

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Councilmember Harinxma</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Rosenberg</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The Borough Clerk presented the following changes to the agenda: the addition of Resolution 2006-58, authorizing a software support agreement with Edmunds & Associates; the addition of a closed session discussion regarding "Contract Negotiations – Specialized Legal Services/Property Acquisition;" and a correction to the Open Public Meetings Act Notice by deletion of the reference to the *Hightstown Gazette*.

Councilmember Thompson requested that a discussion be added to the agenda under "Unfinished Business" regarding the issuance of an RFP for the redevelopment of the Mill property.

The agenda was then moved as amended by Council President Schneider, seconded by Councilmember Sikorski and unanimously approved.

APPROVAL OF MINUTES

Minutes of the January 17, 2006 open and closed sessions were moved by Councilmember Sikorski, seconded by Council President Schneider and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, stated that he came to praise the Council, then proceeded to refer to them as "six morons" and to the Mayor as a "wolf." He criticized them for allowing only three minutes for each person to speak during public comment, for not yet beginning the process of revaluation, for the lack of sidewalks on Summit Street and Main Street, for the lack of curbs on Stockton Street and for the lack of a park near St. Anthony's of Padua Church. He also referred to the water and sewer rates as "absurd" and called it a "flush tax."

No one else came forward and the Mayor closed the floor.

PRESENTATION

PROPOSAL FOR UTILIZATION OF SOLAR ENERGY – *CASSANDRA KING, WORLDWATER & POWER*

Mayor Patten introduced Cassandra Kling of WorldWater & Power, who presented a proposal for the use of solar energy to power municipal operations¹.

WorldWater & Power would install solar panels at the water plant and wastewater treatment plant at their own cost, and the Borough would utilize the solar energy at a rate set at 10% lower than PSE&G's. The traditional energy source would continue to be available to us as a backup whenever needed. This would represent a guaranteed savings to the Borough. Over a projected 10 year period, Ms. Kling estimated the Borough's energy cost savings to total nearly \$130,000. At the end of 10 years, the Borough would have the option to either: (a) purchase the system for a reduced price; (b) continue to buy energy at a negotiated rate; or (c) have WorldWater remove the installation and restore the site at no cost to the Borough. Ms. Kling explained that they do make money from this arrangement through tax incentives and rebates.

Councilmember Sikorski asked if this would service just municipal functions or all of the residents in the Borough. Ms. Kling stated that, while this proposal deals only with power for municipal operations, the system is available to residents for purchase and she would be willing to discuss those arrangements with anyone interested.

Mayor Patten asked if the savings could be greater than 10% if there were a consortium interested, possibly including our schools. She stated that 10% would be the savings regardless, and added that, for schools in New Jersey, it is more cost effective to purchase the system outright because there are some matching funds available through the State.

Councilmember Rosenberg asked about the height of the free standing panels. Ms. Kling stated that they can be constructed at any height. In the Borough's case, "we're looking at enough clearance to park under." Mr. Rosenberg also asked about the life span of the equipment. She replied that the system carries a 25 year warranty, and is expected to last 40 to 100 years. There are panels in California that have been operating for 52 years.

Councilmember Quattrone asked how far away the panels can be from the primary source. Ms. Kling stated that the closer they are, the more efficient the system. She added that, with the power purchase arrangement, the Borough would not pay for any losses in transmission. We would pay only for the power transmitted to us.

With respect to the buyback after 10 years, Ms. Kling said that it would be based on the depreciated fair market value, about 20% of the original cost. That value is negotiable between the town and the vendor, she said, and the town can bring in its own appraiser to assure a fair price.

Councilmember Thompson asked if the Borough could install the panels on its own. She replied that it could, but the cost (which is substantial) would need to be funded upfront.

¹ Slides from the presentation are included at the end of these 2/6/06 minutes.

Council President Schneider asked if the 640KW proposed is based on the Borough's actual power usage. Ms. Kling stated that solar power is limited by the amount of space available for the panels. They have designed this system to integrate appropriately with the panels that can be installed here without interfering with operations.

Councilmember Quattrone asked if any of the Borough's electric motors would need to be upgraded in order to utilize the solar power. Ms. Kling said that they would not. It will work with all existing equipment, she said, as it is high quality AC power, "higher than from the electric grid."

Mayor Patten asked if WorldWater would be leasing the space for the panels from the Borough. Ms. Kling said that they would not; rather, they would be asking for permission to put them there. Typically, she said, this is not a problem. Often the space provided is on rooftops.

Councilmember Sikorski asked if any towns are using the system right now. Ms. Kling noted that the Atlantic County Utilities Authority has installed a system which they paid for upfront with assistance from the New Jersey Environmental Infrastructure Trust. Many towns prefer the power purchase arrangement, she said, because it removes the risks. She will provide more information regarding other towns that are using the system.

There being no further questions, Mayor Patten thanked Ms. Kling for her presentation.

DESIGN FOR FOUNTAIN AT THE POINT – *CATHY SIMMONS, COMMITTEE CHAIR*

Mayor Patten introduced Cathy Simmons, chair of the committee that has reviewed plans for a fountain to be installed at "The Point" (where South Main Street and Mercer Street converge) in the same location where a fountain stood during the 1800's. The Borough has been awarded a \$60,000 grant from the State of New Jersey for this purpose.

Ms. Simmons thanked her fellow committee members, which include the late Skip Cox, Barbara Harrington, Public Works Superintendent Larry Blake, Jeff Bond, Police Chief James Eufemia, George Hurley, Clark Hutchinson, Christian Kirkpatrick, Nancy Walker-Laudenberger, Dr. David Martin, Eva Teller, Mike Vanderbeck, Ann Marie Wiedemann and Borough Engineer Carmela Roberts. Some members, she said, visited other towns to see examples of other fountains, and it was determined that our fountain should have a historic theme specific to Hightstown, using materials found in Hightstown. It should have water, but not water that would pool or stand, and should not obstruct traffic. Tom Moran from the New Jersey Council on the Arts (who was present at this meeting) met with the committee and offered a slide presentation of work by various artists he had worked with. After a long review process, the committee has recommended that the Borough engage artist Helene Massey-Hemmans to design and construct the fountain.

Ms. Hemmans was present, and displayed a model and sample portions of the fountain she has envisioned. It will be a textured limestone obelisk standing between 10 and 12 feet high, and 38" wide at its base. Artwork on the fountain will include a wreath inspired by the original fountain, bronze horse's heads, and a wheel of images depicting various historic aspects of Hightstown, including the John Bull locomotive and Clara Barton. Also featured will be the Borough seal.

The actual working of the limestone will be done by Digital Stone Project in Mercerville, a nonprofit organization whose mission is to collaborate with artists for public sculpture. The limestone will be cut with a laser based on a computer scan of Ms. Hemmans' drawings. Any costs in excess of the \$60,000 grant will be covered by other organizations who are willing to donate to this cause. They are hoping to have the fountain installed in the fall. The water hookups are in place already, having been installed during the Downtown Revitalization in anticipation of the fountain's eventual installation.

RESOLUTION 2006-57, A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO HELENE MASSEY-HEMMANS FOR THE DESIGN AND CONSTRUCTION OF A FOUNTAIN AT THE "POINT"

After some further discussion regarding the composition and design elements of the fountain, **Resolution 2006-57** was moved by Councilmember Quattrone and seconded by Councilmember Thompson.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

RESOLUTION 2006-57 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO HELENE MASSEY-HEMMANS FOR THE DESIGN AND CONSTRUCTION OF A FOUNTAIN AT THE "POINT"

WHEREAS, there is a need for the Borough of Hightstown to retain the services of an artist to provide for the design and construction of a fountain at the "Point" within the Borough; and

WHEREAS, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically, at N.J.S.A. 40A:11-5), because the services relate to the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough is receiving a grant in the amount of \$60,000.00 to cover part of the costs associated with this project; and

WHEREAS, the costs associated with the design and construction of the fountain shall exceed the \$60,000.00 grant; and the Borough shall be required to fund the excess amount; and

WHEREAS, since the Borough has determined and certified in writing that the amount to be funded by the Borough will exceed \$17,500.00, the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for up to one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law; and

WHEREAS, notwithstanding the fact that "professional service" contracts are exempt from the requirement of public bidding under the Local Public Contracts Law, and the fact that the Borough intends to award this contract as a permitted "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law, the Borough has nevertheless obtained informal quotes and proposals for the services to be rendered from various artists; and

WHEREAS, Helene Massey-Hemmans has submitted a proposal to provide the necessary artistic design and construction services for a sum not to exceed \$60,000.00 and the Borough has found the proposal submitted by Ms. Massey-Hemmans to be the most advantageous to the Borough, price and other factors considered; and

WHEREAS, Helene Massey-Hemmans shall be required to complete and submit a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), which certifies that Helene Massey-Hemmans has not made any reportable contributions to a political or candidate committee in the Borough of Hightstown in the previous one year, and that the contract will prohibit Helene Massey-Hemmans from making any reportable contributions through the term of the contract, and

WHEREAS, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional emergency medical services contract to Helene Massey-Hemmans.

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Helene Massey-Hemmans, which shall be in a form acceptable to the Borough Attorney, regarding the above-referenced professional artistic design and construction services.
2. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services relate to the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.
3. That there shall be a cap as to the total expenditure related to this contract in an amount not to exceed \$60,000.00 without further authorization from the Borough Council.
4. That this contract is subject to and contingent upon the provision of adequate funding in the Borough's 2006 budget to cover the necessary services. When applicable, the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
6. That this contract is also being awarded in accordance with the Local Unit Pay-to-Play Law, and the Business Disclosure Entity Certification and the Determination of Value required pursuant to said Law shall be placed on file with this Resolution. This contract is specifically contingent upon the receipt of required Pay-to-Play Certifications executed by Helene Massey-Hemmans before this contract shall be considered to be effective.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Helene Massey-Hemmans
 - b. Arlene O'Rourke, Borough Treasurer
 - c. Candace Gallagher, Borough Administrator/Clerk
 - d. Arlene O'Rourke, Treasurer
 - e. George Lang, Borough Chief Financial Officer
 - f. Frederick C. Raffetto, Esquire, Borough Attorney

ENGINEER'S ITEMS

RESOLUTION 2006-43, AUTHORIZING REPLACEMENT OF CLA VALVE AT WATER TREATMENT PLANT

Following a brief review by Ms. Roberts, Resolution 2006-43 was moved by Councilmember Sikorski and seconded by Councilmember Thompson.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

RESOLUTION 2006-43 AUTHORIZING REPLACEMENT OF CLA VALVE AT WATER TREATMENT PLANT

WHEREAS there exists the need to replace a 6" Cla Valve at the Borough's Water Treatment Plant with an 8" valve in order to fully accommodate flows from the Borough's backwash operations; and

WHEREAS the Superintendent of Public Works has requested authority to proceed with the purchase of an appropriate valve in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS the total cost for purchase and installation of the valve is not expected to exceed \$15,000.00; and

WHEREAS the Chief Financial Officer has certified the availability of funding for this purchase;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Superintendent of Public Works and Borough Administrator are hereby authorized to proceed with replacement of the 6" Cla Valve at the Borough's Water Treatment Plant as set forth herein, and that such purchase shall be made in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-01, AN ORDINANCE AUTHORIZING THE VACATION OF SHAPIRO AVENUE AND A PORTION OF WYCKOFF'S MILL ROAD WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

Following a brief review by Mr. Raffetto, Mayor Patten opened the public hearing on Ordinance 2006-01.

Eugene Sarafin, 600-628 South Main Street, expressed his support for the Ordinance.

No one else came forward and the hearing was closed.

Ordinance 2006-01 was moved for adoption by Councilmember Thompson and seconded by Councilmember Sikorski.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Ordinance adopted, 6-0.

ORDINANCE 2006-01 AN ORDINANCE AUTHORIZING THE VACATION OF SHAPIRO AVENUE AND A PORTION OF WYCKOFF'S MILL ROAD WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

WHEREAS, in connection with the construction of a residential development to be known as the "Enchantment at Hightstown," it is necessary to vacate and extinguish all public right, title and interest in and to Shapiro Avenue, as well as a portion of Wyckoff's Mill Road, as shown on the Official Tax Maps of the Borough of Hightstown; and

WHEREAS, the area of Shapiro Avenue to be vacated measures approximately 25,390.8 square feet and is more particularly described in a legal description prepared by Maser Consulting, P.A., dated July 13, 2004, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, the portion of Wyckoff's Mill Road to be vacated measures approximately 56,993.1 square feet and is more particularly described in a legal description prepared by Maser Consulting, P.A., dated July 13, 2004, a copy of which is attached hereto as Exhibit "B" and made a part hereof; and

WHEREAS, the areas of Shapiro Avenue and Wyckoff's Mill Road to be vacated are more particularly depicted on a Vacation Map prepared by Maser Consulting, P.A., dated July 7, 2004, a copy of which is attached hereto as Exhibit "C" and made a part hereof; and

WHEREAS, a vacation of a public street, or part thereof, previously used by the public may be authorized by the municipal governing body by Ordinance pursuant to *N.J.S.A. 40:67-21, et seq.*, when there is no longer any need for the use of said area by the public; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough of Hightstown to proceed with the matter referenced above.

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, as follows:

1. That, pursuant to N.J.S.A. 40:67-21, et seq., the Borough of Hightstown hereby vacates, extinguishes, releases and abandons all public right, title and interest in and to Shapiro Avenue and a portion of Wyckoff's Mill Road, as more particularly described in legal descriptions prepared by Maser Consulting, P.A., dated July 13, 2004, copies of which are attached hereto as Exhibits "A" and "B" and made a part hereof, and as more particularly depicted on a Vacation Map, also prepared by Maser Consulting, P.A., dated July 7, 2004, a copy of which is attached hereto as Exhibit "C" and made a part hereof.
2. That it is the intention of the Borough that once the areas in question have been vacated, ownership of the underlying lands shall revert to the owner(s) of the adjacent properties in accordance with applicable law.
3. That the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company (as defined in N.J.S.A. 48:2-13), or by any cable television company (as defined in N.J.S.A. 48:5A-1, et seq.), to maintain, repair, and replace any existing facilities in, adjacent to, over, or under the said vacated area.
4. That, following the introduction of this Ordinance, the Borough Clerk shall provide notice of its pending status as mandated by N.J.S.A. 40:49-6, and at least one week prior to the time fixed for further consideration and final passage of the Ordinance the Borough Clerk shall mail a copy of the Ordinance, together with a notice of the introduction thereof, and information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by this Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).
5. That, following the adoption of this Ordinance, the Borough Clerk shall, within sixty (60) days of the effective date thereof, file a copy of this Ordinance along with the attached Exhibits, certified by the Clerk, under seal of the Borough, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Mercer County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.
6. That, once the areas in question have been vacated, then the Borough's interests in and to the said areas shall be forever released.
7. That the Borough Attorney and Borough Engineer are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of the within Ordinance.
8. That the Mayor is authorized to execute and the Municipal Clerk to attest any and all documents, and to perform all actions, which may be necessary in order to effectuate the intentions of the within Ordinance.
9. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.
10. 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.
11. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-02,

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE RIGHT-OF-WAY DEDICATION OF WYCKOFF'S MILL ROAD, AND ASCERTAINING, ESTABLISHING AND LAYING OUT THE BOUNDARIES OF SAID RIGHT-OF- WAY WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

Following a brief review by Mr. Raffetto, Mayor Patten opened the public hearing on Ordinance 2006-02.

Eugene Sarafin, 600-628 South Main Street, expressed his support for the Ordinance.

No one else came forward and the hearing was closed.

Ordinance 2006-02 was moved for adoption by Councilmember Thompson and seconded by Councilmember Sikorski.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Ordinance adopted, 6-0.

ORDINANCE 2006-02 AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE RIGHT-OF-WAY DEDICATION OF WYCKOFF'S MILL ROAD, AND ASCERTAINING, ESTABLISHING AND LAYING OUT THE BOUNDARIES OF SAID RIGHT-OF-WAY AREA WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

WHEREAS, in connection with the construction of a residential development to be known as the "Enchantment at Hightstown," the Borough of Hightstown wishes to accept the Right-of-Way dedication of Wyckoff's Mill Road, and to ascertain, establish and lay out the boundaries of said Right-of-Way area within the Borough; and

WHEREAS, the area of Wyckoff's Mill Road to be accepted by the Borough measures approximately 70,969.8 square feet and is more particularly described in a legal description prepared by Maser Consulting, P.A., dated December 22, 2005, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, the area to be accepted is more particularly depicted on a Dedication Map prepared by Maser Consulting, P.A., dated December 22, 2005, a copy of which is attached hereto as Exhibit "B" and made a part hereof; and

WHEREAS, a municipality may accept the dedication of real property, including a Right-of-Way area, by Ordinance pursuant to N.J.S.A. 40A:12-1, et seq., and N.J.S.A. 40:67-1, et seq.; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough of Hightstown to proceed with the matter referenced above.

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, as follows:

1. That, pursuant to N.J.S.A. 40A:12-1, et seq., and N.J.S.A. 40:67-1, et seq., the Borough of Hightstown hereby accepts the Right-of-Way dedication of Wyckoff's Mill Road, and hereby ascertains, establishes and lays out the boundaries of said Right-of-Way area within the Borough of Hightstown, as more particularly described in a legal description prepared by Maser Consulting, P.A., dated December 22, 2005, a copy of which is attached hereto as Exhibit "A" and made a part hereof, and as more particularly depicted on a Dedication Map, also prepared by Maser Consulting, P.A., dated December 22, 2005, a copy of which is attached hereto as Exhibit "B" and made a part hereof.

2. That, following the introduction of this Ordinance, the Borough Clerk shall provide notice of its pending status as mandated by N.J.S.A. 40:49-6, and at least one week prior to the time fixed for further consideration and final passage of the Ordinance the Borough Clerk shall mail a copy of the Ordinance, together with a notice of the introduction thereof, and information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by this Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).

3. That, following the adoption of this Ordinance, the Borough Clerk shall file a copy of this Ordinance, along with the attached Exhibits (which include a Dedication Map showing the location, bounds and dimensions of the Right-of-Way area being dedicated to and accepted by the Borough), certified by the Clerk, under seal of the Borough, to be a true and exact copy of the same, together with a copy of the proof of publication thereof, in the Office of the Mercer County Clerk for recordation, pursuant to N.J.S.A. 40:67-2.

4. That the Borough is hereby authorized to accept a Deed of Roadway Dedication for Wyckoff's Mill Road, concerning the areas referenced in Exhibit "A" and depicted on Exhibit "B," which Deed shall be in a form acceptable to the Borough Attorney. This Deed of Roadway Dedication shall be recorded with the Mercer County Clerk's Office.

5. That the Borough Attorney and Borough Engineer are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of the within Ordinance.

6. That the Mayor is authorized to execute and the Municipal Clerk to attest any and all documents, and to perform all actions, which may be necessary in order to effectuate the intentions of the within Ordinance.

7. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

8. 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.

9. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-03,

AN ORDINANCE PROHIBITING PARKING ALONG A PORTION OF ROGERS AVENUE IN THE BOROUGH OF HIGHTSTOWN, AND AMENDING SECTION 7-13.1 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* ACCORDINGLY

Ms. Gallagher reviewed the provisions of Ordinance 2006-03, which would prohibit parking at all times on Rogers Avenue between Stockton Street and Railroad Avenue. Currently, parking is prohibited in that area between 8 a.m. and 6 p.m. The ordinance will also correct an error in our existing Code. Mayor Patten opened the public hearing on Ordinance 2006-03.

Elizabeth Hugel, 157 Rogers Avenue, stated that neither she nor her neighbors have a driveway, and they park in the church parking lot; however, when the church is in service, they have no other place to park but on the street. She is handicapped and needs a place to park nearby. In addition, she parks in front of her house at night in order to charge her electric cart, as the cord cannot be run across the street. She said that, if the Borough could allow parking on the street on Sundays, she would be able to charge her cart then and the charge lasts about a week.

Chris Moraitis, 237 Rogers Avenue, expressed concern that prohibiting parking on Rogers Avenue would lead to an increase in traffic, and trucks would opt not to use the Bypass. This in turn, he said, would lead to a decrease in pedestrian safety. Considering the development surrounding the Borough, he said, it is likely that we'll see more and more traffic, and it is "important to achieve the Master Plan by discouraging truckers and those cutting through." Mr. Moraitis asked what error in the existing ordinance would be corrected. Ms. Gallagher explained that the existing ordinance refers to a non-existent parking prohibition on a portion of the North side of Rogers Avenue.

Eugene Sarafin, 600-628 South Main Street, urged the Council to follow the Chief's recommendation and adopt this Ordinance. He noted the danger posed by parked cars that force traffic into the oncoming lane and said, "the recommendation is wise." He added that Rogers Avenue is a designated bypass for trucks, and said that county rules may apply.

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

Councilmember Harinxma said that she lives on a "cut through street," and "without parked cars, people would race through." She feels that allowing parking on Rogers Avenue promotes pedestrian safety.

Councilmember Rosenberg asked if it would make sense to prohibit parking there *except on Sundays*. Chief Eufemia stated that he would have no objection to amending the Ordinance in this way. "We aren't doing this to place a burden on our residents," he said, "and truck and bus traffic is much lighter on Sundays than on other days."

The Chief added that vehicular safety must also be considered. "We have no choice but to allow large vehicles there, as it is a designated truck route. The parked cars force traffic into the oncoming lane because of the size of the vehicles. During snow or when leaves are at the curb, vehicles are forced even further out. "I don't want to put a burden on anyone," he said, "but I have not seen where the existing parking prohibition has caused any serious problems with pedestrian safety. Currently, there is no parking there during the day, when children walk to school."

Mayor Patten asked about the safety of the long crosswalk at the intersection of Rogers Avenue and Stockton Street. "I don't like it," Chief Eufemia said, "and I would like to see it moved." He suggested that it would be better to place it at the point, where pedestrians could cross the street more directly. "We could make a case with the county to move it and make it safer for pedestrian traffic to cross both Rogers and Stockton," he said.

Mayor Patten asked if there is a lot of speeding or accidents on Rogers Avenue. "Not a lot," the Chief replied, but there have been many "near misses." Speeding is monitored and enforced on Stockton Street and Rogers Avenue, he said, as are violations at the four-way stop on Rogers.

Councilman Quattrone asked about problems with snow removal. Chief Eufemia stated that Rogers Avenue is a designated Snow Emergency Route, and no parking is allowed there when the street is snow covered.

Mr. Quattrone asked if there could be a handicapped parking space installed if the ordinance is adopted. Chief Eufemia stated that a space could possibly be provided on Church Street near Ms. Hugel's home. They don't have space for a driveway, he said, adding that there are two other properties in that section of Rogers Avenue that do not have driveways.

Councilmember Harinxma expressed doubt that drivers would abide by the speed limit if parking were prohibited there, and added that "people do cross mid-block." Eliminating the parked cars, she said, "makes it easier for trucks."

Councilmember Rosenberg asked if this corner could be "earmarked as a 'hot spot'" for extra monitoring by the police over the next two months "in order to ease residents' concerns, as well as sending a message to drivers." Chief Eufemia said that they could do that "as much as we can with existing staffing," and added that it would not reduce the amount of truck traffic.

Ms. Roberts noted that, for new streets, the minimum width to allow parking on one side of the street is 28 feet. Rogers Avenue is not that wide in that area, she said. Council President Schneider asked if, once the Borough passed an ordinance to prohibit parking there, it would ever be able to reinstate it, given that restriction. Ms. Roberts said that we could, because the street already exists.

After some further discussion:

Motion: Councilman Sikorski moved that Ordinance 2006-03 be amended to exclude Sundays from the parking prohibition. His motion was seconded by Councilmember Rosenberg and unanimously approved.

Councilmember Sikorski then moved that **Ordinance 2006-03 be reintroduced as amended**. His motion was seconded by Councilmember Rosenberg.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Ordinance reintroduced, 6-0.

The amended ordinance will be re-advertised with public hearing and final reading scheduled for February 21, 2006.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-04,

AN ORDINANCE AMENDING SECTION 7-37.1 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO MAKE VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE STOCKTON STREET MUNICIPAL PARKING LOT AND DRIVEWAYS THEREIN, AND REGULATING THE USE OF SAID DRIVEWAYS AND PARKING LOT BY MOTOR VEHICLES

Ms. Gallagher reviewed the provisions of Ordinance 2006-04, which would re-establish parking regulations in the Stockton Street municipal parking lot following its redesign. The Ordinance includes regulations regarding time limit parking, permit parking and handicapped parking, and establishes loading zones, mid-block crosswalks and a 15 mph. speed limit within the lot.

Mayor Patten opened the public hearing on Ordinance 2006-04.

Eugene Sarafin, 600-628 South Main Street, expressed his support for the ordinance.

No one else came forward and the hearing was closed.

Ordinance 2006-04 was moved for adoption by Councilmember Sikorski and seconded by Councilmember Quattrone.

Councilman Quattrone asked if we now meet all of the DOT's requirements. Chief Eufemia replied that we do, and that this Ordinance is based on their recommendations following their site visit. Mr. Quattrone explained to the public that every parking lot must be approved by the New Jersey Department of Transportation.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Ordinance adopted, 6-0.

ORDINANCE 2006-04 AN ORDINANCE AMENDING SECTION 7-37.1 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO MAKE VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE STOCKTON STREET MUNICIPAL PARKING LOT AND DRIVEWAYS THEREIN, AND REGULATING THE USE OF SAID DRIVEWAYS AND PARKING LOT BY MOTOR VEHICLES

WHEREAS the Borough's Stockton Street parking lot was recently redesigned and reconstructed, resulting in changes to some parking areas; and

WHEREAS it is necessary to amend the Borough Code in order to provide for various traffic and parking regulations in the newly redesigned parking lot;

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

Section 1. Section 7-37.1 of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended and supplemented as follows (deletions in ~~strikeout text~~; additions underlined):

Subsection 7-37-1. Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property.

a. Definitions.

"Site Plan" shall be defined as the site plan dated March 4, 2002, which is on file in the office of the Borough Clerk and which depicts the Borough of Hightstown's Main Street and Stockton Street parking lots.

"Main Street lot" is the municipal parking lot located at Block 28, Lot 56 in the Borough of Hightstown.

"Stockton Street lot" is the municipal parking lot located at Block 33, Lots 1, 11, 12, 33 and 35 in the Borough of Hightstown.

"Lot 'A'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Lot 'B'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Lot 'C'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Lot 'D'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Lot 'E'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Road 'A'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Road 'B'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

"Road 'C'" is that portion of the Stockton Street parking lot delineated as such by the New Jersey Department of Transportation on the site plan prepared by Carmela Santaniello, Borough Engineer as of July 28, 2004 and marked up by the NJDOT (Mark A. Hiestand) on July 15, 2005, which plan is on file in the office of the Borough Clerk.

b. General Parking.

All vehicles must park in designated areas and between the lines provided upon any of the properties or parts of properties described below.

Property
1. Main Street lot
2. Stockton Street lot

c. **Time Limit Parking.**

No person shall park a vehicle ~~on any municipal or board of education property~~ for longer than the time limit ~~specified as~~ upon any of the parking lots or parts of parking lots described below ~~between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, except holidays:~~

~~Property Time Limit Hours Location~~

~~Main Street lot 2 hours 7 a.m. to 7 p.m. Mondays thru Saturdays except Holidays As indicated on the site plan.~~

~~Stockton Street lot 2 hours 7 a.m. to 7 p.m. Mondays thru Saturdays except Holidays As indicated on the site plan.~~

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
<u>Main Street lot</u>	<u>All</u>	<u>2</u>	<u>As indicated on the site plan</u>
<u>Stockton Street lot:</u>			
<u>Lot "A"</u>	<u>North and South</u>	<u>2</u>	<u>As indicated on the site plan</u>
<u>Lot "B"</u>	<u>North</u>	<u>2</u>	<u>As indicated on the site plan</u>
<u>Lot "C"</u>	<u>East and West</u>	<u>2</u>	<u>As indicated on the site plan</u>
<u>Lot "D"</u>	<u>North and South</u>	<u>2</u>	<u>As indicated on the site plan</u>

d. **Permit Parking.**

No person shall park a vehicle at the below-described locations unless said vehicle shall have a valid permit displayed. Said permit shall have been issued in accordance with the provisions of Section 7-37.1(h) herein.

Property <u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
<u>Stockton Street lot – Lot "A"</u>	<u>North</u>	<u>All</u>	West side, a <u>As indicated on the site plan.</u>
<u>Stockton Street lot – Lot "E"</u>	<u>South</u>	<u>All</u>	<u>As indicated on the site plan</u>

e. **Handicapped Parking.**

In accordance with the provisions of N.J.S.A. 39:4-197, handicapped parking spaces are designated on municipal and board of education property as described below. Such spaces are for use by persons who have been issued special identification cards, plates or placards issued by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces. All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate).

Property	# of spaces	Location
Main Street lot	Two (2)	As indicated on the site plan.
Stockton Street lot	Three (3)	As indicated on the site plan.

f. **Parking of Certain Trucks, Trailers and Vehicles Prohibited.**

No person shall park any vehicle over three (3) tons gross weight (GVW), a school bus, or any other type of bus, recreational vehicle, camper, boat or trailer between the hours specified upon any of the properties or parts of properties described below:

Property	Hours	Location
Main Street lot	All	Entire lot
Stockton Street lot	All	Entire lot

g. Tow-Away Zones.

Any vehicle parked or standing upon any of the properties or parts of properties described below so as to obstruct or impede a normal flow of traffic or block entrances or exit ways, loading zones, oil fills, any grassy area or pedestrian walkway, or to present in any way a safety or traffic hazard, may be removed by towing the vehicle at the owner's or operator's expense.

Property
1. Main Street lot
2. Stockton Street lot

h. Stop Intersections.

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided herein:

<u>Intersection:</u>	<u>Stop sign on:</u>
<u>Road "A" and Rogers Avenue</u>	<u>Road "A"</u>
<u>Road "C" and Rogers Avenue</u>	<u>Road "C"</u>
<u>Road "B" and Stockton Street</u>	<u>Road "B"</u>

i. Speed Limits.

The speed limit for both directions of traffic on all roadways in the parking lots shall be 15 m.p.h. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limit authorized by the Department of Transportation.

k. Loading Zones.

The locations described below are hereby designated as Loading Zones. No person shall park a vehicle in said location during the time indicated other than for the loading or unloading of goods and materials.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
<u>Stockton Street lot:</u>			
<u>Lot "A"</u>	<u>North</u>	<u>All</u>	<u>As indicated on the site plan</u>
<u>Lot "B"</u>	<u>East</u>	<u>All</u>	<u>As indicated on the site plan</u>

l. Mid Block Crosswalks.

The following locations shall be established as Mid-Block Crosswalks:

<u>Name of street</u>	<u>Location</u>
<u>Road "A"</u>	<u>As indicated on the site plan</u>
<u>Road "B"</u>	<u>As indicated on the site plan</u>

All signing shall conform to the current edition of the Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Am. Permits; Qualification; Issuance.

A person seeking issuance of a parking permit for the Stockton Street lot shall file an application with the Borough Clerk on forms provided by her.

1. *Qualification.* Permits shall be issued only to:

- a. Residents of Block 33 and residents of those lots situated in Block 23 which border Main Street.

- b. Owners of businesses located in Block 33 and in those lots situated in Block 23 which border Main Street.
- c. Employees of businesses located in Block 33 and in those lots situated in Block 23 which border Main Street.
- d. Owners of businesses located in Block 21.01 which have no onsite parking.
- e. Employees of businesses located in Block 21.01 which have no onsite parking.
- f. Residents of Block 21.01 which have no onsite parking.

Proof of eligibility shall be provided at the time of application, and shall consist of: for residents, a valid New Jersey driver's license showing address of residence; and for business owners or employees, a notarized statement by the business owner, on forms supplied by the Borough Clerk, attesting to eligibility of applicant. Owners and employees of industrial businesses shall not be eligible to obtain parking permits under this subsection.

2. *Permit Period.* Permits issued shall cover the period from the date of issuance through the following June 30, except that no permits issued shall expire before June 30, 2003.

3. *Contents.* The application shall contain the following information:

- a. The name, address and day and evening telephone numbers of the applicant.
- b. Proof of eligibility as detailed herein.

If, while the application is pending or during the term of any permit granted thereunder, there is any change that would alter the information given in the application, the applicant shall notify the Borough Clerk, in writing, within twenty-four (24) hours after such change.

4. *Fee.* The fee for parking permits in the Stockton Street lot shall be seventy-five (\$75.00) dollars per permit period and shall be paid at the filing of the application.

in. **Enforcement.**

Parking regulations detailed herein shall be enforced by the Hightstown Police Department and any parking enforcement officers appointed by the Borough in accordance with *N.J.S.A. 40A:9-154.7*.

o. **Penalties.**

Unless another penalty is expressly provided for by New Jersey statute, every person convicted of a violation of this Ordinance or any supplement thereto shall be liable to a penalty of not more than fifty-nine dollars (\$59.00) or imprisonment for a term not exceeding fifteen (15) days, or both.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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 upon final passage and publication in accordance with the law.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-05,

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE RIGHT-OF-WAY DEDICATION OF CRANBURY STATION ROAD, AND ASCERTAINING, ESTABLISHING AND LAYING OUT THE BOUNDARIES OF SAID RIGHT-OF-WAY AREA WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

Following a brief review by Mr. Raffetto, Ordinance 2006-05 was moved for introduction by Councilmember Quattrone and seconded by Councilmember Sikorski.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading of Ordinance 2006-05 was set for February 21, 2006.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-06,

BOND ORDINANCE PROVIDING FOR WATER AND SEWER CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$292,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$277,400 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher and Ms. Roberts provided an overview of this Ordinance. Ms. Roberts noted that the Borough's existing septage acceptance unit (a.k.a. "Rotomat") is nearing the end of its life, and will be kept as a back up in case of failure of the new unit.

Ordinance 2006-06 was moved for introduction by Councilmember Quattrone and seconded by Councilmember Sikorski.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski, and Thompson voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading of Ordinance 2006-06 was set for February 21, 2006.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-07,

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF COLE AVENUE AND CLINTON STREET IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$327,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$139,650 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher and Ms. Roberts provided an overview of this Ordinance. Councilman Quattrone thanked Ms. Roberts for her presentation to residents of Cole Avenue and Clinton Street, which took place just prior to this meeting. Following a brief discussion, Ordinance 2006-07 was moved for introduction by Councilmember Sikorski and Councilmember Quattrone.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading of Ordinance 2006-07 was set for February 21, 2006.

RESOLUTIONS

RESOLUTION 2006-44, AUTHORIZING CHANGE IN HEALTH BENEFITS PROVIDERS

Following a brief review by Ms. Gallagher, Resolution 2006-44 was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

RESOLUTION 2006-44 AUTHORIZING CHANGE IN HEALTH BENEFIT PROVIDERS

WHEREAS the Borough of Hightstown provides medical coverage for eligible municipal employees, including hospitalization and prescription drug programs; and

WHEREAS the Borough has determined the need to authorize a change from the current Aetna fully-insured health program and Bollinger prescription drug program to a fully-insured Horizon Blue Cross Blue Shield Direct Access health program and fully-insured Horizon Blue Cross Blue Shield prescription drug program; and

WHEREAS the health and prescription drug program proposal submitted by Horizon Blue Cross Blue Shield has agreed to provide benefit levels, deductibles, co-insurance amounts, plan limits and maximums that are equal to or better than the current medical and prescription programs and will administer the benefit program in accordance with its own medical policies, protocols and utilization management practices, and will administer the program in accordance with the contracts as negotiated with the various unions; and

WHEREAS representatives of Office and Professional Employees International Union Local #32 and the Policemen's Benevolent Association Local #283 have reviewed this change in providers and have indicated their acceptance of same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk/Administrator are hereby authorized to execute any and all necessary documents to terminate coverage with the current Aetna health program and Bollinger prescription drug program effective 12:00 midnight on March 1, 2006, and to authorize a contract with Horizon Blue Cross Blue Shield to provide health and prescription coverage effective 12:00 midnight on March 1, 2006.

CONSENT AGENDA

Resolutions 2006-45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 58 were moved by Councilmember Sikorski and seconded by Council President Schneider.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Resolutions adopted, 6-0.

RESOLUTION 2006-45 RESOLUTION TO EXPRESS THE CONTINUED SUPPORT OF THE HIGHTSTOWN BOROUGH COUNCIL FOR A PROPERTY TAX REFORM CONVENTION

WHEREAS, during 2004 and 2005, the Hightstown Borough Council has expressed its support for a Property Tax Reform Convention through the adoption of Resolution 2004-75 on March 1, 2004, Resolution 2004-325 on December 20, 2004 and Resolution 2005-84 on March 7, 2005; and

WHEREAS, the 2006 Hightstown Borough Council wishes to formally express and restate its strong support for this initiative;

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

1. The 2006 Mayor and Council hereby express their continued support for a property tax reform convention as previously stated in Resolution 2004-75, adopted March 1, 2004, Resolution 2004-325, adopted December 20, 2004, and Resolution 2005-84, adopted March 7, 2005 (copies attached).
2. The Mayor and Council call upon our State Senator, Ellen Karcher, and our Representatives in the General Assembly, Michael Panter and Jennifer Beck, to support, with voice and vote, legislation that would empower the people to express their will concerning the convening of such a convention.
3. The Borough Clerk is hereby directed to forward copies of this Resolution to Senator Ellen Karcher, Assembly Members Michael Panter and Jennifer Beck, Governor Jon Corzine and to the New Jersey State League of Municipalities.

RESOLUTION 2006-46 AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments have been received by the Borough as follows:

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
First American Real Estate Tax Service Renaissance Tower, 3 rd Floor 1201 Elm Street, Suite 400 Dallas, TX 75270 Attn: Kathy Sanders	\$1,347.42	Block 3.01, Lot 38	224 Sunset Avenue
	\$2,181.09	Block 61.01, Lot 28	50 Westerlea Avenue

; and

WHEREAS, the Tax Collector has requested permission to refund the overpayments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized to refund tax overpayments as set forth herein.

RESOLUTION 2006-47 ACCEPTING MEMBERSHIP OF DAVID B. JOBST, JR. IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, David B. Jobst, Jr. of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Jobst has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief John Archer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of David B. Jobst, Jr. in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2006-48 ACCEPTING MEMBERSHIP OF JOHN KESIL IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, John Kesil of Cranbury, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Kesil has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief John Archer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of John Kesil in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2006-49 AUTHORIZING INTERLOCAL AGREEMENT FOR HEALTH SERVICES – STD CLINIC

WHEREAS, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

WHEREAS, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2006 through December 31, 2006 for a fee of \$25 per patient; and

WHEREAS, it is the desire of the Borough Council to enter into an interlocal agreement with the Township of Hamilton for provision of these services; and

WHEREAS, such agreements are authorized pursuant to *N.J.S.A. 40:8A-1 et seq.*

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

1. An interlocal services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2006 through December 31, 2006, which agreement is attached hereto and incorporated herein², is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

**RESOLUTION 2005-50 AUTHORIZING INTERLOCAL AGREEMENT FOR PURCHASE OF USED EQUIPMENT PARTS –
LANDIS SEWERAGE AUTHORITY**

WHEREAS there exists a need to replace certain equipment parts in use at the Borough's Advanced Wastewater Treatment Plant; and

WHEREAS the Superintendent of the Advanced Wastewater Treatment Plant has recommended that used parts be purchased from the Landis Sewerage Authority at a price of \$800.00, as set forth on the attached memo and interlocal agreement³; and

WHEREAS the Chief Financial Officer has certified that funds for this expenditure are available;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that purchase of used primary tank chain and flygts from the Landis Sewerage Authority, as set forth herein is hereby approved, and the Mayor is authorized to execute the agreement which is attached hereto and made a part hereof.

RESOLUTION 2006-51 AUTHORIZING EMPLOYMENT AGREEMENT WITH HARRY WETTERSKOG

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Employment Agreement with Harry Wetterskog, which is attached hereto and made a part hereof ⁴, is hereby approved and the Mayor and Borough Clerk are authorized to execute same.

**RESOLUTON 2006-52 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION -
EMPIRE AUCTIONS**

WHEREAS, an application for a license to hold an auction at 10 a.m. on Saturday, February 11, 2006 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 10 a.m. on Saturday, February 11, 2006 at 278 Monmouth Street.

RESOLUTION 2006-53 AUTHORIZING CONTINUED AGREEMENT WITH DELTA DENTAL OF NEW JERSEY, INC.

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

² Agreement is on permanent file in the Borough Clerk's office with Resolution 2006-49.

³ Agreement is on permanent file in the Borough Clerk's office with Resolution 2006-50.

⁴ Agreement is on permanent file in the Borough Clerk's office with Resolution 2006-51.

1. The dental benefit contract with Delta Dental for the Hightstown Police Department (Group No. 3034-15) is hereby extended for one year, from January 1, 2006 through December 31, 2006.
2. Subscription charges under the contract for the year 2006 shall be as follows:

One party	\$49.88
Two party	84.80
Three party	140.66
3. The Borough Administrator is hereby authorized to sign any and all agreements with Delta Dental which may be required to effect this extension.
4. A certified copy of this Resolution shall be provided to:
 - a. Delta Dental of New Jersey, Inc.
 - b. Arlene O'Rourke, Treasurer
 - c. Police Chief James Eufemia

RESOLUTION 2006-54 AUTHORIZING ISSUANCE TAXICAB OWNER'S LICENSE – ROSA MORA (UNITED TAXI)

WHEREAS, an application for a new taxicab owner's license, which application complies with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Rosa Mora, owner of United Taxi, 118 Manlove Avenue, Hightstown, New Jersey, for one vehicle owned by the company:

2000 Lincoln Town Car
VIN 1LNHM81W1YY820265

; and

WHEREAS, the Chief of Police has reviewed the application and has recommended its approval;

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 2006 taxicab owner's license to United Taxi as set forth herein.

RESOLUTION 2006-55 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 **\$835,606.75** from the following accounts:

Current	\$ 709,571.31
W/S Operating	77,069.98
General Capital	24,695.68
W/S Capital	4,463.26
Public Defender	300.00
Trust	1,200.00
RCA – COAH Escrow	8,800.00
Escrow-Subdivision & Site Plan (First Washington Bank)	9,506.52
Total	<u>\$ 835,606.75</u>

RESOLUTION 2006-56**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2006 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2006 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 2006 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	58,291.00	159,325.00	217,616.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	127,207.00	0.00	127,207.00
Water/Sewer	63,313.26	0.00	63,313.26
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	591,550.00	0.00	591,550.00
TOTAL	840,361.26	159,325.00	999,686.26

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 hereto⁵ and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2006 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.

RESOLUTION 2006-58**AUTHORIZING SOFTWARE SUPPORT AGREEMENT - EDMUNDS & ASSOCIATES**

WHEREAS, the need exists for software support services for 2006 for MCS Tax Collection, Utility Billing, Financial Accounting, Payroll and Electronic Requisition software; and

WHEREAS, it is the desire of the Mayor and Council to engage Edmunds & Associates, Inc. of Northfield, NJ, to provide those services at a cost of \$10,560.00;

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

1. The Borough is hereby authorized to engage Edmunds & Associates, Inc. to provide support services as outlined above for the period January 1, 2006 through December 31, 2006, at a total cost not to exceed \$10,560.00.
2. It is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2006 budget.

⁵ See end of these 2/06/06 minutes.

UNFINISHED BUSINESS

ISSUANCE OF REQUEST FOR PROPOSALS (RFP) FOR REDEVELOPMENT OF MILL PROPERTY

Councilman Thompson stated that he feels it is important for the Borough to look at additional options for redevelopment of the Mill property, and he would like the Borough to move forward with an RFP. Discussion ensued.

Mr. Raffetto stated that the Borough's subcommittee has met once regarding the most recent proposal by Greystone/ITN and anticipates meeting again in the near future to continue its review. If Council is interested in moving forward with that proposal, he said, they would need to take action by Ordinance to amend the Redevelopment Plan in certain respects. Since Greystone has an interest in the property, he said, "we presume that they will consummate and become its owner, and we will have to deal with them. If we go with another redeveloper, we may have to condemn that property and convey it to the new developer. That process would have to be worked into any agreement with a new redeveloper."

Councilmember Harinxma said that she came to Council meetings during 2005 where the Redevelopment Plan was discussed, and in August the decision was made to allow a market study. Waiting for that study, she recalled, was the reason for not seeking other proposals at that time. She asked if the study was commissioned with a timeline for its completion. Mayor Patten said that it was not.

Mayor Patten stated, "The bottom line is that this property is not the Borough's. You can ask for all you want, but we'd have to do something legally. We already have a developer that has qualified. The issue is, can one come in with a plan that will satisfy our Ordinance, buy the property from someone else and still make a profit on the redevelopment?" This, he said, is the question that will be answered in the report that is pending.

Councilman Thompson asked Mr. Raffetto to comment. Mr. Raffetto stated that there is no legal prohibition to prevent the Borough from going out to RFP; however, "if you do choose to go with another developer, then the successful redeveloper would have to negotiate with the property owner to try to acquire it. If the new developer is unable to do that, they would come to the Borough and request that the Borough exercise its power of eminent domain." He added that we would then be required to negotiate with the owner for a bona fide period, after which statutorily we could file in court and start the process of condemnation.

Councilman Sikorski asked who would pay for the preparation of an RFP. Mr. Raffetto stated that this would need to be funded by the taxpayers. Mr. Sikorski said that he would find it difficult to agree to this until all reports are completed. We should receive the report in another week or two, he said, adding "It is premature to go at this point for an RFP until we finish the process." He noted that the public may not be aware of the many intensive meetings that have taken place over the last 18 months, and added, "I wish some had consulted with me before bringing this forward now. It's late in the game, when we have had numerous consultations and things have taken place. We are waiting for conclusion of this process. We are doing due diligence on this committee, which now includes Council President Schneider. It takes awhile to go through this process. There are many complicated issues. If this succeeds, Hightstown will get \$470,000 to \$490,000 per year in taxes for five years. Look at all the facts in their totality. This project is work considering, and I am opposed to proceeding at this time with an RFP."

Councilman Thompson stated that a PILOT would be beneficial to the Borough regardless of who the developer is. "The Sockler report," he said, "is designed to tell us if our redevelopment plan is fiscally possible from a developer's perspective. If it suggests that it *is*, we already have Greystone on record as saying that there is no way they can do it, and they were our partner in developing that plan. It is important then to quickly move down that path. If the report says that our plan is not possible, it wouldn't make me feel any better about moving forward with the only developer who has provided public input."

Council President Schneider asked if there had been good press coverage about the redevelopment, noting that this is "sometimes handled that way." He asked how many other developers have shown interest.

Councilmember Harinxma asked if it is typical for a report such as this study to take as long as this has. Mr. Raffetto stated that there had been some miscommunication with Mr. Sockler and that he is now concluding his work and preparing to present it to Council. He added that the draft report was completed at the end of October but wasn't finalized because we were going into the end of 2005 and didn't want to present any major decisions to our outgoing Council.

Councilmember Quattrone agreed that this report will be important to the Borough's decision, but added that he "sees no harm in seeing what's out there."

Mayor Patten noted that, if this is the route Council wishes to take, it will cost the Borough in money and in time. He said that, when the last proposal was presented by Mr. Mehta, the meeting was attended by representatives of several boards and commissions, as well as many townspeople. "I got the sense that people feel we are on the right track," he said. "[That plan] is acceptable to the people." Councilman Thompson disagreed.

Councilman Sikorski stated that, while he understands and concurs with the criticism regarding the delay in receiving the report, "we need to complete that process first and *then* take any action that would be required at that time. "We'll have the report in hand by the next meeting for Council to review," he said.

Councilman Quattrone asked if someone should be speaking with the property owners. Mr. Raffetto noted that we should not interfere with their private business arrangement with Greystone.

Councilman Thompson stated that the "subcommittee has done a lot of good work," but "this Council is the Redevelopment Agency."

Council President Schneider asked how much time it would take to go through the RFP process. Mr. Raffetto stated that we would include a time for response in the document, and that 30 days would be reasonable. Mr. Schneider asked about the time frame for condemnation proceedings. Mr. Raffetto stated that the Redevelopment Plan specifically earmarks these properties as "subject to acquisition." The process would be that the redeveloper would first have to attempt to purchase the property from the owner and then, if unsuccessful, seek the Borough's assistance. We would then have to first negotiate with the owner. We would send a "14 day letter," he said, indicating that we wish to purchase and enclosing an appraisal of the property's market value with an offer of purchase and an invitation to negotiate. If there is no response within 14 days or if the owner refuses to negotiate, we can file in court. Once we file, and post the declaration of taking and the estimated value, the title transfers to the Borough, subject to fair market value proceedings. However, if the owner DOES respond, the Borough must proceed to go through a bona fide negotiation period, which could be lengthy. Only when we reach an impasse can we file in court, and we would have to pay the difference between what we posted and whatever value is awarded to them. The redeveloper would pay for the costs of eminent domain, and we would need to have the redeveloper's agreement in place before beginning that process.

Mayor Patten stated, "We have a qualified developer willing to do this project. The difference is in the number of units." Councilman Thompson said that it is also in the dollars to be contributed toward renovating Borough Hall. Mayor Patten again stated, "We have something right now that is acceptable to the people out there." He said that he has heard that some people are lobbying against this and urged Council to "be careful who's talking to you" as they may have a conflict of interest. Councilman Thompson stated for the record that no one has lobbied him about this.

Councilman Thompson stated that he would like to determine if there is a consensus of Council to proceed at this time with issuance of an RFP. Councilman Sikorski said that it is premature to do so before receiving and reviewing the Sockler report. "It is not unreasonable to wait two weeks," he said, "in a process that has taken two years."

Council President Schneider stated that he is "in favor of the plan that we have seen" and he believes that RFPs would have a limited value to us, and would prefer to have the Sockler report in hand before moving forward and spending

additional money on an RFP. "We're talking about doing an RFP on a plan without knowing if it is realistically viable. We need that information first."

Councilmembers Quattrone, Rosenberg and Harinxma indicated their desire to proceed with an RFP at this time.

Mayor Patten stated that he and Councilman Sikorski have spent a great deal of time on this project and have a good understanding of it. "Let's see what our current plan holds," he said. "If it is viable, *then* go with RFPs."

Council President Schneider agreed, and again stated that he would not want to have an RFP prepared based on a flawed plan. He requested that Councilman Thompson consider postponing his request until the next meeting. Councilman Thompson stated that he feels it is urgent to move forward now, and "wants to make sure we get on the path."

Ms. Gallagher noted that there is no funding in place for this, and if proceeding, Council will also need to adopt a verbal Resolution making a temporary emergency appropriation for this purpose. "I would not feel comfortable with appropriating less than \$5,000.00 for this" she said.

Motion: Councilman Thompson moved that the Borough **proceed with the preparation and issuance of an RFP for redevelopment of the Mill property**. His motion was seconded by Councilman Quattrone and a roll call vote was taken. Councilmembers Quattrone, Harinxma, Rosenberg, and Thompson voted yes. Councilmembers Schneider and Sikorski voted no.

Motion carried, 4-2.

Resolution 2006-59 (a verbal Resolution to appropriate \$5,000 for this purpose, which would be reduced to writing by the Borough Clerk) was then moved by Councilmember Thompson and seconded by Councilmember Harinxma.

Roll Call: Councilmembers Quattrone, Harinxma, Rosenberg, Schneider and Thompson voted yes.
Councilmember Sikorski voted no.

Resolution adopted, 5-1.

**RESOLUTION 2006-59 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2006 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2006 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 2006 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	5,000.00	217,616.00	222,616.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	127,207.00	127,207.00
Water/Sewer	0.00	63,313.26	63,313.26
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	591,550.00	591,550.00
TOTAL	5,000.00	999,686.26	1,004,686.26

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 hereto⁶ and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2006 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.

NEW BUSINESS

REQUEST FOR VACATION OF BOROUGH RIGHT-OF-WAY - *MIKE VANDERBECK, SLOWDOWN CAFÉ*

Mike Vanderbeck, proprietor of the Slowdown Café, addressed the Mayor and Council to request that he be permitted to take ownership of a portion of the Borough's right-of-way at the corner of Mercer Street and Rogers Avenue. He owns a portion of the sidewalk and has been using an added area since May 2003 through a Right-of-Access agreement with the Borough.

Mr. Vanderbeck explained that when the Slowdown's tables, chairs and lighting are out there, it benefits the town. However, during the colder months, when the space is not used by the café, it is starting to become a "hangout" for kids, and it's presenting a problem not only for the downtown in general but for specific businesses. As it stands now, he said, the Borough does not have a loitering ordinance, so the police can't do much. When his tables and chairs are out there, he can take care of this, but during the winter months, "it's difficult to request the rules of good behavior." He pledged to do his best to continue to keep the area clean and safe, regardless of Council's decision here.

Craig Cox, Mr. Vanderbeck's attorney, then addressed the Council to review the legalities involved. Rogers Avenue, he explained, used to have a curve in that area, and it was straightened out. This created a "no mans land" between the street and the buildings. In 2003, Mr. Vanderbeck was granted right of access to the area, and that has worked out well, but he feels that he could police the area more effectively if it was under his ownership. Mr. Cox said that he has spoken with Ms. Roberts and Mr. Raffetto, and his understanding is that, if the area is vacated, the property would revert to the adjacent owner, which in this case is Mr. Vanderbeck. The property he would like to acquire runs from the first cutoff on Rogers Avenue to the corner of Mercer Street, and six inches in from the sidewalk break to his property.

Mayor Patten asked Mr. Vanderbeck if he was asking to purchase the property. He replied that it is his understanding that, when an easement is vacated, the property automatically reverts to the adjacent owner(s). He asked, if a contribution is requested, how the value would be assessed.

Mayor Patten asked Ms. Roberts if there are any Borough-owned utilities under the sidewalk in that area. Ms. Roberts stated that she brought along a copy of that section of the plan from the Borough's Downtown Revitalization. The utilities, she said, are in the sidewalk and the brick paver strip at the curblin, not in the area under discussion.

Mr. Raffetto stated that, if Council wishes to grant Mr. Vanderbeck's request, the appropriate way to proceed would be to vacate the area, after which it would no longer be considered part of the right-of-way. The extenuating circumstance in this instance is that public monies were used to improve the area in question as part of the Downtown Revitalization a few years ago.

⁶ See end of these 2/6/06 minutes.

Mr. Vanderbeck noted that other, privately owned areas were improved as well with the Revitalization, and he asked if those owners are being charged. He said that he understands that he would have to pay for a survey and other costs of the vacation and added that he would be willing to negotiate with respect to any value to be assigned to the property.

Mayor Patten stated that he would like for the Planning Board to approve this as well. Mr. Raffetto said that, while this is not legally required, it could be referred to them.

Councilman Quattrone stated that he, personally, does not want "to give away any of the Borough" and added that there is a 12" stormwater drain under that property. "Maybe we could deputize Mike as the 'Keeper of the Right-of-Way' so that we don't have to give it up," he said. He also stated that, if the kids are moved from that area, the problem will simply move to another part of town.

Mayor Patten recommended that Mr. Vanderbeck meet with Ms. Gallagher to discuss this further, after which the matter can come before Council once again.

Ben Ruggiero, owner of Ben's Shoe Repair on Rogers Avenue, was present and requested (and was granted) permission to speak. He expressed his support for Mr. Vanderbeck's request. He said that Hightstown is "starting to look very nice," but lately, customers have been discouraged from coming to his shop because of a group of kids with bicycles and skateboards hanging around out front. There has been some graffiti, he said, and even urination in his doorway. There was one instance where several kids were banging on the side of the building with a bat or a pipe. "There should be some kind of control," he said. Mayor Patten asked if he has contacted the police and he stated that he has done so on three occasions.

INCREASE IN MAXIMUM FINE FOR ORDINANCE VIOLATIONS

Mr. Raffetto reported that new legislation has been adopted which allows municipalities to increase the maximum fine that may be assessed for Code violations. In some cases, we must allow 30 days to abate the violation before assessing the higher fine. The general consensus of Council was to move forward to increase the fines, and an Ordinance will be drafted for introduction at an upcoming meeting.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilman Sikorski read aloud the 2005 activity report from the Borough's construction office⁷. Activities included the issuance of 456 permits, and the collection of \$125,502 in fees, including \$3,000 in penalties. In addition, 198 homes were inspected and 472 rental units registered. Mr. Sikorski also reported that he and Mayor Patten attended a conference in Trenton regarding a constitutional convention for property tax reform. "It won't be a slam dunk," he said, as opinions vary in the legislature on this issue.

Councilmember Rosenberg reported that he attended the February 6 meeting of the Environmental Commission and he provided a brief report of the discussions held at that meeting. One of the Commission's concerns, he said, is the noise ordinance, and jake braking in particular. He asked if the Borough Attorney could look into our current regulations in this regard. The Commission, he said, feels that there may not be enough enforcement of the noise ordinance as it relates to large trucks.

Chief Eufemia stated that the Borough does have an ordinance prohibiting engine braking. "If it occurs, and we see it," he said, "the truck is stopped and the ordinance is enforced."

⁷ The full report is on file for review in the Borough Clerk's office.

Councilmember Harinxma reported that the Parks and Recreation Commission is discussing a summer concert and is seeking local musical talent.

Councilman Quattrone reported that yard waste collection will resume in April, and that overtime in the Public Works department is being kept to a minimum. We replaced an 8" sewer line on Wyckoff's Mill Road, he said, without using overtime. Mr. Quattrone went on to report that the First Aid Squad is seeking new members and encouraged anyone interested to contact them. Lastly, Mr. Quattrone said that he would like a letter sent to the State from the police, or the administrator, or the Mayor, regarding a storm drain downtown which floods constantly. Also, there is an area of flooding on Mercer Street that is dangerous and should be corrected. Currently, the State simply puts up a sign to warn motorists when it floods.

Chief Eufemia agreed that the signage does not cure that problem. He added that each call made to the DOT about the flooding is documented on their system. Chief Eufemia went on to report that the Public Works department is nearly finished painting the interior of the police station. "It looks great," he said, "and I want to thank Public Works for their good work."

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Jeff Bond, 210 S. Main Street, expressed his support for the request by Mike Vanderbeck to take ownership of property at the corner of Mercer and Rogers Avenue. "I agree," he said, "that we don't want to be giving Borough property away, but this is a unique situation that deserves your consideration." He noted that sometimes "property goes the other way" as well, as with parcels in the Stockton Street lot previously under private ownership that will be deeded to the Borough. "Look at the whole picture," he said. "Public Works has a lot to do. If Mike agrees to maintain this property, it would be a boon. ... This deserves your consideration."

Bob Schneider, Wilson Avenue, agreed that Mr. Vanderbeck's use of the property at Mercer and Rogers is a benefit to the town. He asked what can be done to control the type of activity noted by Mr. Ruggiero. Chief Eufemia stated that we do maintain a foot patrol downtown, and have confiscated skateboards and called parents. "We can't raise every child in the community," he said. "Parents need to get involved, and many just don't." He agreed that this type of thing shouldn't be happening and said that the department will continue to do the best they can with the staff that they have.

Eugene Sarafin, 600-628 South Main Street, stated that, now that the Chief of Police has warned Council that allowing parking on Rogers Avenue creates a traffic hazard, the Borough will be liable in the event of any accidents that take place as a result of their failure to act on his recommendation. Mr. Sarafin also addressed the issue of redevelopment, saying that the EDT met with a number of developers early in the process. It was a mistake, he said, to set the number of units at 80. "The rumor is," he said, "that the property will cost \$3.2 million. You need 100 units there to make it work."

Chris Moraitis, 237 Rogers Avenue, thanked the Mayor and Council for considering the concerns of Rogers Avenue residents by amending and re-introducing Ordinance 2006-03, and asked them to "consider other alternatives in addressing the root cause of traffic and truck volume." He would like to see parking permitted at all hours on weekends as well as during morning hours on weekdays.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud Resolution 2006-42, authorizing a closed session for the purpose of discussing contract negotiations and acquisition of property and to obtain the advice of counsel on a matter of attorney/client privilege. The Resolution was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Harinxma, Quattrone, Rosenberg, Schneider, Sikorski and Thompson voted yes.

Resolution adopted, 6-0.

RESOLUTION 2006-42 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 February 6, 2006 at approximately 10:25 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:

Contract Negotiations – Solid Waste Collection and Disposal
Contract Negotiations – Specialized Legal Services / Property Acquisition
Contract Negotiations – Professional Planning Services
Advice of Counsel/Attorney-Client Privilege

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: May 6, 2006, or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, adjournment was moved by Councilmember Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk