

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 and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

The agenda was moved as submitted by Councilmember Quattrone, seconded by Councilmember Sikorski and approved by all.

APPROVAL OF MINUTES

The minutes of the September 5, 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.

Pete Klapsogorge, 418 N. Main Street, stated that the Housing Code Committee was formed merely to "shut him up," and nothing was ever brought back to Council. He said that he served on that committee until he was "verbally attacked" at their second meeting. He asked when the Committee's report would come before Council, and asked how the Borough could consider having housing at The Mill "without having housing codes." Mr. Klapsogorge also complained that "commercial vehicles are parked all over town ... dump trucks, vans, taxicabs." He said that, years ago, his father ran a taxi business and was not permitted to park his taxicab at his residence.

Phyllis Deal, 305 Stockton Street, suggested that the Mill project include either a spa, dinner theatre or Kosher deli, as she feels any of those would bring people into town, and keep them here after 5:00 p.m.. Bringing people in would slow traffic, she said.

Christopher Emigholz, 148 South Street, stated, regarding proposed amendments to the Redevelopment Plan, that Council erred in altering the Planning Board's recommendations with respect to affordable housing and the inclusion of the municipal building. Mr. Emigholz also responded to Mr. Klapsogeorges's earlier comments. The Housing Code Committee, which Mr. Emigholz chairs, "had nothing to do with Pete," he said, noting that Mr. Klapsogeorge left the committee on his own accord. He was urged to come back but chose not to. "The committee did good work," he said. "We sent our recommendations to Council and to the staff, and some recommendations have come back. The committee has continued to work." He said that other issues, such as the municipal budget and redevelopment, have taken precedence, but the committee's report will be presented this fall.

Ron Niebo (a candidate for Council), 115 South Street, said that he was disappointed with the discussion regarding redevelopment at the last Council meeting, and was disturbed that Council "debated for three hours over issues that have been discussed and raised over the past two years." He said that he is opposed to moving the affordable housing offsite and was "shocked" that the discussion of the municipal building came up. "You're just making it an option for taxpayers to pay more money to eventually redo this building," he said. "Why not tack it on and have the developer pay for it?" Mr. Niebo also expressed support for the signage proposed by GHEWIP for the bridge abutment.

Dave Keeler (also a candidate for Council), 139 South Street, said that he was "surprised at Council's inability to pull the trigger on the Mill project." "You keep rehashing questions that have been asked and answered," he said, "and, to no end, you seem to want to create an artificial flexibility." He noted that the recent double-digit tax increase could have been alleviated significantly if this project had come to fruition, and said that Council is "spinning its wheels." "This is not due diligence," he said. "We're watching, and we're not happy."

Richard Pratt, 214 Stockton Street, recalled that, during the time he served on Council, the Borough hired an architect to prepare plans for refurbishing the municipal building and courtroom. That cost, three years ago, was \$1.8 million, he said, and as a result, "we held off." He said that it is a "bad idea" not to ask the developer to give us this now.

Ashley Hutchinson, 15 Hagemount Avenue, spoke as a new member of the Planning Board to express hope that Council would consider the hard work by the Planning Board that went into their proposal. She has appeared in the Borough's court as a substitute prosecutor, she said, and the conditions are "atrocious." "People are stacked like sardines," she said, and stressed the need for additional municipal space. Including the municipal building in the plan, she said, was done in order to provide tax relief.

Steve Misiura (Planning Board Chair), 352 South Main Street, read aloud a letter he had submitted to the Mayor and Council on behalf of the Board to inform Council of the tremendous amount of time and effort put into this by its members and to provide some information about the methodology they used in making their recommendations. His letter stressed the importance of assuring that the Borough's COAH responsibilities would be met, and noted that Planning Board members would be present at the September 18 meeting to answer any questions Council may have. "We hope that you will seek out and consider this information in making your final decision," the letter read. "We designed this plan for the future needs of our home, not any particular developer or plan. It is a shared vision that came about after hours of consideration of many sources and professional opinions, as well as internal debate."

Susan Bottino, 124 Center Street, said that she was "shocked to learn of the actions by Council" at the September 5 meeting with respect to the Redevelopment Plan, and was particularly surprised that they would amend the recommendations of the Planning Board in order to allow the affordable housing to be placed offsite or even in another town. She pointed out that there is no room in Hightstown for affordable units to be built elsewhere, and the Borough

cannot afford to pay another town to accept our obligation. "The Planning Board, its hired professionals and members of the public have all expressed that it would be best to have affordable housing onsite," she said, pointing out that the Council voted against Regional Contribution Agreements when it approved the Housing and Fair Share Plan submitted to COAH last fall. She spoke of the serious need for affordable housing in New Jersey and in Hightstown, and said that Hightstown should be able to contribute 14 units in the Mill project toward that. Council would like more retail, she said, but asked, "who will work here if they can't afford to live here?" She told Council that their amendment of this provision "is without regard to people here who recognize the needs of our neighbors." "There is no reason to create this giant loophole [for the developer]," she said, "and every reason to create affordable housing onsite."

No one else came forward and the floor was closed.

PRESENTATIONS

SALE OF PAVERS FOR FOUNTAIN – CATHY SIMMONS, GHEWIP

Cathy Simmons of the Greater Hightstown – East Windsor Improvement Project (GHEWIP) spoke briefly to provide general information to Council regarding a project that the group would like to undertake to raise funds for the fountain at the point. Brick pavers would be sold and the proceeds donated by GHEWIP toward the project. Further details will be provided and samples available at the next meeting. Councilmember Quattrone suggested that an article about this be included in the October edition of the *Hightstown Crier*.

SIGNAGE FOR BRIDGE ABUTMENT – ANNE MARIE WIEDEMANN, GHEWIP

Anne Marie Wiedemann of the Greater Hightstown – East Windsor Improvement Project (GHEWIP) addressed Council once again¹ regarding the group's offer to provide backlit, three-dimensional lettering on the bridge abutment. The proposed lettering would read "Historic Hightstown, Est. 1721." Late that afternoon, a paper mockup of the lettering had been put into place there for Council's review.

Ms. Wiedemann recalled that, at her last presentation, concern was expressed regarding where banners could be relocated, and the style and design of the lettering proposed. She said that her committee met and reviewed the project and the concerns expressed, and has determined that their original proposal should stand. "The abutment is a gateway," she said, "and should greet people coming into town." Banners, she said, could be hung at Borough Hall, or in Memorial Park and still be effective in disseminating information. The committee feels that that the style and type of lettering they had proposed would require the least maintenance and will add to the beauty of our town. This would be provided at no cost to the Borough, she said, as GHEWIP will pay for the entire project. She said that they would like to obtain Council's approval at this meeting.

Councilmember Thompson asked if other options were considered by the committee since her last presentation. "We took a look at them," Ms. Wiedemann replied, "including the proposal to print the letters on a board or other medium with overhead lighting.... We feel that what we initially proposed is a better option and would not involve a lot of maintenance issues further down the line." She displayed once again a sample of the lettering proposed, which is constructed of aluminum. The lighting, she said, could be controlled by a timer. She has spoken with Larry Blake, and he indicated that he feels it can be installed securely. She added that GHEWIP would power wash the abutment before installing the lettering. "There are other ways to do it," she said, "but this is our preference."

¹ See Council meeting minutes of May 1, 2006 for details of the group's initial presentation.

Councilmember Thompson asked at what height the lettering would be installed. Ms. Wiedemann replied that it could be placed at any height. There has been no specific recommendation. Mr. Thompson expressed concern that the three-dimensional lettering could be “an invitation to a kid to take a whack at it.” Ms. Wiedemann showed Council the bracket fixture that would be used and said that she did not believe that the lettering would extend out that far. It would be drilled into the stone, she said, and pointed out that lettering on wood or another surface could be more easily defaced.

Council President Schneider asked if this type of lettering has been used in other towns. Ms. Wiedemann said that the lettering is often used as signage on the sides of buildings, and has been used more commercially. She said that it could be any color, but they are proposing a cranberry color.

Mayor Patten asked Council for their comments.

Council President Schneider stated that he is familiar with this type of signage but generally it is much higher from the ground, such as on the side of a hospital or similar building. “I’m not sure if this is as appropriate at close range,” he said. He added that he feels that maintenance would not be a problem. Mr. Schneider also stated that he feels that cranberry-colored lettering would lose its visibility against the stone during daylight hours. He said that he does not feel ready to make a decision at this meeting.

Councilmember Harinxma said that she was hesitant to approve this without having seen other options.

Councilmember Sikorski stated that he would prefer to defer action to a future meeting, and would like to see an alternative in the meantime. He noted that Councilmember Rosenberg had proposed a design for this signage and said “I didn’t see that here tonight. I’d like to look at that to make a comparison.”

Councilmember Thompson asked, “Have we considered the financial implications of either design?” “I like the price of this one,” Council President Schneider replied.

After brief further discussion, the consensus of Council was to defer their decision to the next meeting. Councilmember Thompson thanked Ms. Wiedemann and her committee for their hard work on this “and for coming here twice already.”

HISTORIC PRESERVATION TAX CREDIT LEGISLATION: *JOHN HATCH, PRESERVATION NJ*

John Hatch of Preservation NJ addressed the Mayor and Council to request their adoption of a Resolution supporting the Historic Property Reinvestment Act. He commended them for the commitment to historic preservation as part of their Redevelopment Plan and the reuse and rehabilitation of the historic rug mill structures. Many towns, he said, not only permit the destruction of historic properties but sometimes even encourage it.

Preservation NJ, Mr. Hatch said, seeks to promote legislation that is good for New Jersey and for historic preservation. The Historic Property Reinvestment Act would provide a credit toward state income taxes for historic rehabilitation. Currently, he said, a similar credit exists at the federal level, but it is for commercial properties only and is a credit toward federal income taxes. This Act would apply to both commercial and residential properties, and would result in a credit against State income taxes. “It is ideally suited to towns like Hightstown,” he said. Mr. Hatch added that there are similar programs in 35 states, and it is “embarrassing” that New Jersey still does not offer this incentive.

The effects of this legislation have been studied elsewhere, Mr. Hatch said, and it has been shown to encourage an “enormous amount” of historic rehabilitation, and a resulting increase in state tax revenue over time through increased economic activity, sales tax revenues and new jobs. It makes up for its cost, he said, and Maryland has actually seen a 3 to 1 return. The Act promotes smart growth by taking advantage of existing building stock and fostering revitalization and heritage tourism. It would allow 25% of the cost of the completed historic rehabilitation to be credited toward state income

taxes. He noted that this credit is transferable and is sometimes purchased by banks or applied to mortgages. The credit must be used or sold within five years, he said, and can be spread over that time.

"I'm thrilled you are considering passing this Resolution," Mr. Hatch said, and noted that, if Hightstown adopts this tonight, it could be the first to do so. Other towns have been invited to adopt this Resolution as well, he said, and are "actively considering it." He noted that there is no impact on municipal property taxes, and that property values would improve in the long run as a result of this legislation.

Mayor Patten noted that the Stockton Street Historic District was just designated by the State, and that this legislation could be very beneficial to our property owners.

Council President Schneider asked if a business owner could obtain this credit for historic rehab at the Mill. Mr. Hatch stated that the property owner could receive this credit. He noted that, in order for an individual or commercial entity to receive the credit, the rehabilitation work must meet very high standards.

Council President Schneider expressed his support for passage of the Resolution, and after brief further discussion, the matter was referred to the Historic Preservation Commission for their review and recommendations.

ENGINEER'S ITEMS

RESOLUTION 2006-201, RESOLUTION CONSENTING TO THE PROPOSED MERCER COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED "EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY WASTEWATER MANAGEMENT PLAN (WMP) UPDATE"

Following a brief review by Ms. Roberts, Resolution 2006-201 was moved by Councilmember Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

RESOLUTION 2006-201 RESOLUTION CONSENTING TO THE PROPOSED MERCER COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED "EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY WASTEWATER MANAGEMENT PLAN (WMP) UPDATE"

WHEREAS the East Windsor Municipal Utilities Authority desires to provide for the orderly development of wastewater facilities within its designated sewer service area; and

WHEREAS the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS a proposed WQM plan amendment noticed in the New Jersey Register on August 7, 2006 for "East Windsor Municipal Utilities Authority Wastewater Management Plan (WMP) Update" has been prepared by Hatch Mott MacDonald; and

WHEREAS Borough Engineer Carmela Roberts has reviewed the proposed plan amendment and has provided comments to the NJDEP in a letter dated August 30, 2006 regarding certain recommended modifications to the plan prior to its adoption by the NJDEP and Mercer County;

NOW, THEREFORE, BE IT RESOLVED on this 18th day of September, 2006, by the Mayor and Council of the Borough of Hightstown as follows:

1. That the Borough of Hightstown hereby consents to the amendment entitled "East Windsor Municipal Utilities Authority Wastewater Management Plan (WMP) Update" and publicly noticed on August 7, 2006, prepared by Hatch Mott MacDonald, and inclusive of recommendations submitted by Carmela Roberts, Borough Engineer, as detailed herein, for the purpose of its incorporation into the applicable WQM plan.
2. That this consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

RESOLUTION 2006-202, AWARDING CONTRACT FOR GRANT AVENUE DRAINAGE IMPROVEMENTS

Ms. Roberts reviewed the provisions of Resolution 2006-22 and recommended its adoption. The Resolution was moved by Councilmember Quattrone and seconded by Councilmember Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2006-202 AWARDING CONTRACT FOR GRANT AVENUE DRAINAGE IMPROVEMENTS

WHEREAS, there exists the need for improvements to various storm inlets on Grant Avenue in order to improve drainage in that area and to bring the inlets up to current NJDOT and NJDEP standards; and

WHEREAS, the Borough Engineer has solicited competitive quotations for this work, and has recommended that a contract be awarded to the firm submitting the lowest bid, Jonico, Inc. of Lambertville, New Jersey; and

WHEREAS, this work will be funded by a contribution made by the developer of the Grant Preserve Project, and the Chief Financial Officer has certified the availability of funds for the expenditure;

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

1. The contract for Grant Avenue Drainage Improvements is hereby awarded to Jonico, Inc. of Lambertville, New Jersey in the amount of Twenty Thousand Eight Hundred and Fifty (\$20,850.00) Dollars.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Jonico, Inc., subject to approval of the Borough Attorney.
3. This approval is subject to receipt from the contractor of a Certificate of Insurance naming the Borough as an additional insured, in a form satisfactory to the Borough Attorney.

ORDINANCES

RESOLUTION 2006-203, A RESOLUTION OF THE HIGHTSTOWN BOROUGH COUNCIL SETTING FORTH THE COUNCIL'S REASONS FOR AMENDING CERTAIN PORTIONS OF THE REDEVELOPMENT PLAN PROPOSED BY THE PLANNING BOARD

Mr. Raffetto reviewed the provisions of Resolution 2006-203, detailing Council's reasons for making certain changes to the Planning Board's recommendations for amendments to the approved Redevelopment Plan. Redevelopment Law, he explained, requires that Council set forth in the form of a Resolution their reasons for deviating from the Planning Board's recommendations. It was briefly discussed and generally agreed that action on this Resolution will be delayed until final action is taken on Ordinance 2006-19.

Councilmember Quattrone stated that he “never meant to hurt or embarrass the Planning Board.” He expressed his respect for that body, and said that his intent in voting as he did at the prior meeting was to give them more flexibility. After that meeting, he said, he spoke with the Administrator and found that the COAH units must be onsite. He said that he would need to change his vote in this respect. He added that he would probably rescind his vote regarding the municipal building as well.

Councilmember Harinxma stated that she, too, has reconsidered her position on the affordable housing units, and would probably change her vote.

Councilmember Thompson stated that the Borough has not done an adequate job of “articulating the process” and communicating and educating the public in that regard, which has “allowed some divisiveness to slip into a collaborative process.” He stated that the document in question is a plan, and not an agreement – the first step to identifying a redeveloper and negotiating a redeveloper’s agreement. “We are doing all a disservice,” he said, “if we don’t outline the process. It is creating divisiveness.” Mayor Patten asked Mr. Raffetto to comment in this regard. Mr. Raffetto stated that there could be some misunderstanding on the part of the public, but Council has on several occasions had presentations made on process issues, steps taken under the redevelopment law, and process taken to date. There have been a number of occasions, he said, where Council has openly discussed what has been going on with this process. Mayor Patten stated that Council has deliberately held open meetings, inviting all Boards and Commissions to participate, and has been “specific and deliberate in making sure the people knew what was going on and what the process was. Fred has always begun those meetings with a full review of the process to date and where we’re going.”

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-19,
AN ORDINANCE AMENDING THE BOROUGH’S REDEVELOPMENT PLAN, AS ADOPTED BY
ORDINANCE 2004-20 ON SEPTEMBER 7, 2004, RELATING TO SUB-AREA I (BANK STREET)
WITHIN THE BOROUGH OF HIGHTSTOWN

At this time, Mayor Patten opened the public hearing on Ordinance 2006-19, as introduced on September 5.

Steve Misiura (Planning Board Chair), 352 South Main Street, stated that he was the Chair of the Borough’s Affordable Housing Committee. Even without the rug mill, he said, the Borough has a deficit of about 40 housing units. It will be hard to find a place for them in the fully-built-out Borough. While RCAs are an option, they were specifically excluded from the Housing Element and Fair Share Plan because we wanted to keep the affordable housing in town. In order to change that, we would need to redo that Plan. Mr. Misiura noted also that the Planning Board sought and received input from the Borough Administrator with respect to the municipal building, and she recommended that 15,000 square feet of municipal space be included in the redevelopment plan. “Did something change?” he asked. Mr. Misiura also explained that, ultimately, traffic and parking issues will determine the number of residential units at the Mill. Regarding Council’s proposed requirement for 6,300 square feet of retail space, he noted that, while Council is apparently looking for greater flexibility, this would actually be making the plan *more* restrictive. This is one area, he said, where you might want flexibility. Ultimately, the market will determine what works.

Dean Bottino, 124 Center Street, responded to Councilmember Thompson’s comment that the public had not been adequately informed regarding the redevelopment process. “A lot of us,” he said, “are clear on the distinction between process and final decision. Many of us were here while Fred explained things repeatedly. I hope that education works both ways.” He said that he hoped that that his wife Susan’s earlier comments provided some education to Council about the importance of affordable housing. At the last meeting, he said, Council changed four key parameters. “Making all of them more open is not flexibility,” he said. “It’s undoing the work, efforts and thinking of the Planning Board and other entities that had to keep all of the variables in their head at the same time.” Mr. Bottino said that, while he understands the need to have some flexibility, and that certain parameters are “bargaining chips,” affordable housing is a *principle* and

not a *parameter*. As a Borough, he said, there were some painful discussions, “but we decided to believe in principle that affordable housing is not be outsourced but integrated, in an attempt to model what an ideal community looks like.”

Richard Pratt, 214 Stockton Street, noted that he is a member of the Planning Board and recused himself during redevelopment discussions due to the possibility of a perceived conflict of interest. “A misunderstanding of process is happening *now*,” he said, “by *Council*.” Council decided to send the Redevelopment Plan back to the Planning Board for their recommendations, he said, “and then threw it out the window. What was the point?” He noted that a lot of people put a lot of time into this, and the perception is that Council “doesn’t really care.” He said that he did not recall seeing members of Council at those Planning Board meetings and added, “that would have been the time to come and discuss this.”

Nancy Walker Laudenberger (Planning Board member), 632 South Main Street, said that she was “exceptionally frustrated” when Council chose to change some of the Planning Board’s recommendations, but is pleased that two members have indicated that they have changed their minds and that they recognize the need for affordable housing. She pointed out that this is a redevelopment zone, not a development zone, and Council is the Redevelopment Agency. “You set the rules,” she said, “and you don’t need to be flexible with the developer. We don’t need flexibility. The Plan needs to reflect the needs of our community.”

Paul Byrne (Planning Board member), 320 Stockton Street, said, “I reiterate what Steve [Misiura] said.” He told Council that, because they have the capacity to alter the Planning Board’s recommendations, he hoped that, at bare minimum, they listened to the tapes of the meetings and read the minutes before attempting to change those recommendations. He noted Mr. Raffetto’s comments at the last Council meeting, as reflected in the minutes, regarding the fact that Redevelopment Law “recognizes that the Planning Board is ideally and more particularly suited for considering land use provisions, and the Redevelopment Plan sets forth land use regulations that will be associated with the redevelopment area(s).” That, he said, is why Council must adopt a Resolution explaining why they chose to deviate from the Board’s recommendations. That requirement, he said, emphasizes the weight of the Planning Board.

Liz Lett, 409 South Main Street, stated that affordable housing is not only an obligation, but also “a reflection of the kind of community that we are.” She noted the importance of diversity, and of “recognizing all that live here and want to continue to live here.” “We need this,” she said, “We can’t afford to outsource it, and we shouldn’t.” She noted that the Planning Board is the body that has all the facts, and considers all aspects. “No second guessing should be done,” she said. “If you don’t feel they’ve done a good job, why ask them to do it?” She said that she was “stunned” when she read about the changes proposed by Council, and added that others who were not at this meeting share her concern and dismay.

Jeff Bond, 210 South Main Street, expressed his full agreement with the preceding speakers. “Council made the biggest mistake ever when you appointed yourself as redevelopment agency,” he said. “You have failed to do the job.” Mr. Bond went on to say that Councilmember Thompson’s comment that the public was not educated about the process was unfair. The Borough Attorney, he said, “has explained the process very very well to a lot of people.... Take a hard look at yourself before pointing fingers that it wasn’t presented to the public. Our professionals have done an excellent job.” Mr. Bond added that “You don’t need a plan if you’re going to handle it this way and make everything flexible.”

Chris Emigholz (Planning Board member), 148 South Street, thanked Councilmembers Harinxma and Quattrone, “who have been keeping an open mind.” He noted that “balance is the key thing to keep in mind.” Often, he said, there are things we would love to see happen and we know we can’t get exactly what we want. It is important, he said, to weigh everything and ask “Is it worthwhile? Will it make the developer go away and the vacant lot stay vacant?” The Planning Board, he said, does this every month, but Council is not used to it. The Planning Board weighed all issues when it came up with the proposal that was presented to Council, and struck “the best balance possible.” They felt that affordable housing and the municipal building were important elements to include and need to be done at this time. The delays in

this process, he said, have cost property owners and residents in terms of property taxes. He asked Council to defer to the expertise of their professionals and Planning Board.

Christian Toeg, 120 South Street, stated, "if you watch how laws are made, experts prepare the drafts, but the decisions are made by those who are elected. The Planning Board is appointed. Council is the only body that is elected." He suggested that, if differences exist, it would make sense to hold a joint session to discuss them.

No one else came forward and the floor was closed.

Ordinance 2006-19 was moved by Councilmember Quattrone and seconded by Councilmember Thompson. Discussion ensued.

Councilman Quattrone stated once again that he feels that Council was attempting, in their vote on September 5th, "to give the [Planning] Board an avenue to make this move faster." He apologized if he "hurt anyone's feelings." Mr. Quattrone went on to say once again that he has changed his mind about the COAH units. They must be onsite, he said, adding, "We've voted on that two different times before now." Regarding Borough Hall, Councilman Quattrone stated that "it must be expanded ... not necessarily out front, but it has to be expanded and fixed up, and it won't happen with \$50,000 or \$100,000." He said that he would change his votes right now to revert to the Planning Board's recommendations.

Councilman Thompson stated, "if we have a Redevelopment Plan that only one developer can develop, it is not in the Borough's best interest." He said that he feels that this has been a collaborative process, and is sorry that it feels divisive to some. He expressed agreement with public comments regarding affordable housing, "it is a principle, and not a parameter," he said, "and it's important."

Council President Schneider said that he does not understand the Planning Board's objection to lowering the minimum number of units from 115 to 80. Ms. Laudenberger, who was in the audience, stated "we don't object to that."

Mr. Schneider went on to say that he believes that the COAH units will need to be constructed onsite, as there is little opportunity for a developer to put them anywhere else, and the Borough cannot afford to pay another town to take them. As such, he said that he would have no objection to requiring that the units be onsite, but pointed out that this will represent a cost to the Borough in terms of tax revenues.

With respect to Borough Hall, Council President Schneider said that he is "not in favor of what I consider to be a strip mall version of the front of this building." He considers this a "bad retail site" and is concerned about the impact that it could have on Borough services and emergency access. He recalled that, of the \$1.8 million renovation cost that Mr. Pratt mentioned, \$1.5 million was for renovation of the police department. "This doesn't touch the police station at all," he said, adding that the police department should be expanded into the now vacant Borough garage, and the additional municipal space that is needed can be supplied by expanding Borough offices into the area now occupied by the police. He further recalled that Ms. Gallagher's memo to the Planning Board indicated that the recommended 15,000 square feet of space included 3,000 square feet which could be utilized in the future or for community groups, and that 12,000 square feet would be adequate to meet the Borough's immediate needs. "We have the property to do that," he said. "We don't need to give up our access point." He stated that he sees no need to increase staffing in our police department or in Borough offices. Mr. Schneider further stated that the downtown businesses would only benefit from retail at this location if they do not represent competition. He pointed out that an additional cost to be considered is the cost of insurance if we are to occupy a second floor location. He asked what is to be gained by taking away our driveway access point, increasing traffic along Bank Street, forcing police to exit at Bank Street and impacting all of our emergency services, particularly in light of that fact that "we don't fix the police station in the current scheme."

Regarding retail and office space, Council President Schneider said that, unless the municipal building site is used for retail, there is nowhere else on the site that a developer would be willing to build it. "I believe the office space requirement is appropriate," he said, "but retail and the inclusion of Borough Hall are a mistake." Flexibility is sometimes necessary, he said. "We want it to happen. We want the dollars this will bring." He recommended that Council amend the Ordinance to require COAH onsite and remove the requirement for 6,300 square feet of retail space, and reintroduce it.

Mayor Patten noted that the Planning Board will still need to approve a site plan, and will address access points. "We don't even have a conceptual plan," he said. "We're just setting parameters to satisfy our needs."

Councilmember Sikorski stated that he is "hearing unanimity" regarding the number of units (to remain at "80 to 130") and the requirement that COAH units be onsite. "The bone of contention," he said, "is the retail component and the municipal building. In effect, what you have been doing is bringing up Planning Board issues." He noted that the Borough Engineer carefully scrutinizes studies and reports as part of the Planning Board process. Mr. Sikorski stated that he had originally been opposed to many of the concepts in the Redevelopment Plan, but after serving on the subcommittee, he modified his position as a result of witnessing the expertise of our planners and professionals.

Councilmember Sikorski went on to say that, if Council rejects the inclusion of the municipal building, they are rejecting a project valued at about \$1 million (\$950,000 cost of construction plus the offered \$50,000 for enhancements by the Borough). "It is crowded downstairs, and difficult to function," he said, and noted that the retail component is tied in with that. "If you reject it totally, you reject retail space." Mr. Sikorski said that, if that is Council's wish, he won't stop them, as he sees that the consensus is to move ahead.

Councilmember Harinxma noted that there is no real conceptual plan at this time. "We're had presentations," she said, "where it has been said that density can drive the economy. We are talking of increasing our population significantly. I don't see that retail would be a total failure. Borough Hall is a little small. Let's go with considering Borough Hall being renovated and some retail."

Councilman Thompson suggested that Council discuss each amendment voted on at the last meeting in turn. One by one, Council discussed:

1. **The requirement for between 80 and 130 residential units:** It was the consensus of Council that this will stand.
2. **COAH units:** Councilman Thompson noted that having them onsite was his intention all along, and he erred in thinking of it as a parameter and not a principle. Council unanimously agreed that the COAH units should be required onsite. **This will require an amendment to the introduced ordinance.**
3. **Borough Hall:** Councilmember Rosenberg recommended that Council keep the language recommended by the Planning Board in this regard. A straw vote indicated that the majority of Council agreed, with Council President Schneider and Councilman Thompson casting the dissenting votes. **This will require an amendment to the introduced ordinance.** Councilman Thompson asked if this language would *require* that the Borough turn over the municipal building to the developer. "No," Mr. Raffetto replied.
4. **Retail:** The Planning Board's proposal had required the selected redeveloper to construct a minimum of 35,000 square feet of retail, commercial, office and government space. It did not require specific amounts for any category. At the last meeting, Council changed this to require a minimum of 6,300 square feet of retail space and 14,000 square feet of office space. Councilmember Rosenberg recommended that Council use the language originally recommended by the Planning Board. "It provides a good amount of flexibility," he said, "and states that retail does have to be in there." Following brief further discussion, a straw vote was taken, and the majority of Council preferred to revert to the Planning Board's recommended language. **This will require**

an amendment to the introduced ordinance. Councilman Thompson and Councilmember Harinxma were the dissenting votes in this regard.

As discussion continued regarding the Planning Board's language requiring a minimum of 35,000 square feet of commercial, office, government and retail space, Mayor Patten asked Planning Board Attorney Gary Rosensweig, who was in attendance, to comment.

Mr. Rosensweig stated that the Planning Board's language provided much more flexibility. "No one is sure what the right number will be," he said, "but 35,000 is a combination of everything onsite except residential. It is all subject to the market and traffic/parking studies." Mr. Rosensweig went on to say that "no one wants vacant stores, but we do want 'fresh retail' along Main Street. No one knows yet whether that will work. That is why we used an overall number to include everything. That is the most flexible position to be in, not locked into 6,300 square feet or 14,000 square feet." He noted that the traffic plan has to work, and it is not necessarily bad to have traffic. Princeton, he said, is a good example of this. Council President Schneider asked Mr. Rosensweig if it makes sense to accept the broad language but adjust the number downward. "I see no reason to change it," Mr. Rosensweig replied. "It is the best estimate the Planning Board could come up with. It is a general number and it has components. When a developer comes in, you'll see how those components break out." He recommended retaining the language recommended by the Planning Board, and said that the square footage can be adjusted by the Planning Board if necessary, based on market and traffic studies.

Ordinance 2006-19 was then moved by Councilmember Sikorski for reintroduction with the amendments outlined above. The motion was seconded by Councilmember Rosenberg.

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

Ordinance amended and reintroduced, 5-1.

The public hearing and final reading for Ordinance 2006-19, as amended and reintroduced, was scheduled for October 2, 2006. Mr. Raffetto stated that no additional notifications to residents, the neighboring municipality or the county (beyond those undertaken following the Ordinance's first introduction on September 5th) would be necessary.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-20,

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 19-2, ENTITLED "CHARGES AND RENTS," OF CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-20. No one came forward and the hearing was closed.

Ordinance 2006-20 was moved for adoption by Councilmember Thompson and seconded by Councilmember Quattrone.

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

Ordinance adopted, 6-0.

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 19-2, ENTITLED
"CHARGES AND RENTS," OF CHAPTER 19, "WATER AND SEWER," OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN**

WHEREAS, the Hightstown Borough Water-Sewer Committee has determined that it would be in the best interests of the public to amend certain provisions contained within Chapter 19, "Water and Sewer," of the Borough Code, specifically relating to the replacement of water meters and the penalty associated with a property owner's failure to contact the Borough Water Department and provide access to his or her home for replacement of the meter.

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 Section 19-2, entitled "Charges and Rents," of Chapter 19, "Water and Sewer," is amended and supplemented at Subsection 19-2-9 thereof, entitled "Water Meters; Accessibility; Repairs; Line Maintenance," in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

19-2-9 Water Meters; Accessibility; Repairs; Line Maintenance.

b. Replacement of ~~Non-Working~~ Water Meters. In the event that a water meter is not working properly, or if the Borough requires replacement of the meter for any other reason, written notice may be given by the Superintendent of Public Works, the Borough Water Department or the Borough Administrator or by any official duly authorized by the Borough Council to any property owner advising that the water meter is not working properly and directing that the meter be replaced. Such notice shall be deemed to be complete if it is mailed by the Borough via regular and certified mail, return receipt requested, to the property owner of record. The property owner shall contact the Borough Water Department within 30 days of the date of notice to arrange for replacement by the Borough of the non-working-meter. If there is no response by the property owner within such time, service shall be immediately discontinued, with the exception of any development where water service is shared by more than one property owner. In those cases, service shall not be discontinued; however, the property owner shall be subject to fines and/or penalties as set forth in Section 4.1 of this Chapter.

2. 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 that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

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

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-21,

**BOND ORDINANCE AMENDING BOND ORDINANCE #2004-18 OF THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, TO AMEND THE DESCRIPTION OF
THE PROJECT TO INCLUDE CERTAIN WATER AND SEWER IMPROVEMENTS**

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2006-21. No one came forward and the hearing was closed.

Ordinance 2006-21 was moved for adoption by Councilmember Thompson and seconded by Councilmember Harinxma.

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

Ordinance adopted, 6-0.

ORDINANCE 2006-21

**BOND ORDINANCE AMENDING BOND ORDINANCE #2004-18 OF THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, TO AMEND THE DESCRIPTION
OF THE PROJECT TO INCLUDE CERTAIN WATER AND SEWER IMPROVEMENTS**

BE IT ORDAINED by the Borough Council of the Borough of Hightstown, in the County of Mercer, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Section 3(a) of Bond Ordinance #2004-18 of the Borough of Hightstown, finally adopted September 7, 2004, is hereby amended to read as follows:

"The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water and sewer capital improvements, including the acquisition and installation of fine bubble diffusers, a positive displacement blower with a VFD controller, a set point controller for the dissolved oxygen system, an automatic hydraulic grinder, alarm systems, the repair or replacement of the underground storage tank at the Advanced Wastewater Treatment Plant, pumps and related equipment and materials for use at the Advanced Wastewater Treatment Plant, and sewer pipe repairs at Williams Street, including all work and materials necessary therefor and incidental thereto."

Section 2. 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.

Section 3. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESOLUTIONS

**RESOLUTION 2006-199, A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO EXECUTE AN
AMENDMENT TO THE EXISTING COMMUNICATIONS SITE LEASE AGREEMENT WITH SPRINT
SPECTRUM, L.P.**

Following a brief review by Ms. Gallagher, Resolution 2006-199 was moved by Councilmember Quattrone and seconded by Councilmember Schneider

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

Resolution adopted, 6-0.

**RESOLUTION 2006-199 A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO EXECUTE AN
AMENDMENT TO THE EXISTING COMMUNICATIONS SITE LEASE AGREEMENT WITH SPRINT
SPECTRUM, L.P.**

WHEREAS, the Borough of Hightstown and Sprint Spectrum L.P. ("Sprint") are parties to an existing Communications Site Lease Agreement ("Lease Agreement") dated December 28, 2004; and

WHEREAS, pursuant to the Lease Agreement, the Borough has permitted Sprint to lease a portion of the premises owned by the Borough located at Block 46, Lot 13 on the Hightstown Borough Tax Map (the "property"), on a non-exclusive basis, for cellular communication activities; and

WHEREAS, the property is located at First Avenue, and is the site of a Borough-owned water tower; and

WHEREAS, the Lease Agreement permits Sprint to utilize a portion of the water tower as well as a portion of the ground area adjacent thereto for the installation of antennas and other equipment, in furtherance of Sprint's cellular communications operations; and

WHEREAS, the Lease Agreement is for an initial term of five (5) years, and may be renewed for four (4) additional terms of five (5) years each; and

WHEREAS, pursuant to the Lease Agreement, Sprint has the ability to construct and maintain up to nine (9) antennas on the water tower and associated equipment on the ground, for a monthly fee; and

WHEREAS, Sprint has requested that the Lease Agreement be amended in order to permit Sprint to construct three (3) additional antennas on the water tower, as well as certain other revisions; and

WHEREAS, the additional antennas will increase the monthly rental fee paid by Sprint to the Borough by \$600.00 per month, representing an additional \$7,200.00 per year, which amount shall increase at the same rate (three percent (3%) per annum) as the underlying rent, beginning with any renewal terms; and

WHEREAS, the Mayor and Borough Council wish to authorize and approve the proposed Amendment with the understanding that such approval shall be subject to and contingent upon the requirement that Sprint obtain amended site plan approval from the Planning Board, as well as any and all other approvals deemed necessary by the Planning Board.

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 Municipal Clerk to attest an Amendment to the Lease Agreement as detailed herein, which shall be considered a revision to the existing Communications Site Lease Agreement executed by the Borough of Hightstown and Sprint Spectrum, L.P., dated December 28, 2004.
2. That this approval is subject to and contingent upon Sprint obtaining amended site plan approval from the Planning Board, as well as receiving any and all other approvals that may be deemed necessary by the Planning Board.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Sprint Spectrum, L.P.
 - b. Frederick C. Raffetto, Esquire, Borough Attorney
 - c. Candace Gallagher, Borough Clerk/Administrator
 - d. Gary Rosensweig, Esquire, Planning Board Attorney
 - e. Carmela Roberts, P.E., Borough Engineer

**RESOLUTION 2006-200, A RESOLUTION PROVIDING THE BOROUGH'S CONSENT TO SUSPEND VERIZON
NEW JERSEY'S APPLICATION FOR MUNICIPAL APPROVAL TO PROVIDE CABLE TELEVISION
SERVICE WITHIN THE BOROUGH OF HIGHTSTOWN**

Mr. Raffetto reviewed the provisions of Resolution 2006-200. Councilmember Thompson asked if it is necessary to suspend this application. Mr. Raffetto replied that its adoption would be needed by Verizon with regard to certain timeframes, and will help them to move forward. The Resolution was then moved by Councilmember Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 6-0.

**RESOLUTION 2006-200 A RESOLUTION PROVIDING THE BOROUGH'S CONSENT TO SUSPEND VERIZON NEW
JERSEY'S APPLICATION FOR MUNICIPAL APPROVAL TO PROVIDE CABLE TELEVISION
SERVICE WITHIN THE BOROUGH OF HIGHTSTOWN**

WHEREAS, Verizon, New Jersey, Inc. ("Verizon") had previously applied to the Borough of Hightstown for a franchise to provide cable television service to the residents of the Borough, pursuant to the existing process specified under the New Jersey State Statutes; and

WHEREAS, while this application was pending, Verizon simultaneously pursued the drafting and adoption of new legislation at the State level which would alter the existing process to obtain a franchise to provide cable television services in the State of New Jersey; and

WHEREAS, the new legislation permits a system-wide franchise application which affords cable television service providers the opportunity to obtain a single franchise that authorizes the provision of cable television services throughout the entire State, rather than obtaining permission from individual municipalities on a case-by-case basis; and

WHEREAS, the new legislation has been approved by the New Jersey State Legislature and was recently signed into law by Governor Jon J. Corzine; and

WHEREAS, as a result of the adoption of the new legislation, it is Verizon's intention to file a system-wide franchise application, rather than to pursue approvals from individual municipalities on a case-by-case basis; and

WHEREAS, Verizon has contacted the Borough and has requested the Borough's consent to suspend its pending franchise application until the New Jersey Board of Public Utilities (the "BPU") grants Verizon a system-wide franchise; and

WHEREAS, the suspension of the pending application, and corresponding preservation of the current status quo, will enable the Borough and Verizon to renew the municipal process at its current stage in the unlikely event that Verizon is unable to obtain a franchise through the system-wide application process, for whatever reason; and

WHEREAS, if Verizon were to withdraw its application at the current time, rather than to suspend the same, both the Borough and Verizon would be required to start the application process anew in the unlikely event that Verizon is unable to obtain a franchise through the system-wide application process, for whatever reason; and

WHEREAS, commencing the process anew would require the parties to repeat much of the process that has already been completed (i.e., public hearing, etc); and

WHEREAS, if a system-wide application is granted, then Verizon shall withdraw its pending application under the municipal approval process; and

WHEREAS, the parties believe that it is in their mutual best interests to suspend the pending Verizon application until the BPU grants Verizon a statewide franchise.

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 Borough hereby provides its consent to Verizon to suspend the pending application filed by Verizon for municipal approval for its proposed cable television franchise within the Borough, pending final action from the BPU on Verizon's system-wide franchise, with the understanding that if a system-wide application is granted to Verizon, then Verizon shall withdraw its pending application under the municipal approval process.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Verizon New Jersey, Inc.
 - (b) Christine D. Petruzzell, Esquire
 - (c) Candace Gallagher, Borough Clerk/Administrator
 - (d) State of New Jersey Board of Public Utilities/Office of Cable Television
(Attention: Nancy J. Wolf, Coordinator, State and Local Planning, South)
 - (e) Hightstown Borough Cable Television Advisory Committee
 - (e) Frederick C. Raffetto, Borough Attorney

CONSENT AGENDA

Resolutions **2006-204, 205 and 206** were moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-204 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, September 30, 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 on Saturday, September 30, 2006 at 278 Monmouth Street.

RESOLUTION 2006-205 AUTHORIZING RELEASE OF AMOUNTS REMAINING IN ESCROW - COOLIDGE ELECTRIC

WHEREAS in May 2002, Coolidge Electric, Inc. posted a performance guarantee and escrow funds relative to their Planning Board application for work at 2 Cranbury Station Road (R&R File No. HPB0128); and

WHEREAS the subject property was recently sold by Coolidge Electric to Princeton Pool and Patio, Inc., who will complete the site plan improvements; and

WHEREAS the Borough Engineer has recommended that the all amounts remaining in escrow held on behalf of Coolidge Electric as referenced above be released to them, subject to payment of any outstanding fees and to the posting of escrow by Princeton Pool and Patio, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to release to Coolidge Electric all funds remaining in their escrow account as detailed herein, subject to payment of any outstanding escrow fees and to the posting of escrow by Princeton Pool and Patio, Inc..

RESOLUTION 2006-206 AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,540,404.27** from the following accounts:

Current	\$ 1,105,619.98
W/S Operating	72,715.30
General Capital	335,528.85
W/S Capital	3,239.65
Animal Control Account	850.00
Trust	1,734.03
Grant	4,924.44

COAH Trust	6,400.00
Public Defender	400.00
Escrow-Subdivision & Site Plan (First Washington Bank)	8,822.02
Housing Trust	170.00
Total	<u>\$1,540,404.27</u>

UNFINISHED BUSINESS

REGULATION OF GARAGE SALES

Ms. Gallagher reviewed information she had provided to Council regarding garage sale regulations in other towns. Fees, if charged, ranged from \$5 to \$15, and regulations included restrictions on frequency, signage and items which could be sold. She noted that the Borough's sign ordinance does include certain specific restrictions for garage sale signs, and said that the problem which spurred this research has since been resolved and is not likely to recur. Following a brief discussion, the consensus of Council was to avoid instituting new garage sale regulations at this time.

REPORT REGARDING SUMMER HOURS

Ms. Gallagher reported that the four-day work week which was undertaken by the Borough as a pilot program during the summer was very successful. She solicited input from each department head, and all were in agreement that the program worked well and accomplished its stated objectives: increased morale for employees, greater productivity, enhanced service to residents, reduction of emissions, and cost savings. While it is likely that the Borough realized savings in energy costs by being "dark" for three consecutive days during the summer's heat waves, she said, those savings are difficult to quantify; however, definitive savings were seen in the elimination of overtime for municipal court personnel during the hours between 4:30 p.m. and 6:00 p.m. on those Wednesdays where evening court sessions were held. She said that she received only one complaint, and that was from a teacher who thought that the schools should be doing this also. Generally, she said, the public seemed to like the summer hours, and the employees were very happy with that schedule. Ms. Gallagher recommended that this be instituted again during the summer of 2007 and thereafter.

NEW BUSINESS

PESTICIDE-FREE ZONES

Ms. Gallagher referred to several letters sent recently by various residents to the Mayor and Council requesting that Borough parks be declared "Pesticide-Free Zones." Larry Blake, she said, has informed her that the Borough does not use pesticides in our parks, "never has, and never will." She provided information in the meeting packet from the New Jersey Environmental Federation, which is the organization spearheading this effort, and recommended that, if Council wishes to formally adopt an Integrated Pest Management Program, as the Federation encourages, it refer this to the Borough's Environmental Commission. Consensus of Council was to proceed in that manner. Paul Byrne, member of both the Environmental Commission and the Parks Commission, was in attendance, and reported that this was brought up at the Environmental Commission and was referred by them to the Parks Commission, who will be reviewing it soon.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Steve Misiura, 352 South Main Street, Planning Board Chair, thanked Council for their reconsideration of amendments to the Planning Board's recommendations regarding the Redevelopment Plan. "I look forward to its passing at the next meeting," he said.

Ron Niebo, 115 South Street, said that he was "happy to hear that Borough workers are happy, and that no pesticides are being used." He also thanked Council for their reconsideration regarding the Redevelopment Plan.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2006-207**, authorizing a closed session for the purpose of discussing contract negotiations, litigation and possible litigation. The Resolution was moved by Councilmember Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 6-0.

RESOLUTION 2006-207 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on September 18, 2006 at approximately 9:55 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 – PBA, Emergency Medical Services;
Litigation – Buriak vs. Hightstown Planning Board; Mandarano v. Borough of Hightstown
Possible Litigation

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: December 18, 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 Quattrone, seconded by Councilmember Sikorski and unanimously approved. The meeting was adjourned at 10:33 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk