn" regulation for traffic exiting Wachovia Bank's parking lot. The Chief stated that this would meet almost all of the same criteria. Mr. Watkins stated that "more than 50% of the Borough lives to the left of that parking lot," and suggested that before acting on that recommendation, Council should consider the impact on adjacent streets, such as Franklin and Ward Streets. He suggested that making a left turn out of the Main Street lot is problematic only during the height of rush hour, and suggested that instead, signs or road markings be placed urging drivers not to block traffic when pulling out.

Phyllis Deal, 305 Stockton Street, expressed concern that prohibiting a left turn from the Main Street lot would cause drivers to use the Krauszer's lot as a turn around.

Eugene Sarafin, 600-628 South Main Street, stated, regarding the Mill property, that he has been told that it is not feasible, under the current EPA regulations, to build only 80 units. It would take 120 units to be viable, he said. "You have to start getting away from your objections to 120 units and ask what we get for it," he said. "No one can afford to build 80 units there and do the excavation for water retention." He suggested that the building be demolished and the space left open.

Kathy Patten, 135 South Street, reported that Ruth Ann Traylor has asked for help in supplying Christmas gifts for 28 displaced children who are here in the Borough.

Mike Vanderbeck, 344 Stockton Street, expressed support for the Chief's recommendation that left turns out of the Main Street lot be prohibited, noting that the safety issues involved are far more urgent than any traffic considerations.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2005-244**, authorizing a closed session for the purpose of discussing contract negotiations and personnel. The Resolution was moved by Councilman Sikorski, seconded by Councilman Thompson.

Roll call: Councilmembers Laudemberger, Quattrone, Schneider, Sikorski, and Thompson voted yes.
Councilmember Sackowitz was absent.

Resolution adopted, 5-0-1.

RESOLUTION 2005-244 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 December 5, 2005 at approximately 8:20 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:

Contract Negotiations – Professional Services; Interlocal Animal Control Services; Interlocal Health Services 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: March 5, 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, adjournment was moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved. The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk