

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:10 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

Mayor Patten requested that the victims of Hurricane Katrina be remembered during the Pledge of Allegiance. He noted that information has been posted on the Borough's website regarding ways in which our residents can help and welcomed any other suggestions in this regard.

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 Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Deleted from the agenda was Resolution 2005-183, authorizing an agreement with JCP&L for the conversion of 40 street lights. Added to the Executive Session was a discussion regarding contract negotiations with Greystone Mill, LLC. The agenda was moved as amended by Councilman Sikorski, seconded by Council President Schneider and approved by all.

APPROVAL OF MINUTES

Minutes of the August 1, 2005 open and closed sessions and the August 15, 2005 special meeting were moved for adoption by Councilman Sikorski, seconded by Councilwoman Laudenberger and approved by all except Councilman Quattrone and Council President Schneider, who abstained.

PRESENTATIONS

DCA POLICE STUDY REPORT

Ms. Gallagher provided an overview of the police department study which was conducted recently by the Department of Community Affairs. The study was initiated at the request of the Mayor at no cost to the Borough, she said. Richard Richardella of the DCA (present at this meeting) was onsite for months to analyze the department's staffing, organization, deployment of resources, efficiency, effectiveness and performance.

The report's recommendations include:

- That Borough ordinances be amended to specify the number of supervisory positions to be established within the police force.
- Certain changes to scheduling and staffing. Specifically:
 - Establishment of a "Pitman" schedule (12-hour shifts with every other weekend off)
 - Change to a 2,080 hour work year to increase police officers availability. Currently, officers work 1950 hours; the next 130 hours is straight-time overtime.

Various staffing plan options were presented, as follows:

Rank	Current	Plan A	Plan B	Plan C	Future plan
Chief	1	1	1	1	1
Lieutenants	2	2	2	1	1
Sergeants	1	3	3	4	5
Detective	1	1	1	1	1
Police officers	8	8	8	8	8
SRO	0	0	1*	1*	1*
TOTAL # officers	13	15	16	16	17
+Civilian admin analysis					1
+Civilian addl dispatch					1
Projected cost **		\$1,227,155	\$1,227,155	\$1,225,231	\$1,382,700

* Supplemented by the Board of Education

** at 2005 salary levels, including \$100,000 OT costs ; 2005 salary budget is \$1,185,650

- Using civilians for some tasks that do not require the special skills of a sworn police officer, such as parking enforcement, administrative analysis for uniform crime reporting, records room and property division.
- Exploring the feasibility of training/cross-training a half-time detective to assist with investigative incidents. The current workload for our detective is higher than average.
- Exploring the feasibility of having a security camera system implemented to monitor all municipal complex activities, and to network with downtown and school areas. Cameras would be monitored at the police communications room.
- Establishment of a Police Department website to provide information on its history, mission, contacts, safety tips, community policing, etc. Optionally, it could include online reporting of incidents which could save directed patrol time and/or the police blotter and crime alerts regarding suspicious activity.

- Continued exploration of shared services with Cranbury and Plainsboro involving our municipal court and the Department of Public Works.
- Collection of delinquent time payments due to our court. \$288,000 was delinquent as of December 2004. Methods might include aggressive enforcement efforts and a media campaign.
- Looking into the feasibility of using community service in the areas of street cleaning, parks and grounds maintenance.
- Consideration of an ordinance to require registration of alarms and impose fees for failing to register and for false alarms.
- Consideration of an overnight parking ordinance as a security measure. Such an ordinance would prohibit parking on any Borough street from 2 a.m. to 6 a.m.
- Exploration of shared services grants for a School Resource Officer.

Ms. Gallagher noted that the report commended our Police Department for its use of a civilian as court attendant, its strong traffic enforcement policy, and its successful efforts to contain vehicle maintenance costs.

She then introduced Mr. Richardella, who provided information about his own extensive background. He served as Chief of Police in Maplewood for 17 years, retiring in 1998. He has worked with the State of New Jersey for the past seven years, and has worked with the Local Budget Review Team and the Distressed Cities program. He has completed at least 40 audits for municipal police departments with "good, solid financial recommendations."

Mr. Richardella noted that, in addition to the items noted by Ms. Gallagher, he has also recommended the establishment of an administrative fee for towing. He commented regarding the recommendation to collect outstanding municipal court payments, and said that he has discussed this with the Police Chief and Municipal Court Judge, and both are willing to take a proactive approach in recovering these funds. With respect to the proposed alarm ordinance, Mr. Richardella stated that this is done in many other communities. Registration could be free, with a fine for failure to register and a progressively increasing fee for habitual false alarms. The overnight parking ordinance included in the recommendations, he said, is a safety issue. With respect to the recommendation for security cameras in the downtown area, it was noted that, at this time, cameras cannot be used for enforcement of traffic regulations. Lastly, Mr. Richardella noted that new developments planned in the Borough will place additional demands on police and other municipal services. He offered to answer any questions from Council.

Councilman Sikorski commended Mr. Richardella for "a thorough job," and asked if there are other communities where shared municipal court services have resulted in savings. Mr. Richardella responded that he just completed an audit in Newfield, where they had instituted shared court services with Elk Township. They received assistance from the State through an implementation grant, as start up costs can be prohibitive. Councilman Sikorski asked if any consideration was given during the study to sharing police services with another municipality. "They have proposed this in some towns," Mr. Richardella said, "and it doesn't seem to get off the ground. People like home rule." He cited unsuccessful attempts in Sea Girt-Manasquan and Newfield-Franklin. "Not that it can't happen," he said, "but some things that happen along with it aren't favorable." He recommended that, if Council is considering this, they first put the question to the voters through a referendum to see if the people really want that. Councilman Sikorski asked if there has been any attempt by the DCA to move toward a County policing system. "Not to my knowledge," Mr. Richardella replied.

Councilman Sackowitz noted that Manalapan officers can and do write tickets in Englishtown, and asked if it is possible for East Windsor officers to issue summonses in Hightstown as they ride through. Mr. Richardella replied that any officer can write a summons anywhere within the State.

Councilman Thompson asked about the methodology used in making recommendations regarding optimal staffing levels. Mr. Richardella reviewed the formulae used, which, he said, is "standard methodology." Some departments receive a recommendation to increase their force, and others to decrease it, he said, adding that one department wanted to have 15 Captains, and the DCA's study recommended six.

Councilwoman Laudenberger thanked Mr. Richardella for his work, and asked for clarification regarding the scheduling changes recommended. He replied that, as a result of the terms of our existing P.B.A. contract, officers work fewer hours than would be recommended. He has recommended that an increase in working hours and institution of a "Pitman" schedule be addressed during the coming round of contract negotiations.

Councilman Quattrone also thanked Mr. Richardella, and asked him about the impact of 12-hour vs. 8-hour shifts for the police officers. He replied that more officers would be needed in order to cover shifts if they were working an 8-hour day. Councilman Quattrone asked if officers are as effective during the last four hours of their shift. Mr. Richardella said that studies have shown that this does not affect smaller police departments, but in larger departments with a high volume of criminal activity, it does. He added that, under the Pitman schedule he has recommended, morale tends to increase, as officers would have almost every other weekend off.

Councilman Sikorski asked if Hightstown police officers receive specific training in handling domestic violence. Chief Eufemia replied that they do, and that this is mandated by the Attorney General.

Council President Schneider asked if there is a "typical number" that the DCA would be looking for in terms of supervisory positions. Mr. Richardella replied that the ratio is higher in smaller departments, and stressed the importance of "having rank." "It deals with vicarious liability, he said. "If two patrolmen are working, who is in charge of the scene? The first thing they talk about in lawsuits is 'failure to supervise.'" Mr. Schneider asked if each staffing plan specified in the report includes 24-hour supervision. Mr. Richardella stated that they do, adding that Chief Eufemia is "hands on," and will go out to a scene as anyone else would.

Mayor Patten asked if the increase Hightstown is seeing in through traffic, gang activity, diversity, etc. played any part in the analysis of the Borough's future needs. Mr. Richardella replied that it was given some consideration, but they looked primarily at the coming development. He added that, in this day and age, paperwork takes up more and more of an officer's time, adding to the need for more officers. The Mayor commended Mr. Richardella and the DCA for their work on this report.

PRESENTATION OF EXTRAORDINARY AID

Mayor Patten stated that the Borough has relied on Extraordinary Aid for some time, and this is likely to continue until there is a change in Trenton with respect to the way schools are funded and the Borough's redevelopment process is complete. The Borough has been working with "bare bones budgets and staffing," he said, but it takes a concerted effort and the assistance of others. "Someone here has been working hard with the Borough to give us the tools to sustain ourselves," he said.

The Mayor then introduced Assemblyman Michael Panter, who said, "Hightstown is an example of some of the problems New Jersey faces. The Mayor and Council work hard to stretch the tax dollar and use it efficiently, and so much is out of their control. Some costs are very tough to keep in check (utilities, insurance, etc.) and are not a product of local decisions." He noted the "profound effect" that the closing of Minute Maid has had on the Borough, and said that he and Assemblyman Robert Morgan have worked closely with the Mayor and Council, and would not have been successful in obtaining record levels of funding in 2004 and 2005 without their guidance. He then presented a giant facsimile of a check to the Borough in the amount of \$280,000, representing the CY2005 Extraordinary Aid awarded to Hightstown.

DOWNTOWN IMPROVEMENT COMMITTEE

Jeff Bond, Chairman of the Borough's Downtown Improvement Committee, presented a report detailing the Committee's recommendations to the Borough. The committee began meeting in June, he said, and each meeting saw the attendance of more of the downtown business owners. At the last meeting, there were 23 in attendance. He thanked Mayor Patten, Ms. Gallagher, Chief Eufemia, Larry Blake and Harry Wetterskog for their participation in the committee meetings, and said that the issues of concern are primarily "quality of life" issues.

The committee's recommendations included:

- A greater police presence in the downtown area. Chief Eufemia has already responded to this, he said, and has increased walking and bike patrols. The committee hopes that this will continue.
- Changes to garbage collection downtown. The committee has recommended that properties in Block 23 and 33 no longer place their garbage on the street, but rather utilize the dumpsters in the Stockton Street parking lot¹.
- Changes to the Borough's sign ordinance to prohibit real estate directional signs, and stronger enforcement of the sign ordinance.
- Reduction of the speed limit in the downtown area to 15 mph.
- Installation of a convex mirror at the intersection of Mercer Street and Rogers Avenue.
- Maintaining the two-hour parking limit in the Borough's parking lots, and vigorous enforcement of same. The committee specifically requested the appointment of a part-time, uniformed "parking enforcement official" to enforce regulations in the two municipal parking lots.

Mr. Bond noted that business owners can accomplish a great deal with "peer pressure" alone. He reported that every owner agreed to contribute between \$50 and \$275 to pay for a power washing service that scrubbed and removed gum from the downtown sidewalks. "They did a great job," he said, and will be back to re-do some areas. "The sidewalks haven't been this clean since the revitalization was finished," he added. He went on to say that the Borough's Public Works department performs a lot of maintenance downtown, some of which is not the Borough's responsibility, but the property owners'. "As a community, we are happy with that and proud of it," he said, "but we should do more....We appreciate what the Borough does for us."

The strong consensus of the committee, he said, is to work together to exert peer pressure and to have frequent correspondence and communication. "What was happening months ago," he said, "was that we were just a bunch of individuals." Now, he said, they know each other better, have improved communication, and "know where to go to get things done." He thanked Ms. Gallagher, Chief Eufemia and the other committee members for their cooperation and assistance.

Regarding the committee's recommendation against changing the two-hour parking limit, Councilman Sackowitz stated that two hours is not enough time for a leisurely dinner and evening in the Borough. Mr. Bond and Chief Eufemia noted that the two-hour parking limit is in effect only between 7 a.m. and 7 p.m..

¹ Clerk's note: This recommendation was reviewed and approved by the Solid Waste Committee and was provided for in Ordinance 2005-31, included later on this agenda for introduction.

Councilman Quattrone thanked Mr. Bond for his leadership on this committee, and said that he sees a real difference downtown. "It's only the beginning," Mr. Bond replied.

REVITALIZATION PHASE III COMMITTEE – FOUNTAIN AT THE POINT

Cathy Simmons, committee chair, addressed the Mayor and Council to provide an update regarding the fountain at The Point. The committee has worked with Tom Moran of the New Jersey Council on the Arts, who visited and gave a slide presentation of artists who have worked in New Jersey on this type of project. The committee selected three artists whose style they liked, and which they felt would best represent the history of our town. Those three artists will each make a detailed presentation to the committee of their proposal for the fountain on Tuesday evening, September 13. Mr. Moran will be present to assist in the process. He has recommended that each artist be paid \$500 for his or her presentation, which would then become the property of the Borough. The committee plans to come back to Council with a final recommendation on September 19. She invited Council members to attend and view the presentation.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Susan Bottino, 124 Center Street, said that she would like to work with the Celebrate Hightstown! Committee toward a fund raising effort (possibly a raffle) at the event to assist the victims of Hurricane Katrina. She noted that the President has called for flags to be flown at half mast, and currently the Borough's is at full mast.

Eugene Sarafin, 600-628 South Main Street, stated that East Windsor spends \$160 per person for police services and Hightstown spends \$300 per person. The police study, he said, was supposed to look at efficiency, adding, "In a sense, it was a great study, but pathetic because it ignored what it was about." Mr. Sarafin went on to say that "Council doesn't understand efficiency," and he referred to them as "dwarfs." His water bill has doubled, he said. He expressed concern about the Borough's emergency preparedness and said that it is important to utilize a GPS system to find those most at risk in the event of an emergency. He further recommended that a committee be appointed to assess the emergency resources that we have in the Borough, such as people with medical skills, so that we could tap them if needed.

Mike Vanderbeck, 344 Stockton Street and owner of the Slowdown Café, commended Mr. Bond for his work on the Downtown Improvement Committee. "That committee," he said, "is what allowed us to walk in and get to know other business owners in town. We hadn't really had any communication before that." He referred to the business owners' recent joint effort to remove gum from the sidewalks and said that he would like to see police enforcement to prevent people from discarding their gum on the sidewalks. He thanked Mayor Patten for putting the Downtown Committee together and said that he hopes that it will continue to exist for a long time. He recommended that the Borough take another look at the Main Street NJ program, and noted that it would "marry well" with a Special Improvement District, as Ms. Gallagher has suggested the Borough consider for the downtown area. Regarding the fountain, Mr. Vanderbeck said that he has enjoyed serving on that committee and all three artists under consideration have done public art and have strong track records, as well as connections to Hightstown. He urged Council to attend the upcoming presentation.

Torry Watkins, 68 Meadow Drive, said that he was impressed with Mr. Richardella's breadth of knowledge, but disappointed with the content of the police report. He asked if Mr. Richardella had been "given the mandate to study police department consolidation," and "if not, why not?" Mayor Patten stated that he was not, as that was not the objective of the study. Mr. Watkins urged Council to "think about regionalization of the police force."

With respect to upcoming contract negotiations with Local 32, Mr. Watkins said that he hopes we'll be talking about "work rules with the DPW," and that the Ordinance to amend our solid waste ordinance will address "leaf collection and similar problems of deployment" in the Public Works department. The pay-per-bag system for grass collection, he said, appears

to be a "roaring success," and seems to have resulted in homeowners finding "other creative things to do with their grass," such as mulching or composting. However, he said, he sees the Borough's pickup truck going through town with 40 or 50 bags of grass, and three men on board, and he feels that the department is either "overstaffed or mis-deployed." He asked if any further thought had been given to requiring the bagging of *leaves*, as he has suggested in the past. Ms. Gallagher stated that she has discussed this with the Public Works Superintendent, who feels that the bagging of leaves would be more costly to the Borough than the current system.

ORDINANCES

PUBLIC HEARING AND FINAL 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. 48:3-17A

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. It has been amended as requested at introduction to include a provision regarding traffic control.

Mayor Patten opened the public hearing on Ordinance 2005-25. No one came forward and the hearing was closed.

Ordinance 2005-25 was moved for adoption by Councilwoman Laudenberg and seconded by Councilman Sikorski.

Council President Schneider asked if the utility would be required to provide 24 hours notice in the event of an emergency. Ms. Gallagher said that the ordinance allows immediate action without notification in the event of emergencies.

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

Ordinance adopted, 6-0.

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. 48:3-17A

BE IT ORDAINED by the Borough Council of the Borough of Hightstown as follows:

Section 1. The *Revised General Ordinances of the Borough of Hightstown* are hereby amended by the addition of new Chapter 16, to read as follows:

CHAPTER 16 PUBLIC UTILITY POLES AND UNDERGROUND FACILITIES

16-1. Definitions. For the purposes of this section:

"Underground facility" means one or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of telephone or other telecommunications service.

"Pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.

"Hot patch" means the installation of a mixture of asphalt to restore property within the right of way to its previous condition subsequent to the construction or excavation of a site required for the placement, replacement of a pole or an underground facility pursuant to this section.

16-2. Public utility pole or underground facility placement; notice to municipal officials. Before a public utility places, replaces or removes a pole or an underground facility located in the Borough of Hightstown, the public utility shall notify the Municipal Code Official in writing, which may be by fax or e-mail, at least, but not less than, 24 hours before undertaking any excavation related to the replacement or removal of the utility pole or underground facility, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of telephone or other telecommunications service on or below a public right of way in the Borough. A copy of said notice shall be provided to the Municipal Engineer and the Superintendent of Public Works.

The Borough Administrator shall notify any public utility that provides service in the Borough of the application of the provisions of this ordinance.

16-3. Traffic control. Any public utility placing, replacing or removing a pole or an underground facility located in the Borough of Hightstown shall provide for adequate traffic control during the course of said work, including any barricades, cones and/or officers necessary in order to safely divert the flow of traffic.

16-4. Removal of debris; restoration of property.

1. After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility shall remove from such right of way any pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property including, but not limited to, the installation of a hot patch as needed to restore the property within the right of way to its previous condition as much as possible.

2. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under this section, unless a written agreement between the public utilities provides otherwise.

16-5. Penalties.

1. In the event that a public utility does not meet the requirements of subsection 16-4 of this ordinance concerning the removal of debris and the restoring of property including, but not limited to, the installation of a hot patch, within a right of way to its previous condition within 90 days of placement, replacement or removal of a pole or an underground facility, said public utility shall be fined up to an amount not to exceed \$100 each day until the requirements of subsection 16-4 are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November through April, the public utility shall not be required to complete the hot patch installation until 90 days immediately following the end of the November through April period.

2. At least five business days prior to the end of the 90-day period established by this subsection, the municipality shall notify the public utility that the penalties authorized by this subsection shall begin to be assessed against the utility after the end of the 90-day period unless the utility complies with the requirements of subsection 16-4 of this ordinance.

3. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "The Penalty Enforcement Law of 1999," *N.J.S.A. 2A:58-10 et seq.* The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section.

16-6. Exceptions; emergency conditions. Under emergency conditions which significantly impact the placement of a pole or underground facility resulting from natural forces or human activities beyond the control of the public utility, or which pose an imminent or existing threat of loss of electrical, power, telephone, or other telecommunication service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility to prevent bodily harm or substantial property damage from occurring, the provisions of subsection 16-2 of this ordinance shall not apply when a public utility undertakes any construction or excavation related to the placement, replacement or removal of a pole or an underground facility in response to such an emergency, provided that the public utility undertaking such construction or excavation notifies the Municipal Code Official at the earliest reasonable opportunity and that all reasonable efforts are taken by the public utility to comply with the removal and restoration requirements of subsection 16-3 of this ordinance after responding to the emergency.

Section 2. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Borough of Hightstown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage and publication as provided by law.

PUBLIC HEARING AND FINAL 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

Following a brief review by Mr. Raffetto and Mr. Gottesman, Mayor Patten opened the public hearing on Ordinance 2005-27. No one came forward and the hearing was closed.

Ordinance 2005-27 was moved for adoption by Councilman Quattrone and seconded by Council President Schneider.

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

Ordinance adopted, 6-0.

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

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 revise Subsection 26-10-6 for consistency with N.J.A.C. 5:93-8.13, and specifically to designate which option for the collection of development fees the Borough of Hightstown wishes to implement; and

WHEREAS, the Borough wishes to revise Subsection 26-10-6 in order to designate the preferred option, in accordance with N.J.A.C. 5:93-8.13 and pursuant to COAH's direction.

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

SECTION 1. 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, New Jersey," is hereby amended as follows (deletions are shown in ~~strikeout~~; additions are shown with underline):

Subsection 26-10-6. Collection of Fees

Developers shall pay fifty percent (50%) of the calculated development fee to the Borough of Hightstown at the time of issuance of a building permit. At the time of issuance of a Certificate of Occupancy, developers shall pay the remaining portion of the fee that is owed to the Borough. ~~the appropriate development fee shall be based on one of the options in N.J.A.C. 5:93-8.13. The developer shall be responsible for paying the difference between the fees calculated at building permit and that paid at issuance of the Certificate of Occupancy.~~

SECTION 2. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

SECTION 3. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law, but not before approval is received from COAH.

SECTION 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

PUBLIC HEARING AND FINAL 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

Following a brief review by Mr. Raffetto and Mr. Gottesman, Mayor Patten opened the public hearing on Ordinance 2005-28. No one came forward and the hearing was closed.

Ordinance 2005-28 was moved for adoption by Councilman Sikorski and seconded by Councilwoman Laudenberger.

Council President Schneider asked if it is possible to require more from developers than one affordable unit per eight market rate units. Mr. Gottesman said that this is possible, and added that it is likely he will be recommending adjustments to this ordinance periodically. "We could follow and watch this and then revise it," he said. He added that the amount of the monetary contribution is based on current interest rates and sales prices, and as things change, that should change as well. He noted that the monetary contribution applies only to those building less than eight units. Others would have to build affordable housing. Council President Schneider asked if it would be prudent for the Borough to consider *now* requiring one affordable unit for every *seven* market rate units, in order "to hedge our bets for the future." Mr. Gottesman noted that, within a redevelopment area, a redevelopment plan would supersede this ordinance. He added that it is hard to predict the future demand for affordable housing and how that would translate to changes in COAH's requirements, but there would be no retroactive penalty if the rules change.

Councilman Sackowitz asked if this will apply to Enchantment. Mr. Gottesman said that it would not. Any project with preliminary or final site plan approval prior to adoption of the ordinance is exempt from its requirements, he said. He added that Enchantment is making a financial contribution in lieu of constructing affordable housing.

Councilwoman Laudenberger asked if anyone “has ever been punished for not complying with COAH.” Mr. Gottesman stated that a developer can sue the Borough and it ends up in the courts. COAH itself does not penalize, he said. It is a voluntary process, but it protects the Borough in the event of a lawsuit.

The roll was then called on Ordinance 2005-28.

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

Ordinance adopted, 6-0.

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

WHEREAS, pursuant to the “Growth Share” methodology adopted by the New Jersey Council on Affordable Housing (COAH) as part of its rules for COAH’s Third Round, municipalities are required to provide their fair share of affordable housing based upon the rate of growth experienced within the municipality; and

WHEREAS, the “Growth Share” approach is based upon a percentage of future residential and non-residential growth within the municipality, measured from January 1, 2004 to January 1, 2014; and

WHEREAS, for every eight (8) market-rate units of residential housing constructed and receiving certificates of occupancy during that time period, the municipality is required to provide at least one (1) unit of affordable housing; in addition, for every twenty-five (25) jobs created within the municipality during that time period (based upon the square footage of the non-residential construction), the municipality is required to provide at least one (1) unit of affordable housing; and

WHEREAS, the municipality’s total “Growth Share” affordable housing obligation is derived by adding together the residential and non-residential components referenced above; and

WHEREAS, the Borough of Hightstown is deeply committed to providing its fair share of affordable housing in order to satisfy the demand that exists for such housing within the geographic region in which the Borough is located; and

WHEREAS, as part of the new regulations governing COAH’s Third Round, a municipality is permitted, under N.J.A.C. 5:94-4.4, to establish standards for the collection, maintenance and expenditure of certain fees which are paid to the municipality in lieu of construction of affordable housing, known as “in lieu of” payments; and

WHEREAS, the purpose of this Ordinance is to provide requirements relative to the construction of affordable housing within the Borough and, additionally, to authorize the collection of “in lieu of” fees, so as to help keep the Borough at pace with Round Three’s growth oriented affordable housing obligation; and

WHEREAS, any “in lieu of” fees collected pursuant to this Ordinance shall be used for the sole and exclusive purpose of providing low and moderate income housing through a variety of COAH approved means; and

WHEREAS, the Borough believes that the adoption of the within Ordinance is in the best interests of the health, safety and welfare of the Borough and its residents.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that the Borough hereby establishes a requirement for the provision of affordable housing within the Borough of Hightstown and/or for the payment of a growth share fee "in lieu of construction" (which is in lieu of the construction of affordable housing), in accordance with the provisions set forth within this Ordinance.

BE IT FURTHER ORDAINED, that Chapter 26, "Land Use Procedures," of the "Revised General Ordinances of the Borough of Hightstown, Mercer County, New Jersey," is hereby amended and supplemented in order to establish a new Section 26-11, thereof, to be entitled "Growth Share Affordable Housing Requirements," as follows:

Section 26-11 Growth Share Affordable Housing Requirements.

Subsection 26-11-1. Purpose.

The purpose of this Ordinance is to enact requirements for the construction of affordable housing within the Borough of Hightstown in accordance with the New Jersey Council on Affordable Housing's (COAH's) Third Round "Growth Share" methodology. Pursuant to the "Growth Share" methodology, municipalities are required to provide their fair share of affordable housing based upon the rate of growth experienced within the municipality. The "Growth Share" approach is based upon a percentage of future residential and non-residential growth within the municipality, measured from January 1, 2004 to January 1, 2014. For every eight (8) market-rate units of residential housing constructed and receiving certificates of occupancy during that time period, the municipality is required to provide at least one (1) unit of affordable housing; in addition, for every twenty-five (25) jobs created within the municipality during that time period (based upon the square footage of the non-residential construction), the municipality is required to provide at least one (1) unit of affordable housing. The municipality's total "Growth Share" affordable housing obligation is derived by adding together the residential and non-residential components referenced above.

The Borough of Hightstown is deeply committed to providing its fair share of affordable housing in order to satisfy the demand that exists for such housing within the geographic region in which the Borough is located.

Additionally, as part of the Third Round methodology, a municipality is permitted to establish standards for the collection, maintenance and expenditure of certain fees which are paid to the municipality in lieu of construction of affordable housing, known as "in lieu of" payments. The purpose of this Ordinance is also to provide requirements relative to the collection of "in lieu of" payments, which shall be used for the sole and exclusive purpose of providing low and moderate income housing through a variety of COAH approved means. Overall, the intention of this Ordinance is to help keep the Borough at pace with Round Three's growth oriented affordable housing obligation

Subsection 26-11-2. Affordable Housing Obligation.

For all residential development within the Borough of Hightstown, developers shall be responsible for the creation of affordable housing at the rate of one (1) affordable unit for each eight (8) market units, both for sale and rental.

Subsection 26-11-3. Growth Share Payment "In Lieu of Construction."

A. Projects that are less than nine (9) units in size (i.e., involving eight (8) or fewer units), shall be assessed an amount of \$21,750.00 per unit. If the developer builds an inclusionary development, then that developer shall be exempt from the above cited fee. All other residential developments are required to meet the affordable housing obligation cited in Subsection 26-11-2 above, either on-site, or off-site. No in-lieu option or development fee options are available to any other residential developments.

B. All non-residential developments shall be excluded from the "in lieu of" option and shall be subject to the Borough's Mandatory Development Fee Ordinance as set forth in Section 26-10 of this Chapter, unless they are building an inclusionary mixed use development that includes a residential component. A mixed use development that includes both residential and non-residential components will be subject to both this Ordinance, and the Borough's existing Mandatory Development Fee ordinance to address all respective development components, accordingly.

Subsection 26-11-4. Eligible Exaction, Ineligible Exaction and Exemptions.

Developers of low and moderate income units complying with the minimum number of affordable housing units identified in Subsection 26-11-2 above, shall be exempt from the payment of the "in lieu of construction" fees identified in Subsection 26-11-3 above. This exemption includes inclusionary developments and locally-designated Redevelopment Areas with executed Redeveloper's Agreements requiring the construction of affordable units either on or off-site, but within Hightstown Borough.

Subsection 26-11-5. Collection of Fees.

Developers receiving an "in lieu of" assessment shall pay fifty percent (50%) of the calculated fee to Hightstown Borough at the time of issuance of the first building permit(s). The remaining fifty percent (50%) shall be due upon issuance of a Certificate(s) of Occupancy.

Subsection 26-11-6. Housing Trust Fund.

A. Pursuant to Ordinance No. 2004-28, as adopted by the Borough of Hightstown on November 15, 2004, and as codified in Subsection 26-10-7 of the Borough Code, an interest bearing housing trust fund (known as the Development Fee Trust Fund) has been established for the purpose of receiving payment of certain development fees from residential and nonresidential developers. All "in lieu of" fees paid by developers pursuant to this Ordinance shall be deposited into a sub-account of this interest bearing housing trust fund (to be known as the In Lieu of Construction Housing Trust Fund sub-account), which shall be a distinct sub-account within the overall housing trust fund. No money shall be expended from either the Development Fee Trust Fund housing or the In Lieu of Construction Housing Trust Fund sub-account unless the expenditure conforms to a spending plan approved by COAH.

B. If COAH determines that Hightstown Borough is not acting in conformance with COAH's existing or proposed rules, or the spending plan to be approved by COAH, then COAH is authorized to direct the manner in which all payment "in lieu of construction" fees collected pursuant to this Ordinance shall be expended. Such authorization is pursuant to: this Ordinance, COAH's existing or proposed rules on payment "in lieu of construction" fees and the written authorization from the governing body to the bank or depository in which the housing trust fund is located.

Subsection 26-11-7. Use of Funds.

A. All monies deposited into the In Lieu of Construction Housing Trust Fund sub-account may be used for activities approved by the COAH for addressing Hightstown Borough's low and moderate income housing obligation within the Borough. Such activities may include, and are limited to: new construction, the purchase of land for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units more affordable to low and moderate income households and administrative costs necessary to implement Hightstown Borough's housing element. The expenditure of all monies shall conform to a spending plan approved by COAH. Funds collected are not permitted to be utilized for a Regional Contribution Agreement(s) (RCA).

B. No more than twenty percent (20 %) of the revenues collected each year shall be expended on administrative costs necessary to develop, revise or implement the Borough's affordable housing program. Examples of eligible administrative activities include: personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly relate to program administration.

Subsection 26-11-8. Expiration of Ordinance.

This Ordinance shall expire if:

1. COAH dismisses or denies Hightstown Borough's petition for substantive certification; or
2. COAH revokes substantive certification or this Ordinance.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-29,

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

Ms. Gallagher stated that this Ordinance was compiled by the Borough's subcommittee after reviewing taxi ordinances adopted in other towns. She reviewed the changes to the existing regulations which would be effected by adoption of this ordinance.

Mayor Patten opened the public hearing on Ordinance 2005-29. No one came forward and the hearing was closed.

Councilman Quattrone asked if these changes will apply to existing licensees. Mr. Raffetto stated that certain changes would take place upon re-licensing, while provisions regarding other than licensing requirements/procedures could be enforced immediately. Councilman Sackowitz asked if the police department can make spot inspections of taxicabs. Chief Eufemia replied that they can (for safety and cleanliness), and they do. Councilman Sackowitz asked if it would be possible for the licenses issued to taxi drivers to include their photo. Ms. Gallagher said that this may be possible with changes to the process used in creating the license itself.

Ordinance 2005-29 was moved for adoption by Councilwoman Laudenberger and seconded by Councilman Quattrone.

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

Ordinance adopted, 6-0.

ORDINANCE 2005-29 AN ORDINANCE TO AMEND SECTION 4-21, "TAXICAB LICENSING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, as follows:

Section 1. Section 4-21, "Taxicab Licensing," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended in its entirety to read as set forth on Schedule A, attached (additions underlined; deletions in ~~strikeout text~~).

Section 2. All ordinances or parts of ordinances of the Borough of Hightstown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This ordinance shall take effect after final passage and publication as provided by law

Section 4-21 TAXICAB LICENSING

Subsection 4-21-1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Operation of a taxicab shall mean transporting in a taxicab one (1) or more persons for hire. Accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered

"operation of a taxicab" within the Borough. The "operation of a taxicab" by one other than the owner shall be deemed operation by the owner as well as by the person actually driving the taxi. The transportation of any person other than the owner or driver in any motor vehicle bearing a sign using the words "taxi," "taxicab," "cab" or "hack" shall be prima facie evidence of operation.

Owner shall mean any person in whose name title to any taxicab is registered with the New Jersey Division of Motor Vehicles or who appears in the Division's records to be a conditional vendee or lessee or has any other ~~proprietary~~proprietary interest in a taxicab.

Taxicab or taxi shall mean a motor vehicle used to transport passengers for hire which does not operate over a fixed route and is not hired by the day or hour.

Subsection 4-21-2 Licenses Required.

No person shall operate a taxicab within the Borough unless both the owner and the driver of the taxicab are licensed under this section.

Subsection 4-21-3 Types of Licenses.

a. Taxicab Driver's License. The holder of a taxicab driver's license shall be entitled to operate within the Borough any taxicab whose owner has been licensed under this section.

b. Taxicab Owner's License. The holder of a taxicab owner's license shall be entitled to operate a taxicab owned by him within the Borough, provided that the person driving the cab holds a valid taxicab driver's license.

Subsection 4-21-4 Licensing of Taxicab Owners.

a. Application Information.

1. Application for a taxicab owner's license shall be made to the Borough Clerk on forms provided by ~~him~~her. ~~The forms and the information required thereon shall be established by the Council by resolution. Any changes to the information included in the application which occur during the licensing period shall be reported to the Borough Clerk within three (3) calendar days of the change.~~

2. Applications shall be verified by oath or affirmation. Applications by a partnership shall give the information required for each partner and shall be verified by all partners. Applications by a corporation shall give the information required for and be verified by all officers and directors and all persons holding more than ten (10%) percent of the corporation's common stock, as well as by the corporation itself.

~~b. Notice of Hearing. The Borough Clerk shall advise the Council of the filing of an application. The Council shall set a date for a hearing on the application and notify the applicant. The date set shall be within a reasonable time after the filing of the application.~~

~~c. Investigation; Hearing before Council.~~ The Chief of Police or a Police Officer designated by him shall investigate the application. A report containing the results of the investigation and evaluation, a recommendation by the Chief of Police that the license be granted or denied and the reasons for his recommendation shall be forwarded to the Council ~~at least three (3) days before the date set for the hearing.~~ The Borough Clerk shall ensure that a A copy of the report shall also be sent is made available to the applicant. In those cases where the Chief of Police or his designee has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the Police Chief's report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.

~~d. Conduct of Hearing. At the hearing, any person who is a resident or taxpayer of the Borough may appear in person and make a brief statement or submit a written statement in support of or opposition to the granting of a license. In addition, the applicant and any other person who will be affected by the granting or denial of the license other than as a Borough resident or taxpayer shall have the right to be represented by an attorney, to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings.~~

~~e. Factors Considered.~~ In determining whether to grant or deny the license, the Council shall take into consideration the following factors:

1. The character, business and financial responsibility and experience of the applicant and the probability that, if granted a license, the applicant will operate his taxicab in accordance with the provisions of this section.

2. Any other factors directly related to the granting or denial of the license which would substantially affect the public safety or convenience.

~~fd.~~ Issuance of License. The Council shall, by resolution, grant or deny the license. If the application is approved, the Clerk shall issue the license ~~upon forms established by the Council by resolution.~~

~~ge.~~ License Term; Fees.

1. A taxicab owner's license shall be valid for the remainder of the calendar year for which it is issued.

2. The license fee shall be fifty (\$50.00) dollars per year or portion thereof per vehicle and shall be nonrefundable in the event that the application is denied. ~~payable upon the filing of the application for the issuance or renewal of the license. Fees shall accompany the application. Ninety (90%) percent of the fee shall be returned if an application is subsequently denied. Under no other circumstances shall the license fee or portion thereof be returned.~~

~~hf.~~ Renewals. A taxicab owner's license may be renewed by the Council without a hearing upon the licensee's filing with the Chief of Police a sworn statement that there have been no changes in the information contained in the initial application.

Subsection 4-21-5 Licensing of Taxicab Drivers.

a. Applications.

1. Application for a taxicab driver's license shall be made to the ~~Chief of Police~~ Borough Clerk upon forms provided by ~~him~~ her office, and shall be forwarded to the Chief of Police for investigation and approval. Applications shall be completed by the applicant in the presence of the Borough Clerk or her designee, and shall be taken in the Clerk's office only, during days and hours established by the Clerk. Applicants shall have the following minimum qualifications:

(a) ~~Applicant must be~~ over ~~eighteen (18)~~ twenty-one (21) years of age.

(b) ~~Applicant must be~~ a United States citizen or a legal resident alien. A copy of the alien registration card or work permit must be submitted with the application.

(c) ~~Applicant must~~ possess a valid New Jersey driver's license.

(d) ~~Be in good health~~ Applicant must supply a certification from a licensed physician, on a form to be provided by the Borough Clerk, indicating that the applicant has been examined within the past sixty (60) days and is in sound physical condition, has eyesight corrected to 20/20 vision and is not subject to any infirmity of body or mind which might render the applicant unfit for safe operation of a vehicle for hire.-

(e) ~~Have good eyesight and color vision~~ Applicant must certify that he/she is not addicted to the use of narcotics or intoxicating liquors.

(f) Applicant must ~~Be~~ able to read, ~~and~~ write and understand the English language.

(g) ~~Be of good character~~ Applicant must not have been convicted of any crime involving moral turpitude.

(h) ~~Have a good knowledge of the Borough and State traffic laws and regulations~~ Applicant must have a thorough knowledge of the law, traffic regulations and geography of the Borough of Hightstown, the Motor Vehicle Act, the Traffic Act and other ordinances and regulations having to do with traffic. Each applicant may be examined as to his or her knowledge of these provisions, and if the result of the examination is unsatisfactory, the application shall be refused a license.

(i) Be fingerprinted by the Police Department, with a report therein received from the State Police or Federal Bureau of Investigation.

(j) Applicant must not have been convicted, within the three years prior to the date of the application, of reckless driving, driving while intoxicated, leaving the scene of an accident or driving more than 30 miles an hour above the speed limit.

(k) At the time of application, applicant must have no more than eight (8) New Jersey State Division of Motor Vehicle points on his or her driving record, or the equivalent if licensed in any other state.

2. The application shall be accompanied by a fee of ~~three (\$3.00)~~ fifty (\$50.00) dollars for the initial license period.

3. The application shall be accompanied by two unmounted, unretouched glossy photographs of the applicant taken within 30 days preceding filing of the application. Photographs shall be 2 ½" by 2 ½" in size. New photographs shall be submitted whenever the licensee's appearance changes significantly.

b. Investigation; Hearing before Council. The Chief of Police or a police officer designated by him shall investigate the application and shall report the results to the Council within a reasonable time. The report shall include a recommendation that the license be granted or denied and the reasons therefor. The Borough Clerk shall ensure that a copy of the report is made available to the applicant. In those

cases where the Chief of Police or his designee has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the Police Chief's report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.

c. Issuance of License; Contents. Upon approval of the application by the Council, the Clerk shall immediately issue the applicant a taxicab driver's license. The license shall contain the licensee's name and address, physical description, signature and photograph.

d. Term of License; Fees. An initial license to drive a taxicab shall be valid for the remainder of the calendar year in which it is issued. A taxicab driver's license may be renewed annually, unless it has been revoked or suspended, upon the payment of a fee of ~~ten (\$10.00)~~ fifty (\$50.00) dollars.

e. Use of License. Taxicab driver's licenses are valid for use with any licensed taxi within the Borough of Hightstown.

Subsection 4-21-6 Display of ~~Badge~~, License and Fares Required.

~~Each licensed driver shall be issued a badge with his name and number thereon and shall wear the badge upon his person when occupied as a driver.~~ The taxicab license shall be displayed prominently in each cab. ~~Each driver shall wear a taxicab driver's livery cap.~~ Rates of fares ~~provided for by this chapter~~ shall be posted in each taxicab.

Subsection 4-21-7 Inspection of Vehicles.

a. Initial Inspection. Before any vehicle is used as a taxicab within the Borough, it shall be inspected by the Chief of Police or a police officer designated by him ~~to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law.~~

1. All vehicles will be photographed at the time of inspection.
2. Inspections will be conducted by appointment only.
3. Vehicles must be maintained in a safe, clean and sanitary condition.
4. Vehicles must contain all safety devices required by law.
5. Each vehicle must have at least one Federally-approved child restraint seat available at all times.
6. No vehicle may be more than ten (10) years old at the time of inspection.

b. Reinspections. All taxicabs shall be reinspected annually, or more often if the Council so requires by resolution. In addition, any police officer may inspect any taxicab at any reasonable time to determine if it is clean, sanitary and in a safe and proper operating condition.

c. Failure to Pass Inspection. Any taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the Borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health or safety of the public, the taxicab may continue to be operated for a period of one (1) week, at the end of which time it shall be reinspected. If the defect has not by then been corrected, the vehicle shall immediately be taken out of service and remain out of service until the defect is corrected.

Subsection 4-21-8 Taxicab Identification Required.

a. Identification Required. Each taxicab operated in the Borough shall have a sign permitted on each rear door. The sign shall contain the owner's name and the words "taxicab" or "taxi," telephone number, vehicle number and "Hightstown Borough, NJ" in letters not less than four (4) inches nor more than eight (8) inches in height.

b. Imitation of Color Scheme or Insignia. No taxicab operated in the Borough shall imitate the color scheme or any identifying design or insignia of another taxicab lawfully operating in the Borough, nor shall one taxicab have a color scheme or identifying design or insignia which is so similar to that of another taxicab as to be likely to have a tendency to mislead the public. The person first using a particular color scheme or identifying design or insignia for his taxicab shall have the prior right to it.

Subsection 4-21-9 Fares.

a. Rates of Fare. The fare that may be charged by the driver or owner of a taxicab for a trip wholly within the limits of the Borough shall not exceed the rates approved annually by the Council by resolution. Fares shall be conspicuously displayed in each taxicab.

b. Receipts. The driver of a taxicab, upon request, shall give the passenger a receipt for the amount charged. The receipt shall show the name of the owner, the license number of the taxicab, the amount of the fare and the date of the transaction.

c. Refusal to Pay Fare. No person, after hiring a taxicab, shall refuse to pay the legal fare, nor shall any person hire a taxicab with the intent not to pay the legal fare.

Subsection 4-21-10 Promulgation of Rules and Regulations; Copies to Be Distributed.

The Council may establish, by resolution, rules and regulations relating to the operation of taxicabs and the conduct of licensees. A copy of the rules and regulations shall be furnished to each licensee.

Subsection 4-21-11 Unlawful Activities.

All drivers shall be licensed personnel, and [taxicabs](#) shall be used exclusively for purposes of transportation of passengers ~~or~~ [and their](#) baggage. No owner or driver shall be obliged to transport any person who is not orderly.

Subsection 4-21-12 Suspension or Revocation of Licenses.

a. In addition to the causes for revocation of a license set forth in subsection 4-1.10, any license issued under this section may be revoked or suspended, or any application for the issuance or renewal of a license denied, for any of the following reasons:

1. Failure to render reasonable, prompt, safe and adequate taxicab service.
2. The existence of a judgment unsatisfied of record against the licensee or applicant in any suit arising over the operation of a motor vehicle.
3. Permitting any taxicab owned or driven by the licensee to become unsafe, unsanitary or dirty.
4. Failure to comply with all applicable laws of the State of New Jersey, the ordinances of the Borough or the rules and regulations adopted in accordance with this section.

b. Drivers. If the licensee is a driver, his license may also be revoked or suspended for the following reasons:

1. Revocation or suspension of his New Jersey motor vehicle operator's license.
2. Contraction by the licensee of a communicable or contagious disease.
3. Operating a taxicab in a reckless or grossly negligent manner or habitually operating a taxicab in a negligent manner.

Subsection 4-21-13 Complaints; Enforcement

a. All complaints shall be submitted to the Hightstown Police Department.

b. Enforcement of Section 4-21 shall be the responsibility of the Hightstown Police Department.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-31,

AN ORDINANCE TO AMEND SECTION 18-1, "GARBAGE AND RUBBISH," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

Ms. Gallagher reviewed the provisions of Ordinance 2005-31, which, she said, is the result of months of work by the Borough's Solid Waste Committee. The proposed ordinance:

- Corrects an error in the existing ordinance to specifically limit garbage disposal to four cans per household
- Specifically prohibits disposing of household or commercial garbage in our downtown litter bins.
- Requires that carpeting be tied into bundles no more than 36" long and weighing no more than 45 pounds each, to be picked up by appointment only by Public Works.
- Allows for disposal of up to two items of household furniture on any one collection day. Must be arranged in advance with Public Works.
- Amends the list of items not accepted for collection to conform to current practices, and includes a notation that certain construction materials, scrap wood, etc. will be collected only to the extent that they will fit within the standard size garbage can and are within the four can, 45-lb/can limit. This allows homeowners making small repairs on their own to dispose of the debris.

- Provides that any items placed that are not in conformance with the ordinance won't be collected, and requires that they be removed from the curb by 8 p.m. on collection day.
- Reserves the Borough's right to inspect garbage and refuse collection if it contains recyclables or grass clippings.
- Includes a statement that landlords are responsible for informing tenants of Borough requirements.
- Changes regulations regarding Stockton Street dumpsters:
 - Continues to allow their use by food establishments in Block 23 and 33 provided that they pay a share of the Borough's cost in providing that service.
 - Allows their use by other businesses, residents, and tenants in Block 23 and 33 at no charge. They may dispose of the equivalent of four cans of garbage per week .
 - Specifically prohibits use of the dumpsters by all other parties.
 - Makes language regarding prohibited materials applicable to dumpsters also.
- Prohibits placement of garbage along North Main Street between Franklin and Stockton, Main and Mercer Streets between Stockton and Rogers, Stockton between Main Street and RR Avenue, and Rogers between Mercer and RR Avenue. Residents and businesses there will be permitted to use the Stockton Street dumpsters.
- Designates the Construction Official, Superintendent of Public Works, Assistant Superintendent of Public Works, Public Works Foreman and police officers as solid waste enforcement officials.
- Establishes specific enforcement procedures and provides specific authority for the Borough to take action to remove garbage placed in violation of the Ordinance and charge the cost of removal to the property owner, and for the placement of liens in the event of non-payment of those charges.

Following her review, **Ordinance 2005-31** was moved for introduction by Councilman Sackowitz and seconded by Councilman Quattrone.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-31 was set for September 19, 2005.

INTRODUCTION AND FIRST READING: ORDINANCE 2005-32,

AN ORDINANCE APPROPRIATING \$28,000 FROM THE GENERAL CAPITAL FUND BALANCE
FOR THE PURCHASE OF VARIOUS EQUIPMENT FOR USE IN AND BY THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Gallagher provided a brief review of this Ordinance, which would fund the purchase of a courtroom video conferencing system, heavy duty shredder for the police department, Dictaphone equipment and mandated audio-video equipment in the police department, utilizing existing capital funds. There would be no impact on the budget and it will not increase the Borough's debt.

Ordinance 2005-32 was moved for introduction by Councilman Quattrone and seconded by Councilwoman Laudenberger.

Councilman Sackowitz asked for more information regarding the shredder, and Chief Eufemia stated that it is a heavy duty model used by many of the Borough's departments. The last shredder lasted 10 years, and to purchase it is less expensive than to contract out for document shredding services.

Council President Schneider asked if it would be preferable to bond this purchase and use these funds to pay down debt at higher interest rates. Ms. Gallagher stated that the cost of a bond ordinance would exceed any savings realized in this way.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2005-32 was set for September 19, 2005.

RESOLUTIONS

RESOLUTION 2005-184, AMENDING RESOLUTION 2005-178, ADOPTED AUGUST 1, 2005, REGARDING THE SALE OF REAL PROPERTY IN THE OWNERSHIP OF THE BOROUGH OF HIGHTSTOWN WHICH IS NO LONGER NEEDED FOR PUBLIC USE

Mr. Raffetto reviewed this Resolution, explaining that it incorporates certain suggestions made by Max Spann Auction Company. Following his review, the Resolution was moved by Councilman Sikorski and seconded by Councilwoman Laudenberger.

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

Resolution adopted, 6-0.

RESOLUTION 2005-184 AMENDING RESOLUTION NO. 2005-178, ADOPTED ON AUGUST 1, 2005, REGARDING THE SALE OF REAL PROPERTY IN THE OWNERSHIP OF THE BOROUGH OF HIGHTSTOWN WHICH IS NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, on August 1, 2005, the Hightstown Borough Council adopted Resolution No. 2005-178, which authorized the sale of certain real property owned by the Borough located on Academy Street at open public auction to the highest bidder; and

WHEREAS, the property to be sold consists of two adjacent undersized lots that are being consolidated into one unified parcel that will be known as Block 40, Lot 20; and

WHEREAS, since the adoption of the said Resolution the Mayor and Council have determined that it is in the best interests of the Borough to revise certain terms and conditions referenced within the Resolution relating to the sale;

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

1. That Resolution No. 2005-178 is hereby revised in the following respects:
 - a. Paragraph 2 of Resolution No. 2005-178 is hereby revised to read as follows (additions are shown with underline and deletions are shown with ~~strikeout~~):

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), and that construction will take place in accordance with the site plan(s) presented and with the terms and conditions of such approval, if such approval is received.

- b. Paragraph 3 of Resolution No. 2005-178 is hereby revised to read as follows (additions are shown with underline and deletions are shown with ~~strikeout~~):

~~The minimum bid price shall be eighty thousand dollars (\$80,000.00), and t~~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.

- c. Paragraph 4 of Resolution No. 2005-178 is hereby revised to read as follows (additions are shown with underline) and deletions are shown with ~~strikeout~~):

At the public auction, the successful high bidder for the parcel shall be required to execute a sales contract (in a form which will be available at or prior to the receipt of bids or offers) and present to the Borough Administrator the following: (1) bid security in the amount of \$1,000.00 in the form of cash, certified check or cashier's check, (2) the balance of a ten percent (10%) down payment on the total purchase price in the form of a personal check. In the event that a successful bidder fails to pay the full purchase price and close title as required, ~~the bid security all deposit monies~~ 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 execute the sales contract or to present the required bid security or the balance of the ten percent (10%) down payment on the total purchase price 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 and the balance of the ten percent (10%) down payment on the total purchase price in their possession. Successful bidders will be expected to turn over their bid security and the balance of the ten percent (10%) down payment on the total purchase price upon demand by the Borough, and failure to do so shall disqualify the bidder and cause bidding to be reopened on the subject lot.

- d. Paragraph 5 of Resolution No. 2005-178 is hereby revised to read as follows (additions are shown with underline and deletions are shown with ~~strikeout~~):

Acceptance or rejection of purchase offers or bids shall be made by the Borough Council not later than ~~its second regular meeting~~ 14 days following ~~receipt of offers or bids and bid security~~ the date of agreement. If no action is taken by the Council, all offers or bids shall be deemed to have been rejected.

- e. Paragraph 6 of Resolution No. 2005-178 is hereby revised to read as follows (additions are shown with underline and deletions are shown with ~~strikeout~~):

~~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 after the date of contract execution.~~

The closing shall take place at the office of the Borough Attorney or at Borough Hall, or as determined by the Borough Administrator.

- f. Paragraph 9 of Resolution No. 2005-178 is hereby revised to read as follows (additions are shown with

underline and deletions are shown with ~~strikeout~~):

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 and the remainder of the ten percent (10%) down payment on the total purchase price, 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 and the remainder of the ten percent (10%) down payment on the total purchase price, all purchasers agree and understand that failure to close title as required herein will result in forfeiture of ~~the bid security~~ all deposit monies to the Borough as liquidated damages. At closing, the deposit monies shall be credited toward the total purchase price.

2. That all other terms and conditions referenced in Resolution No. 2005-178 shall remain in full force and effect.
3. That a full copy of Resolution 2005-178, as amended by this Resolution, shall be provided to Max Spann Auction Co. for inclusion in the bidder's information packages.

CONSENT AGENDA

Resolutions 2005-185, 186, 187, 188, 189, 190, 191 and 192 were moved by Councilwoman Laudenberg and seconded by Councilman Sikorski.

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

Resolutions adopted, 6-0.

RESOLUTION 2005-185 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction at 9 a.m. on Saturday, September 24, 2005 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Chief of Police; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Auctions for this event;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held at 9 a.m. on Saturday, September 24, 2005 at 278 Monmouth Street.

RESOLUTION 2005-186 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-152 TO HIGHTSTOWN WOMAN'S CLUB

WHEREAS, the Hightstown Woman's Club wishes to hold an off-premise merchandise raffle at 320 North Main Street on February 25, 2006; and

WHEREAS, the group has submitted application number RA-152 for this raffle, together 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-152 to the Hightstown Woman's Club for their raffle to be held on February 25, 2006.

RESOLUTION 2005-187**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-153 TO
HIGHTSTOWN-EAST WINDSOR LIONS CLUB**

WHEREAS, the Hightstown–East Windsor Lions Club wishes to hold an off-premise 50/50 raffle at the Hightstown Fire House on November 13, 2005; and

WHEREAS, the group has submitted application number RA-153 for this raffle, together 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-153 to the Hightstown–East Windsor Lions Club for their raffle to be held on November 13, 2005.

RESOLUTION 2005-188**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-154 TO
HIGHTSTOWN HIGH SCHOOL MUSIC BOOSTERS ASSOCIATION**

WHEREAS, the Hightstown High School Music Boosters Association wishes to hold an off-premise merchandise raffle at 25 Leshin Lane on May 11, 2006; and

WHEREAS, the group has submitted application number RA-154 for this raffle, together 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-154 to the Hightstown High School Music Boosters Association for their raffle to be held on May 11, 2006.

RESOLUTION 2005-189**AUTHORIZING CANCELLATION OF BALANCE REMAINING IN GENERAL CAPITAL ACCOUNT
FOR PHOTOCOPIERS**

WHEREAS, on June 20, 2005, the Borough Council adopted Ordinance 2005-20, providing funding in the total amount of \$19,500.00 from general capital to fund the purchase of photocopiers; and

WHEREAS, the amount actually expended for this purchase was \$15,609.00, and it is advisable to cancel the balance remaining in this general capital account;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the balance remaining in the general capital account for the purchase of photocopiers, line number C-04-55-837-001-444, in the amount of \$3,891.00 is hereby cancelled.

RESOLUTION 2005-190**AMENDING RESOLUTION 2005-86, ADOPTED MARCH 7, 2005, ENTITLED “AUTHORIZING
AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – DILWORTH PAXSON LLP
(STATE V. JEFFREY PARRA)”**

WHEREAS, on March 7, 2005, the Borough Council adopted Resolution 2005-190, authorizing an agreement with Dilworth Paxson LLP for legal services relative to a pending municipal appeal entitled State v. Jeffrey Parra; and

WHEREAS, the maximum amount authorized by said Resolution was \$3,000.00; and

WHEREAS, the Borough Administrator has recommended that this authorization be increased by \$500.00 in order to accommodate the final billings for this work; and

WHEREAS the Chief Financial Officer has certified the availability of funds for this expenditure;

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

1. Resolution 2005-86 is hereby amended to provide that the maximum authorized expenditure for the purposes designated therein is \$3,500.00.
2. A copy of this Resolution shall be provided to Dilworth Paxson, LLP and placed on file with the contract in the office of the Borough Clerk.

RESOLUTION 2005-191 AUTHORIZING REFUND OF WATER-SEWER OVERPAYMENT

WHEREAS, Edward and Germaine Austin recently sold their residence at 100 Bennett Place, and during the sale process, duplicate payments of a portion of the water-sewer bill for this property were made by the Austins and by the buyer; and

WHEREAS, the Austins have requested a refund of the duplicate payment in the amount of \$192.00; and

WHEREAS, the Water-Sewer Collector has reviewed this request and recommended refund of the duplicate payment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to refund to Edward and Germaine Austin the amount of \$192.00, representing their duplicate water-sewer payment as set forth herein.

RESOLUTION 2005-192 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 **\$1,526,474.85** from the following accounts:

Current	\$ 1,056,431.51
W/S Operating	362,988.82
General Capital	49,607.50
W/S Capital	29,327.05
Animal Control	720.00
Trust Account	320.00
RCA-COAH Escrow	6,250.00
Grant	1,819.44
Escrow-Subdivision & Site Plan (First Washington Bank)	19,010.53
Total	<u>\$ 1,526,474.85</u>

UNFINISHED BUSINESS

UPDATE BY BOROUGH ATTORNEY REGARDING REDEVELOPMENT

Mr. Raffetto reported that the redevelopment subcommittee brought the concerns expressed by Council at the last meeting back to Greystone, and made it clear that it would be unacceptable to increase the residential component of the project to the magnitude requested. Council's vision, he said, was included in the redevelopment plan, and the Borough insists that any redeveloper comply with the vision set forth in that plan. Greystone must now "sharpen their pencil and see if they can come up with something closer to what was presented in May." He noted that we have engaged the

services of Peter Sockler to perform a market study to review Greystone's assumptions and conclusions. The subcommittee is "very impressed" with the quality of work to date, and his quick responses. So far, he said, Mr. Sockler feels that the Borough's original plan is viable.

Mr. Raffetto went on to note that the Conditional Redevelopers Agreement with Greystone will expire on September 21. Just that day, he said, Greystone presented three new scenarios, which are being evaluated. There may be further public discussion on September 19. If the Borough and Greystone are not able to come to some agreement, the conditional redeveloper's agreement will expire and the Borough will be free to review proposals from other developers.

IMPLEMENTATION OF POLICE STUDY RECOMMENDATIONS

Ms. Gallagher asked the Council if they would like to proceed toward implementation of any of the recommendations included in the DCA police study.

It was discussed and generally agreed that she and Chief Eufemia will work together to create a plan for collection of the Borough's outstanding municipal court fees and to draft an alarm ordinance.

With respect to staffing, Ms. Gallagher stated that one police lieutenant will be retiring at the end of 2005, and the Police Chief has requested permission to hire a replacement officer effective January 1. In order to do this, he will need to begin the recruitment process now. She noted that it would be more costly to the Borough *not* to replace this officer, as covering his shifts would require overtime work by the other officers.

Discussion ensued, and a straw vote was taken. Councilman Sackowitz, Councilman Thompson and Councilwoman Laudenberger had no objection to hiring a replacement officer to begin work on January 1. Council President Schneider said that he would like more time to consider this, and wondered if it might be possible to rework the scheduling in order to reduce overtime costs. He asked if it would be possible to hire a civilian to do shredding and work of that nature. Chief Eufemia replied, "a civilian is doing that job right now." Councilman Quattrone asked what type of officer would be hired. Chief Eufemia stated that we would seek a trained, certified officer, and the starting salary "step" would be based on the officer's experience. With over two years of experience, the starting salary would be in the area of \$55,000. Councilman Quattrone expressed support for the hire. Councilman Sikorski said that he has "reservations" about this and would not be in favor of it at this time. He asked if the Chief's intention is to have two lieutenants in place after January 1. Chief Eufemia stated that it is not.

As the general consensus (4-2) was to move forward with the hiring process, the Chief and Ms. Gallagher will proceed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilman Sikorski reported that:

- Harry Wetterskog has prepared a letter that will go out to new residents explaining the Borough's housing code, garbage and property maintenance regulations. In addition, a new, part-time bilingual employee has been hired in that office. She has a law degree from the University of Santo Domingo and will accompany Mr. Wetterskog on certain inspections. Also, she will answer phone calls during prescribed hours.
- The dead tree on North Main Street has finally been removed by the County.
- The storm sewer grate on Main Street near the old railroad embankment is in need of repair.
- A sign recently erected on Monmouth Street misspells "Cranbury" as "Cranberry," and should be corrected.

Councilman Quattrone spoke regarding several issues:

- He thanked all who worked on the downtown revitalization, the downtown committee and the betterment of Hightstown. "It's working," he said. "Jeff is doing a great job."
- He said that he was very pleased with the police study report, and is in favor of hiring a replacement officer. "You all know that I have been opposed to hiring for a long time," he said, "but ...I have changed my mind." He said that he had been considering what the Borough is trying to accomplish downtown as well as the need for strong emergency management as demonstrated by the devastation wreaked by Hurricane Katrina in New Orleans, and "a civilian won't fill the gap on the street."
- The Parks and Recreation Commission's summer program at Dawes Park is over, and was a great success.
- With respect to Mr. Watkins' earlier comments regarding his perception of "mis-deployment" by Public Works in having three men on a truck collecting grass, Councilman Quattrone said, "Public Works is doing the job. If you knew more, you'd see that we have a CDL driver, a guy on light duty, and another to watch over. Larry [Blake] is on top of things, and we watch over as much as we can, being shorthanded. They did it all without summer help this year." He suggested that Mr. Watkins meet with Mr. Blake to find out all that Public Works is doing.

Council President Schneider challenged numbers presented earlier by Eugene Sarafin during public comment which compared dollars spent per resident on police services in Hightstown and East Windsor. With 13 officers, he said, we cover 5,000 residents. That is 400 residents per officer. East Windsor covers 600 residents per officer. "That is a different level of policing, and must show itself in response time," he said. "I am very much in favor of our police force, and not extremely interested in consolidation. Some numbers used to justify that are, in fact, exaggerated and not necessarily realistic." Regarding Chief Eufemia and the police department, he said, "We've reduced the numbers, and they've been doing a good job." The concept of county policing is a "good idea," he said, "but no short term savings are likely." Council President Schneider closed his comments by saying, "I think we're extremely viable, and I would not want the two-man patrol reduced. This is not Mayberry. Anything we can do to make things more efficient, I am in favor of." The police department's response time is "phenomenal," he said, and he would be interested to see how we compare with other towns in this respect.

Councilwoman Laudenberger reported that, since the last Council meeting, she, Councilman Sikorski and Mayor Patten have attended nine hours of meetings with Greystone, including a three-hour meeting that afternoon. She was not able to attend the fountain committee meeting due to illness. The Celebrate Hightstown! Committee met twice during August and will meet again on Thursday. Things are "moving along," she said, and she invited reporters to attend the next meeting. Lastly, Councilwoman Laudenberger reminded everyone that the Community Action Service Center's Annual Gala will be held on September 30, and she urged all to attend.

Councilman Sackowitz stated, "What we have in our Police Department is very special," and noted their quick response time. He expressed his objection to Council's being called "dwarfs" earlier by a member of the public during Public Comment. He worked at one time with someone afflicted with dwarfism, who, he said, was a wonderful person. "Using that term in a derogatory manner is as virulent as anti-Semitism," he said, "and I won't tolerate that type of abuse."

Councilman Thompson recognized and thanked Assemblyman Michael Panter for his assistance in securing Extraordinary Aid for the Borough. "The size of that check drove home the message that, without aid, we'd be in an adverse situation." He thanked Ms. Gallagher for asking the Borough's new tax assessor to compile information projecting revenues from new development.

Chief Eufemia thanked the Mayor and Council for their concerns regarding the police department, and thanked Councilman Quattrone in particular for his comments. "You heard tonight from Jeff [Bond] what the downtown expects," he said. "Multiply that by the entire community. That's what we'll continue to do, but we need adequate manpower."

Ms. Gallagher asked Council for their "nod of approval" to pay the artists presenting proposals for the fountain \$500 each for their work, as recommended by the committee. She noted that the funding will come from the grant received. Council had no objections. Councilman Sackowitz noted that the proposals, which would then become the property of the Borough, could have historical significance in the future.

Ms. Gallagher also reported that she would like to begin work now, with the assistance of the Solid Waste Committee, on bid specifications for garbage removal. The existing contract ends on December 31, 2006, and she would like to go to bid early in the year in order to gauge anticipated costs for the next contract period, and give the Borough time to arrange to bring the service back in house if it turns out that it would be to the Borough's benefit to do so.

Mayor Patten stated that our police are a vital part of our community, which is more than just our 5,200 residents. "There are 1,600 people at Hightstown High School," he said, "and 700 at Peddie. There are students and staff also at the Grace Norton Rogers and Walter C. Black schools. CCL Label and our churches bring others in to the Borough. We need extra police, who are well trained. We need a School Resource Officer at the high school so that we can be proactive and eliminate problems you see all over. We have to assure that our community is safe at all times."

The Mayor went on to provide details about his activities as Mayor, which he said is much more than "just attending two Council meetings a month." He encouraged all governing body members to visit the Advanced Wastewater Treatment Plant, the Public Works department, and with Chief Eufemia, Harry Wetterskog and Ms. Gallagher in order to fully understand the day to day workings of the Borough. "If you want to make critical decisions on budget and policy," he said, "you need to get out there."

Regarding the future of Hightstown, Mayor Patten said that he has long been an advocate of a State Constitutional Convention, and something must be done to change the method of school funding. The Borough must continue its efforts to redevelop the Mill site and the Minute Maid plant in order to realize needed revenues. Those that are negative at the podium and on the street, he said, "need to turn that around, and know that we are doing things in a positive way."

CORRESPONDENCE

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

- Tax/Water/Sewer Collector's Reports – July 2005

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Cathy Simmons, 33 Clover Lane, said that she has noticed that some tax exempt properties, such as properties owned by the Peddie School and churches, use garbage and recycling services provided by the Borough. In the past, she said, the policy was that the tax exempt properties are responsible for their own garbage collection and recycling. Mayor Patten said that Ms. Gallagher will look into this. Ms. Simmons also commended Larry Blake and the Borough's Public Works department on this year's downtown flower baskets, which she said are "phenomenal." She noted that Mr. Blake has also been "invaluable on the fountain committee."

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2005-182, authorizing a closed session for the purpose of discussing personnel and contract negotiations. The Resolution was moved by Councilman Quattrone and seconded by Councilman Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2005-182 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 September 6, 2005 at approximately 10:00 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
Contract Negotiations – Local 32
Contract Negotiations – Greystone

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: December 6, 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.

Prior to entering closed session, Ms. Gallagher noted for the record that she just noticed that the tape recording had not been running during this meeting, therefore no tape of this meeting would be available.

Upon reconvening into open session, adjournment was moved by Councilman Thompson, seconded by Councilwoman Laudenberger and unanimously approved. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk