

## OPEN SESSION

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

The flag salute was followed by the roll call.

### ROLL CALL

	PRESENT	ABSENT
<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; George Lang, Chief Financial Officer; and Frederick Raffetto, Esq., Borough Attorney.

### APPROVAL OF AGENDA

The agenda was moved as presented by Councilman Sikorski, seconded by Council President Schneider and approved by all.

### APPROVAL OF MINUTES

Minutes of the June 20, 2005 open and closed sessions were moved for adoption by Councilman Sikorski, seconded by Councilman Quattrone and unanimously approved as submitted.

## PUBLIC COMMENT I

Mayor Patten opened the floor to public comment.

**Eugene Sarafin**, 600-628 South Main Street, criticized the governing body, saying that little had been accomplished in the last six months. He would like to see sidewalks on North Main Street and South Main Street and suggested that a fence be put on both sides of Summit Street rather than a sidewalk installed there. He urged Council to read the information in their packets prior to Council meetings.

**Bruce Shore, Esq.**, attorney for Old Hights Overlook and Jeff Forman, asked Council to consider some “alternative suggestions” with respect to language in the proposed developer’s agreement regarding the provision of affordable housing. Those alternatives were: (1) to seek Planning Board approval for two COAH regulated apartments in the existing warehouse building; (2) to sell one townhouse under COAH regulations (however, he said, the difference between the market value and the price allowed by COAH would need to be subsidized in order for this to be feasible); and (3) a new alternative proposed for the first time at this meeting – to construct two COAH regulated apartments in the existing warehouse building as in alternative #1 and to convert one of the larger townhouse units to two COAH regulated apartments as well. Mr. Shore stated that Mr. Forman has faced additional costs of over \$100,000 (including roadway and water line improvements) and had originally planned to build 10 townhouse units but was limited to nine by the Planning Board. If he is forced to “give away a unit” (by selling it under COAH restrictions), he said, it will “become economically unfeasible for him to proceed.”

No one else came forward and the floor was closed.

## UNFINISHED BUSINESS

### CODE ENFORCEMENT OFFICIAL’S REQUEST FOR PART-TIME BILINGUAL ASSISTANCE

Harry Wetterskog, Code Enforcement Official, addressed the Mayor and Council regarding his request for bilingual assistance on a part-time basis. He explained that he is simply looking for someone to translate for him when he is doing inspections and is not seeking a trained code enforcement officer. His office, he said, has over 500 inspections to make in the apartments, and more than half of those are occupied by Hispanic residents. Having a translator accompany him, he said, would make things much more efficient. He estimated that this person would work about six hours each week, and that pay would be in the range of \$12 to \$15 per hour. Councilman Quattrone and Councilwoman Laudenberger voiced their support for Mr. Wetterskog’s request, and no objections were heard from other members of Council.

### RESOLUTION 2005-159, APPROVING DEVELOPER’S CONSTRUCTION AGREEMENT - OLD HIGHTS OVERLOOK, LLC

Mr. Raffetto explained that, following the discussion held at the last Council meeting, additional language was incorporated into the proposed developer’s agreement with respect to the recapture agreement to be executed between Old Hights Overlook and Robertson Douglas Group before this agreement is signed, and also with respect to COAH obligations. As discussed at that meeting, he said, this agreement states that the developer will either (subject to the Planning Board’s approval) construct two COAH affordable rental units in the existing building at the site, or, if that approval is not granted, sell one of the townhouses under COAH restrictions. Construction of the rental units would be most beneficial to the Borough, he said, because we would receive two credits for each rental unit; however, that is subject to the Planning Board’s approval and it is impossible to say whether they would approve this or not. Under COAH’s third round rules, Mr. Raffetto said, for every eight market rate units constructed, the Borough must provide one affordable unit. Ultimately, if the developer does not provide this unit, the Borough must find a way to do so. This will be more proactively addressed at the Planning Board with new applications, he said, and this is the first developer’s agreement to be approved since the new rules became effective. Mayor Patten asked if it would be appropriate for Council to discuss this amongst themselves in closed session prior to taking action. Mr. Raffetto stated that this is permissible if they wish to do so.

Discussion ensued. Councilman Sackowitz asked if Enchantment was under a COAH obligation. Mr. Raffetto replied that the agreement with them was executed before COAH’s third round rules took effect; however, the Borough did negotiate with them for a contribution in lieu of providing affordable units. Councilwoman Laudenberger asked if the members of the governing body who serve on the Planning Board would be voting on this when it goes back to that Board. Mr.

Raffetto stated that, if what is being requested requires a D variance, governing body members are not able to vote because any appeal would be to the governing body.

After some further discussion, Councilman Sikorski proposed that the discussion be continued in executive session at the end of the meeting, and this was generally agreed upon by Council.

## ORDINANCES

**PUBLIC HEARING AND FINAL READING: ORDINANCE 2005-24,**  
**BOND ORDINANCE PROVIDING FOR PEDDIE LAKE DAM IMPROVEMENTS IN AND BY THE**  
**BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER , NEW JERSEY, APPROPRIATING**  
**\$166,250 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$158,300 BONDS OR NOTES**  
**OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Following a review by Ms. Gallagher, Mayor Patten opened the floor for the public hearing on Ordinance 2005-24.

**Eugene Sarafin**, 600-628 South Main Street, suggested that Council "think outside the box," put the dam at the Ward Street Bridge, and fill in the lake to provide parking.

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

**Ordinance 2005-24** was moved for adoption by Councilman Quattrone, seconded by Councilman Sikorski.

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

**Ordinance adopted, 6-0.**

**ORDINANCE 2005-24** **BOND ORDINANCE PROVIDING FOR PEDDIE LAKE DAM IMPROVEMENTS IN AND BY THE**  
**BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING**  
**\$166,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$158,300 BONDS OR NOTES OF**  
**THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHSTOWN, IN THE COUNTY OF MERCER,  
NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown (the "Borough"), New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$166,250, including a \$156,250 loan expected to be received from the State of New Jersey Dam Restoration Program, and further including the sum of \$7,950 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$158,300 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for Peddie Lake Dam improvements, which include re-pointing of the dam face, replacement of sidewalks and railings at the dam, automation of flood control valve, updating Emergency Action Plan and the conversion of flood maps to digital files, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough of Hightstown is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$158,300.00, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$56,250 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

## BUDGET 2005

### PUBLIC HEARING: RESOLUTION 2005-157, AMENDING THE 2005 BUDGET

Ms. Gallagher reviewed the changes made to the introduced budget with Resolution 2005-157, noting that its net effect will be to increase the amount to be raised in taxes by a total of \$3,650.00 (approximately two-tenths of one cent). Mayor Patten opened the public hearing on the budget amendment.

**Eugene Sarafin**, 600-628 South Main Street, stated that the Borough cannot continue to seek Extraordinary Aid, and that "hard decisions" have to be made about the police department and other issues. He recommended that the Borough look into the use of 800 numbers to save money in telephone charges and said that we "can't go on with sewer rates funding the budget."

No one else came forward and the public hearing was closed. No action was needed as the budget amendment had been adopted at the prior meeting and the public hearing was held as required by law.

### RESOLUTION 2005-160, AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET

**Resolution 2005-160** was moved by Councilwoman Laudenberger and seconded by Council President Schneider.

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

**Resolution adopted, 6-0.**

**RESOLUTION 2005-160****AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2005 BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2005 temporary budget; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

**WHEREAS**, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2005 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	205,897.50	1,306,404.09	1,512,301.59
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	252,118.00	252,118.00
Water/Sewer	75,500.00	699,186.01	774,686.01
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	594,430.00	594,430.00
<b>TOTAL</b>	<b>281,397.50</b>	<b>2,852,138.10</b>	<b>3,133,535.60</b>

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2005 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

## RESOLUTIONS

At the request of Councilman Sikorski, each Resolution was considered separately.

**Resolution 2005-161** was moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

**Resolution adopted, 6-0.**

**RESOLUTION 2005-161****AUTHORIZING EXTENDED WAIVER OF INTEREST ON THIRD QUARTER TAXES**

**WHEREAS**, due to the delay in adoption of the 2005 budget, the mailing of the Borough's 3<sup>rd</sup> quarter tax bills has been delayed; and

**WHEREAS**, N.J.S.A. 54:4-66.3 provides that, when the mailing of tax bills has been delayed, the third installment of taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to N.J.S.A. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered; and

**WHEREAS**, the tax bills must specify the date on which interest may begin to accrue;



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

1. The Tax Collector is hereby directed to complete the mailing of the third quarter tax bills as soon as it is practicable to do so.
2. The grace period on the third quarter tax bills shall be extended in accordance with the provisions of N.J.S.A. 54:4-66.3.
3. The third quarter tax bills shall specify the date on which interest may begin to accrue.

**Resolution 2005-162** was moved by Councilman Sackowitz and seconded by Councilman Quattrone.

Councilman Sikorski requested clarification regarding certain items on the bill list and Ms. Gallagher provided same.

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

**Resolution adopted, 6-0.**

**RESOLUTION 2005-162 AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Mayor, the appropriate Councilmember and the Treasurer in the amount of **\$302,539.31** from the following accounts:

Current	\$ 197,526.94
W/S Operating	63,224.00
General Capital	25,285.63
W/S Capital	8,656.52
Animal Control	60.00
Trust Account	1,070.00
RCA-COAH Escrow	900.00
Grant	674.88
Escrow – Subdivision & Site Plan (First Washington Bank)	5,141.34
<b>Total</b>	<b><u>\$ 302,539.31</u></b>

## **NEW BUSINESS**

### **SUMMER MEETING SCHEDULE**

Council discussed the need for a second meeting in July. Ms. Gallagher stated that she has checked with the Borough's professionals and department heads and canceling the second meeting would not present a problem. After discussion, it was agreed that the second meeting in July would be cancelled and that the need for a second meeting in August would be discussed at the August 1 meeting. It was understood that a special meeting would need to be called immediately after receiving word from the State regarding the Extraordinary Aid awards and that a bill list could be included on that agenda.

During the discussion, Councilman Sikorski stated that the conditional redeveloper's agreement with Greystone Mill, LLC will expire on July 15, and he asked the Borough Attorney for guidance in that regard. Mr. Raffetto stated that the agreement does not "expire" on that date, but the last due date included in it is the July 15 deadline for execution of a full redeveloper's agreement. Meeting that deadline will not be possible, he said, noting that neither the Borough nor Greystone will be ready by that date. The existing agreement provides that, if the deadline is not met, the Borough could terminate the agreement, but the deadline can be extended by mutual agreement. He has spoken with Greystone's attorney, and it is mutually recognized that both parties need additional time. "We will have to consider what would be a realistic time frame," Mr. Raffetto said, adding that the subcommittee is likely to be meeting again within the next week. At the next meeting, a Resolution could be proposed to extend the July 15 deadline. "This is not an emergent situation requiring action before July 15," he said. Councilman Sikorski reiterated a prior request that Council members be provided with the final redeveloper's agreement at least 10 days prior to the slated action on same.

Regarding Greystone, Mr. Raffetto noted that there has been "a rumor" that they had changed their name and address. Greystone's attorney has assured him that there has been no name change as it relates to the Mill, just an address change. The Borough's dealings will continue to be with the same entity. They do have a new entity called Villanova, which is one of their operating companies, and they may answer the phone that way, but the Borough is still dealing with Greystone Mill, LLC, and there is "no cause for alarm."

## **COUNCIL COMMENTS AND COMMITTEE REPORTS**

Councilman Sikorski reported that he has been meeting regularly with Mr. Wetterskog regarding code enforcement issues. He added that one constituent was concerned about the recent placement of a Methodist Church sign on North Main Street, and he questioned how it was authorized. He noted that it poses a safety hazard for those walking or riding bikes close to it.

Councilman Quattrone reported that he attended meetings of the Planning Board and the Environmental Commission, and that the Dawes Park summer program has begun and is going well.

Council President David Schneider reported that he attended a meeting at the Department of Community Affairs along with Mayor Patten, Ms. Gallagher and Chief Eufemia to review the draft police study. The final report should be submitted to the Borough soon.

Councilwoman Nancy Walker-Laudenberger reported that the committee to plan the October Celebrate Communities! Fair met on June 28 and will meet again on July 19. She thanked Councilman Quattrone for his attendance at the June 28 meeting. "Wonderful things are being planned," she said.

Councilman Sackowitz expressed his support of the Animal Welfare Committee's Trap-Neuter-Release program and asked if the cats that are trapped are given rabies vaccinations. Phyllis Deal, committee member in attendance, replied that they are.

Councilman Thompson requested that Mr. Lang and Ms. Gallagher begin working on a financial impact study of planned development in the Borough. He is interested in the short and long-term effects on the Borough's revenues and tax rate. Ms. Gallagher noted that such a report would necessarily include several assumptions and estimates. Mr. Lang estimated that the report would take about a month to compile.

Mayor Patten reported that he attends a lot of meetings and listens to the concerns of all residents, whether voting or non-voting, and those concerns are addressed by the Borough.



Councilman Sikorski asked the Mayor about the Minute Maid property. Mayor Patten stated that there was "nothing concrete" to report.

## PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

**Eugene Sarafin**, 600-628 S. Main Street, objected to Council's going into executive session to discuss the Old Hights Overlook developer's agreement, referring to this as "a hardship hearing." He said that the design for this project "was lousy" and that there should have been 16 units, and the buildings there taken down.

Mr. Sarafin went on to say that "overall we have a good town" and agreed with Councilman Thompson that a fiscal analysis is in order.

No one else came forward and the floor was closed.

## EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2005-163**, authorizing a closed session for the purpose of discussing personnel and contract negotiations. The Resolution was moved by Councilman Sikorski and seconded by Councilman Quattrone.

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

**Resolution adopted, 6-0.**

### RESOLUTION 2005-163 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 July 5, 2005 at approximately 8:25 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 – Old Hights Overlook, LLC

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: October 5, 2005, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

### RESOLUTION 2005-159, AUTHORIZING DEVELOPER'S CONSTRUCTION AGREEMENT – OLD HIGHTS OVERLOOK, LLC

Upon reconvening into open session, **Resolution 2005-159** was moved by Councilman Thompson, seconded by Councilman Sikorski. Mr. Raffetto explained that the Borough has the responsibility of providing affordable housing units. Council has considered the request made by Old Hights Overlook and has determined that the agreement should be

adopted as written (that is, it will require either – subject to Planning Board approval – the construction of two affordable rental units in the existing building, or the sale of one of the nine townhouse units as an affordable unit). If the application to the Planning Board for construction of the two rental units is successful, he said, the requirement to provide one affordable townhouse unit would never come to fruition. The Borough, he said, encourages Mr. Forman to seek approval from the Planning Board for *four* rental units, as had been proposed earlier by Mr. Shore, but doing so would not change the requirement to build one affordable unit if that application to the Planning Board is denied.

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

**Resolution adopted, 6-0.**

**RESOLUTION 2005-159      AUTHORIZING DEVELOPER'S CONSTRUCTION AGREEMENT –  
OLD HIGHTS OVERLOOK, L.L.C.**

**WHEREAS** the Borough Engineer has worked with the Borough Attorney to create a Developer's Agreement with Old Hights Overlook, L.L.C. relative to their proposed development in the Borough of Hightstown, which agreement is attached hereto and incorporated herein;

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

1. A Developer's Agreement with Old Hights Overlook, L.L.C. relative to their proposed development in the Borough of Hightstown, which agreement is attached hereto and incorporated herein<sup>1</sup>, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. A certified copy of this Resolution shall be provided forthwith to Old Hights Overlook, L.L.C.; Carmela Roberts, Borough Engineer; Frederick Raffetto, Esq., Borough Attorney; and Gary Rosensweig, Esq., Planning Board Attorney.

Upon motion by Councilman Sikorski, seconded by Councilman Thompson and unanimously approved, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk

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<sup>1</sup> Agreement is on permanent file with the original Resolution in the Borough Clerk's office.