

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
Mayor Patten	✓	
Councilmember Harinxma	✓	
Councilmember Quattrone	Arrived later in the meeting	
Councilmember Rosenberg	✓	
Councilmember Schneider	✓	
Councilmember Sikorski	✓	
Councilmember Thompson	✓	

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 agenda was amended to postpone until September 18th a scheduled presentation by the Greater Hightstown-East Windsor Improvement Project regarding signage for the bridge abutment. The agenda was moved as amended by Council President Schneider, seconded by Councilmember Sikorski and approved by all present.

APPROVAL OF MINUTES

Minutes of the August 7, 2006 open and closed sessions were moved by Council President Schneider, seconded by Councilmember Sikorski and approved by all but Councilmember Rosenberg, who abstained

PRESENTATION

HIGHTSTOWN FIRST AID SQUAD – REPORT TO THE MAYOR AND COUNCIL

First Aid Squad Captain Erini Papafilipakis addressed the Mayor and Council to report on the “state of the Squad.” One year ago, she said, the Squad had only “a couple of EMTs” and was not riding any duty crews at all. Saint Francis was providing all coverage. Today, however, the Squad is covering two nights per week, and is hoping to be able to take on a third night by the end of the year. They are trying to be flexible in order to encourage volunteers. They are now allowing members to respond from their homes and no longer require a mandatory 12-hour shift. There are currently seven active, riding, certified EMTs, and 16 to 17 active members. One member is taking EMT classes. The banner posted on the

bridge abutment did generate a lot of interest, she said, but many potential members are not able to commit the time needed for training (110 hours and six months of education). Ms. Papafilipakis closed her comments by reporting that the Squad is working on a proposal regarding shared EMS services with East Windsor.

Mayor Patten asked which nights the Squad is currently covering. "Wednesdays and Sundays," Ms. Papafilipakis replied. She noted that there have also been times throughout the day where MONOC was on a call and a second ambulance was needed, and our volunteers have been able to pick that up. "I think it's coming together," she said. She added that the Borough may want to consider looking into grants or other sources of funding to replace the 1993 rig that is currently being used by MONOC. It may be possible, she said, to obtain a demo rig at a discounted price, or remount it on a new chassis.

The Mayor thanked Ms. Papafilipakis for her report, and stated that he is "appreciative and honored to have you and the Squad members as volunteers to serve our town."

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, spoke as a member of the Animal Welfare Committee to alert all present of a female cat that is in need of a home. She is a very sweet, tiger-striped cat that is declawed and neutered, and will not make it through the winter outside. She urged anyone interested in adopting her to contact herself or Kathy Patten.

Nancy Walker-Laudenberger, 632 South Main Street, read into the record a letter from **Ashley Hutchinson, Esq.**, Borough resident and Alternate Member of the Planning Board, urging Council to accept the recommendations of the Planning Board and move forward with the redevelopment of the Mill property. "The Mill Project and Redevelopment Plan have taken a majority of the Board's time and effort this summer," Ms. Hutchinson wrote. "As the newest member of the Board, I was impressed by the effort that was expended by the members of the Board itself as well as our professionals." Her letter went on to say, "The timely passage of this plan is of the utmost importance," citing the recent double-digit tax increase and the strong need for new ratables. She urged Council to take action that will "bring this existing abandoned property back to the tax rolls as a fully functioning, income producing site that will add to the fabric of our community." The plan proposed by the Planning Board, she said, considers both current and future needs, and was the result of an exhaustive effort during which "members of the board debated not only the amount and size of residential units and commercial space but also recreation and green space, parking requirements and our COAH obligations. We considered all public comment and actively sought the advice of learned professionals as well as Borough officials." "The time to act is now," Ms. Hutchinson's letter stated in closing. "I sincerely hope that you will respect the time, effort and research that has gone into the proposed plan and act accordingly."

Speaking for herself, Ms. Laudenberger echoed all sentiments expressed by Ms. Hutchinson in her letter. As a former Councilmember and a current member of the Planning Board and the redevelopment subcommittee, Ms. Laudenberger urged Council to move forward. "The Planning Board," she said, "has researched and done due diligence in this matter."

David Zaiser, 402 South Main Street, suggested that the revised Redevelopment Plan may offer a renewed opportunity to seek additional proposals. He stated that developers were "turned off" by the low number of units in the Borough's adopted Redevelopment Plan during the first RFP process, but "it is a much different project now." Mr. Zaiser also recommended that, for the second and third phase of the redevelopment, the Borough hire a professional firm to develop a Master Plan for those areas as a first step in the process, and use that in an RFP format to obtain proposals.

J. P. Gibbons, 602 North Main Street, asked Council to consider requiring a 48- or 72-hour notice to the public of any changes to the agenda. Regarding the First Aid Squad, Mr. Gibbons stated that he appreciates what they do, and asked

if it is possible to help the Squad in other ways rather than committing to six months of training. While he does not have the time or inclination to become an EMT, he said, he is willing to help in other ways, and he feels that others are also.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY REQUEST FOR STATEMENT OF CONSENT

Ms. Roberts reported that East Windsor is modifying its wastewater management plan because it had originally been thought that they would have one large plant and one satellite plant. They propose now to have only one plant that will process the same amount of waste. From the Borough's point of view, this is not a concern, she said. However, the plan also looks at the boundary line between the area served by East Windsor Township and the area served by Hightstown Borough. There are some properties in each town that are served by the other due to the manner in which that particular area developed, and certain parts of the plan should be modified to correctly reflect this. She has sent a letter to the NJDEP detailing the needed modifications, and they will eventually incorporate her comments into the approved wastewater management plan. The next meeting agenda, she said, will include a Resolution of Consent to the changes proposed by the EWMUA, and she sees no reason for the Borough to object to the relatively minor changes that East Windsor is seeking. Council generally agreed that approval will be in order at the next meeting.

RESOLUTION 2006-186, AUTHORIZING CHANGE ORDER NO. 1 AND FINAL AND PAYMENT NO. 1 –

S. BROTHERS, INC. (WILSON AVENUE ROADWAY IMPROVEMENTS)

Ms. Roberts noted that construction on Wilson Avenue is now complete. As discussed at the meeting of June 19, this change order incorporates repairs to the worst part of Cranbury Station Road as well as the correction of ponding at Church and Stockton Streets.

Resolution 2006-186 was moved by Councilmember Sikorski and seconded by Councilmember Rosenberg.

Roll Call: Councilmembers Harinxma, Rosenberg, Sikorski and Thompson voted yes. Council President Schneider abstained and Councilmember Quattrone was absent.

Resolution adopted, 4-0-1.

**RESOLUTION 2006-186 AUTHORIZING CHANGE ORDER NO. 1 AND FINAL AND PAYMENT NO. 1 –
S. BROTHERS, INC. (WILSON AVENUE ROADWAY IMPROVEMENTS – R&R FILE NO. H1731)**

WHEREAS, on June 5, 2006 the Borough Council awarded a contract for Wilson Avenue roadway improvements to S. Brothers General Contractors, Inc. of South River, New Jersey in the total amount of Fifty Thousand Two Hundred (\$50,200.00) Dollars; and

WHEREAS the contractor has submitted Change Order No. 1 and Final to this contract in the net amount of Nine Thousand Nine Hundred and Eighty-Seven Dollars and Twelve Cents (\$9,987.12); and

WHEREAS the contractor has also submitted Payment Request No. 1 for work done in the total amount of \$58,983.38, together with the required certified payrolls; and

WHEREAS the Borough Engineer has recommended approval of this change order and payment request;

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

1. Change Order No. 1 and Final to the contract with S. Brothers General Contractors, Inc. of South River, New Jersey, in the net amount of Nine Thousand Nine Hundred and Eighty-Seven Dollars and Twelve Cents (\$9,987.12) is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is Sixty Thousand One Hundred and Eighty-Seven Dollars and Twelve Cents (\$60,187.12).
3. Payment Request No. 1 by S. Brothers General Contractors, Inc. in the amount of \$58,983.38 is hereby approved, and the Treasurer is authorized to issue same.

**RESOLUTION 2006-187, AUTHORIZING CHANGE ORDER NO. 2 AND FINAL AND PAYMENT NO. 3 –
S. BROTHERS, INC. (WYCKOFF'S MILL ROAD RECONSTRUCTION)**

Ms. Roberts stated that work on Wyckoff's Mill Road is essentially complete, and that this change order represents "a few little odds and ends" that were added to the contract. The total, she said, is still below the original contract amount.

Resolution 2006-187 was moved by Councilmember Sikorski and seconded by Councilmember Thompson.

Council President Schneider asked when the work was finished. Ms. Roberts stated that a few punch list items were completed two weeks ago, but most of the work was done by June or July.

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

Resolution adopted, 5-0.

**RESOLUTION 2006-187 AUTHORIZING CHANGE ORDER NO. 2 AND FINAL AND PAYMENT NO. 3 –
S. BROTHERS, INC. (WYCKOFF'S MILL ROAD RECONSTRUCTION – R&R FILE NO. H1727)**

WHEREAS, on November 21, 2005 the Borough Council awarded a contract for the reconstruction of Wyckoff's Mill Road to S. Brothers General Contractors, Inc. of South River, New Jersey in the total amount of One Hundred and Seventy-Four Thousand Five Hundred and Eighty-Five (\$174,585.00) Dollars; and

WHEREAS on August 7, 2006, Change Order No. 1 to this contract was approved in the net amount of NEGATIVE One Thousand Three Hundred Nineteen Dollars and Sixty Cents (-\$1,319.60), bringing the total contract price to One Hundred and Seventy-Three Thousand Two Hundred and Sixty-Five Dollars and Forty Cents (\$173,265.40); and

WHEREAS the contractor has submitted Change Order No. 2 and Final to this contract in the net amount of \$1,228.64, as detailed on the attached listing; and

WHEREAS the contractor has also submitted Payment Request No. 3 for work done in the total amount of \$2,905.37; and

WHEREAS the Borough Engineer has recommended approval of this change order and payment request, subject to receipt of the required certified payrolls;

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

1. Change Order No. 2 and Final to the contract with S. Brothers General Contractors, Inc. of South River, New Jersey, in the net amount of \$1,228.64 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 2, the revised contract price is \$174,494.04.
3. Payment Request No. 3 by S. Brothers General Contractors, Inc. in the amount of \$2,905.37 is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2006-188, AUTHORIZING EMERGENCY PURCHASE OF TRICKLE FILTER RECIRCULATION PUMP FOR USE AT THE BOROUGH'S ADVANCED WASTEWATER TREATMENT PLANT

Ms. Roberts reported that the subject pump is very important in our treatment process. Our two pumps pump over 1,000,000 gallons per day, she said, and each supports the other. Having one out of operation puts us in a dangerous situation – if we lost the second, we would have a “full-fledged crisis.” The DEP is very concerned about this, and the AWWTP Superintendent has declared this to be an emergency and has taken steps, with the approval of the Borough Administrator, to expedite delivery of a replacement pump. She recommended approval of this Resolution.

Resolution 2006-188 was moved by Councilmember Thompson and seconded by Councilmember Sikorski.

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

Resolution adopted, 5-0.

RESOLUTION 2006-188 AUTHORIZING EMERGENCY PURCHASE OF TRICKLE FILTER RECIRCULATION PUMP FOR USE AT THE BOROUGH'S ADVANCED WASTEWATER TREATMENT PLANT

WHEREAS, N.J.S.A. 40A:11-6 provides that purchases may be authorized and contracts awarded without public advertising for bids when an emergency affecting the public health, safety or welfare requires immediate action; and

WHEREAS, the Superintendent of the Advanced Wastewater Treatment Plant has notified the Borough Administrator that immediate replacement of a trickle filter recirculation pump at the plant is necessary, and has provided a written statement of the nature of this emergency and the need for immediate action, in accordance with the requirements of N.J.S.A. 40A:11-6, which statement is attached hereto and made a part of this resolution; and

WHEREAS, he has solicited competitive quotations for this equipment, and has recommended its purchase from the firm submitting the lowest price, J. T. Seeley & Co. of Valley Forge, PA, for a cost of \$8,868.00 plus shipping costs; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the purchase of a trickle filter recirculation pump as outlined herein for a total price not to exceed \$8,868.00 plus shipping costs is hereby ratified and approved.

ORDINANCES

INTRODUCTION AND FIRST 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**

Mr. Raffetto stated that the Planning Board responded to Council's request to recommend revisions to the Borough's adopted Redevelopment Plan, and they have submitted a revised Plan to Council for their consideration. Discussion of this began at the last meeting, he said, but because not all Council members were present, action was postponed to this meeting. This Ordinance would amend the Redevelopment Plan in accordance with the Planning Board's recommendations.

Mr. Raffetto went on to explain that, under Redevelopment Law, if Council determines to reject any or all of the suggestions made by the Planning Board, they must adopt a Resolution setting forth their reasons for doing so. This, he said, is because the 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).

Council President Schneider asked for a recapitulation of the changes recommended by the Planning Board. Ms. Roberts stated that these changes include:

- An increase in the permitted number of residential units. This plan sets a lower limit of 115 and an upper limit of 130.
- The requirement that affordable units be constructed onsite.
- A requirement for the submittal of traffic and parking studies which prove that the plan proposed can be accommodated within the Borough, and if not, a provision allowing the Planning Board to make modifications to it.
- A reduction in the amount of commercial and office space.
- The requirement that a DEP-approved environmental remediation plan be submitted by the redeveloper at the time of the site plan application.
- Allowing the Planning Board to grant certain variances and have jurisdiction over certain bulk requirements (which, normally, they would have) rather than requiring the redeveloper to have to come back to the Council and have the Plan changed.
- Statements specifying that 15,000 square feet of municipal space would be required, as well as parking for employees, volunteers and municipal court uses.
- A requirement that the vault be replaced, and a more generally worded section regarding the “fitting out” of the municipal facility to state simply that the redeveloper must provide a place “where normal business operations can occur.”

It was noted that this Plan requires the developer to make a contribution (amount unspecified) to the recreation trust fund for various improvements within the Borough. The Plan also includes a portion of the Greenway to be constructed by the developer.

Ms. Roberts provided information regarding the current levels of contamination at the Mill site. Arsenic there will prevent the construction of living facilities on that portion of the grounds. Instead, soil in the contaminated area will be excavated, then it will be covered with asphalt, and will be a parking area. This has been approved by the DEP, she said. Another environmental issue there is vapors due to groundwater contamination that has existed for some time and is being monitored by the DEP. This is under the watch and responsibility of Phillips Lighting. While the problem would gradually diminish and would resolve on its own within the next 10 to 20 years, the developers who have looked at this would want to expedite the cleanup. If contamination remains, any occupied buildings could undergo remediation similar to what is done for radon contamination, where vapors are discharged.

Councilman Thompson asked about the minimum and maximum square footage of the units. Ms. Roberts stated that the Planning Board established that the units would be no less than 1,000 square feet (excluding any storage space in the basement), and have no more than two bedrooms. Maximum square footage was not established.

At this time, the introduction of **Ordinance 2006-19** was moved by Councilman Sikorski and seconded by Councilmember Rosenberg. Discussion continued.

Councilman Thompson asked Mr. Raffetto for clarification regarding where the Borough is in this process. Mr. Raffetto stated that adoption of the revised Redevelopment Plan is a necessary first step, as it will establish the framework of what the Borough is looking for. After that, it would be appropriate to identify and name a redeveloper.

Councilman Sikorski noted that Richard Redding of The Wolfington Companies was in attendance, and he asked him to explain the COAH requirements, the expected selling price for the affordable units (which has been referenced as \$79,000) and the concept of an RCA (Regional Contribution Agreement) with another community.

Mr. Redding stated that the Borough could opt to be a "receiving municipality" in an RCA agreement, where we would accept the obligation of another municipality in exchange for a set fee (currently a minimum of \$35,000 per unit). However, this would satisfy the *sending* municipality's COAH requirements and would not help us meet our own growth share obligation.

Council President Schneider asked Mr. Redding if a contribution from the redeveloper in lieu of building the COAH units would be feasible in this instance. Mr. Redding stated that, if the Borough had a Housing Plan and needed funding in order to implement it, we could negotiate with a developer to make a contribution toward that. Mr. Schneider asked about rehabilitation of existing units. Mr. Redding stated that the Borough could receive rehab credits if we are alleviating substandard housing, but it would not count towards our growth share obligation. Mr. Schneider stated that it would appear that the affordable units being constructed as part of this plan are driving the total number of units further up, and causing them to be smaller. More units, he reasoned, would mean more cars that would need to be parked.

Mayor Patten stated that the Sockler report indicated and substantiated that the market right now is for 1,000 square foot units and that larger units would not sell as well here.

Council President Schneider said that he would like to see this project built, and asked about the Borough's options in meeting its affordable housing obligation, and how that is affecting the quality of life for our residents. "I believe that the likelihood of any developer finding a good location here to put other affordable units is slim, so I don't believe that it is necessarily realistic to construct offsite," he said, "but if the number of COAH units going into this project were reduced, the number of other units would be impacted." He went on to say that the Borough's COAH obligation "seems voluntary in our circumstance because not meeting the requirements does not carry a penalty other than lack of support from COAH. Many towns don't want it and are happy to pay money not to have it." Councilman Sikorski asked the Borough Attorney to comment in this regard. Mr. Raffetto stated that there is always the possibility that the Borough could find itself vulnerable to a lawsuit by a developer if it does not participate in the COAH process. We are actively seeking the approval of our Housing Element and Fair Share Plan that is currently before COAH, he said. While doing so, it would seem contradictory to disregard the potential obligations that arise from a potentially large development.

Mayor Patten stated that "the mindset of this Council and previous Councils and the Planning Board" has been to put the affordable units onsite. "That is what the people in this town want," he said, and added that we are seeking "a nice mix" of housing styles and socioeconomic levels. Council President Schneider stated, "I don't necessarily object to these being onsite, but it is a driver of density and therefore a topic of discussion." He said that he wants to be clear regarding the Borough's options.

Councilman Thompson stated that he has always favored the COAH units being onsite, "but it is a good point that whatever is stipulated in this Plan binds us unto a corner." He said that we should keep the Plan as flexible as possible.

Councilman Sikorski asked the Borough Engineer to comment regarding parking. Ms. Roberts stated that we need to assure that the town can accommodate the number of units proposed by a developer from the traffic perspective. "The traffic study may drive down the number of units," she said, "and that could impact the required number of COAH units." The size of the units has decreased over time, she said, but the Sockler report has indicated that there is a point at which a larger unit does not command a higher price. From the developer's perspective, a 1,000 to 1,200 square foot unit may sell for the same price as a larger unit.

Councilman Thompson noted that both developers have stated publicly that they did not agree with the numbers included in Mr. Sockler's report, and felt that the units would sell for a higher price than was indicated in that report.

Council President Schneider asked what would happen if the parking or traffic study called for a lower number of units than the minimum specified in this Plan (115). Would this then have to come back to Council for an amendment, he asked, and then be referred once again to the Planning Board? Ms. Roberts stated that the Planning Board has incorporated a provision in this Plan requiring the traffic study must show that the Borough can accommodate what is proposed. If not, the number of units must be reduced accordingly, and the Plan would not have to come back before Council in that instance. Councilmember Harinxma asked if the Plan still requires two parking spaces per unit. Ms. Roberts stated that the requirement is slightly less and is based on Residential Site Improvement Standards which govern all development in the State. The parking requirement is also greatly impacted, she said, by the amount of office and commercial space. The most recent plan includes more residential and less commercial space. The reduction in office space should improve traffic and parking circumstances, she said.

"The plan is great," Councilmember Rosenberg said, and he expressed appreciation to those who have worked on it. It "paints a great picture of what we want as a town," he said, and provides enough flexibility for effective negotiations. He added that his only concern is establishing a minimum of 115 units. He would like to see that number changed to 80.

Fred Montferrat, Planning Board Chair, was in attendance and noted that the range of 115 to 130 units was established at the recommendation of the Borough's professionals. Councilman Thompson asked if there was any disadvantage to having a wider range. Nancy Walker-Laudenberger, Planning Board member, was in attendance as well, and stated that the Planning Board looked at what they hoped to attract there. "We hoped to attract young professional couples or two individuals sharing a condo," she said. "With that in mind, we wanted to keep most units in a two-bedroom configuration." With the square footage, this would fit into that range, she said, adding that three-bedroom units would encourage families, and there are other opportunities in the Borough for that. They also did not want studio apartments. Ms. Laudenberger went on to say that, with less office and retail, there was more space for residential. Mr. Montferret added, "when we looked at 80 units, the living space was just too large. It would not fit into what the market was calling for." Councilmember Rosenberg suggested that the number of units could be decreased without increasing the size of the units, and that there could then be more green space. Mayor Patten noted that this would not be profitable for the developer. Council President Schneider suggested a range of 80 to 130 units, and asked if there was a downside to simply leaving more green space. "Developers are not knocking on the door to do that," Mr. Montferrat said. "This project has been advertised for years."

"We spent a lot of time nitpicking every item that you are now nitpicking," Ms. Laudenberger said, "and it would have been great to have some of you at those open meetings. You would have seen the process we went thorough and agonized over. We're very proud of what we sent over to Council."

Councilmember Thompson noted the importance of the completion timeline for this project, and asked Mr. Raffetto if that could be stipulated in the Redevelopment Plan. Mr. Raffetto replied that this is not typically part of the Plan, but would be negotiated as part of the Redeveloper's Agreement.

Councilmember Sikorski asked Mr. Redding to comment regarding the project's financial advantages to the Borough. Mr. Redding first stated, regarding the timeline of the project, that there are several regulatory issues that must be resolved before work could begin. Once all the permits and approvals are in place, he said, the timeline can be predicted, but "the question is ... how long it will take DEP to act." He also stated that, when the original plan was adopted, COAH had not yet adopted their Third Round rules. The Borough thought then that it could accept a fee, and the project worked at 88 units. Now, however, there must be more units built in order to offset the added costs for each onsite affordable unit.

With respect to financial advantages, Mr. Redding said that both long- and short-term tax abatements were considered, and the Borough felt that a short-term abatement (five years) may be acceptable. One of the benefits of this, he said, is that it would "jumpstart this project" to attract purchasers with a low initial tax burden; however, "the real beneficiary is the Borough." With a \$30 million project and a 2% PILOT, he said, the Borough would realize revenues of \$600,000 per

year, all of which we could retain. (Currently, the Borough realizes approximately \$11,000 per year in tax revenue from this property.) At the end of the PILOT period, revenues would drop to ordinary taxation levels, which he estimated at \$220,000 per year. Councilmember Thompson asked how this would impact our schools. Mr. Redding stated that during the PILOT period, the school district would continue to receive tax revenues at the current level, and the Borough could opt to share the PILOT with them if they were inclined to do so. This would be easier to do, he noted, if it were not a shared district.

Council President Schneider said that he would like to know what the Borough's options are regarding the affordable housing obligation, and that he sees no need for additional square footage at the municipal building, as he does not feel that the Borough's workforce will grow over time. He acknowledged that there have been some issues with court being "a little crowded," but said that we have dealt with those. The police department has been in need of being brought up to current standards, he said, but prior Councils have discussed expanding that department into the old Public Works garage, and expanding Borough offices into the space currently occupied by the police. "I am not in favor of the municipal building being included at all," he said, adding that it should be a separate project. Mr. Schneider also expressed concern that additional retail on Main Street would not be good for the Borough's other businesses, and that access to the municipal building would be too dramatically impacted by changing the front of the building.

Councilmember Thompson suggested that the Redevelopment Plan be changed before it is introduced to provide greater flexibility and to give Council more ability to negotiate with a redeveloper. He suggested that the range of permitted residential units be made wider and proposed that it be changed to "50 to 150" units. In addition, although he reiterated that his desire is to have the COAH units onsite, he suggested that this language be changed also to provide more flexibility. He further suggested that the required square footage for the municipal building might be lowered from 15,000 square feet to 12,000 or even 8,000 square feet.

Mayor Patten recommended that, if Council is in agreement that revisions are in order to what the Planning Board has submitted, they hold "as many special sessions as needed" to bring this about. He noted that the Planning Board held two extensive special sessions in June and July for this purpose. Councilmember Thompson expressed concern about slowing this process, and said that he would like to "move forward as agilely as possible." The Mayor asked if Council would want to invite further input from the Planning Board. He urged Council not to discount the work put into this by the Planning Board and others.

Councilmember Harinxma expressed support for adding flexibility to the Plan.

Councilmember Sikorski stated that he is philosophically committed to having all of the affordable housing onsite. He had no objection to lowering the minimum number of residential units called for, but said that he would not want to see the maximum number of units go higher than 130.

Councilmember Thompson stated, "we need to move forward tonight. We can't wait any longer." With that, he moved the introduction of Ordinance 2006-19 with the following changes:

1. A change in the range of permitted residential units to be from 50 to 150.
2. A change in the language regarding affordable housing to indicate that, while the intent is to have those units onsite, there would be some flexibility there.
3. Relaxing the requirement for 15,000 square feet of municipal space.

Council President Schneider stated again that the municipal building project should be separate from this. If included at all, he said, it should be an option. Councilmember Thompson noted that, if it were not included, the Borough would be getting other concessions from the developer.

Ms. Roberts noted that the Borough Hall became a part of this Plan because the Borough currently uses the parking lot behind the freight station, which we do not own. Renovating the municipal building, she said, was “something of a quid pro quo,” because the developer would get the use of the Borough’s land and the Borough would get something in return. She would not want to see the Borough lose that flexibility with any modifications. She noted that the Plan provides that if the value of the improvement to Borough Hall was less than the value received by the developer in this exchange, the developer would provide cash to the Borough to cover that difference. If the Borough were to receive the greater value, however, there would be no payment by the Borough to the developer. As discussion evolved regarding renovations to Borough Hall, how much retail space should be included and where it should be located, Mayor Patten cautioned the Council, saying “we are not planners. We should have a planner here. Be careful what you’re asking for.”

Councilmember Rosenberg stated, “there is such a thing as too much flexibility.” Our Master Plan, he said, calls for retail space in that area, and we have to provide a framework. The high end of the range for residential units, he said, should be 130. Reducing the lower end of the range, however, allows us flexibility.

Councilmember Sikorski asked when the firm decisions would be made and what the process would be for doing so. “When does an option get to be a decision?” he asked. “We don’t have any money to conduct subcommittee meetings with our professionals because the escrow is gone.” Mr. Raffetto stated that final decisions would come back before Council as the Redevelopment Agency.

Councilmember Thompson again stated his motion to introduce the Ordinance with changes as stated previously. Discussion ensued regarding the requirement for retail space. Ms. Roberts recommended that a minimum square footage be set in order to avoid a developer minimizing that in favor of more residential (which is more profitable). “If you want retail,” she said, “state it, and state your minimum. It is unlikely you’ll get more.” She also cautioned Council to “be careful with the max on residential. They’ll shoot for that.”

Mayor Patten again suggested a special meeting during the following week to formulate the changes being discussed.

At this time, Councilmember Quattrone arrived at the meeting.

Councilmember Thompson again moved the introduction of Ordinance 2006-19 with the three changes previously articulated, and no change to the language regarding retail. Discussion continued.

Ms. Roberts noted that the Plan as proposed does not stipulate a specific number of square feet for retail. That is included in a stipulation requiring a total of 35,000 square feet for office, retail, commercial and governmental use. Council President Schneider suggested that the range of residential units be changed to from 80 to 130. He noted that, unless the retail is put on Main Street, there is no other good location for it on this site.

After some further discussion, Councilmember Thompson restated his motion to introduce Ordinance 2006-19 with the following changes:

1. A requirement for between 50 and 150 residential units.
2. More flexible COAH language, with the intent that it be included onsite
3. A provision that if the Borough provides its land, it will receive a Borough Hall in return, without any stipulation regarding square footage. That would be negotiated in the Redeveloper’s Agreement.
4. A required minimum of 6,300 square feet of retail space.

The motion was seconded by Councilmember Harinxma.

Councilmember Rosenberg asked how we came up with 6,300 square feet for the required amount of retail space. Mr. Raffetto stated that the subcommittee felt that it would be appropriate to include a retail component, especially on Main Street. The negotiated figure came to 6,300 square feet, which was eventually proposed as an addition to the existing municipal building.

Councilmember Rosenberg said that he preferred the language regarding this that was presented in the proposed plan. He would also prefer a narrower range of 80 to 130 residential units. "Why go higher than what the Planning Board recommends?" he asked. Council President Schneider agreed.

Mayor Patten and Mr. Montferret noted that the Planning Board revised the Plan according to the Borough's needs, not the developers' proposals.

Councilmember Harinxma stated that "having walkable businesses is a real asset." The way the Plan is written, she said, leaves it too open to getting rid of the retail component altogether. This was discussed at some length. Council President Schneider stated that he does not want to tie our hands by Ordinance when changing it is a very involved process. "If not this building," he said, "where is retail that works?" Councilmember Sikorski stated that the concept of having the retail on Main Street is to extend the walking community.

Councilmember Thompson stated that he is comfortable that the Plan should not be changed with respect to retail requirements and revised his motion to remove the last stipulation (item #4).

Councilmember Quattrone stated that "the biggest killer of the downtown that he can remember" was when the professional offices came in. Retail left then, and there was nothing to draw the community. He feels that including retail is important, and added that it must be open at night. Councilmember Harinxma agreed, stating that the demographics of Hightstown have changed, and there are many families now with young children. "People want something they can walk to," she said. "Retail should be a component."

Mayor Patten stated that the Borough should seek the recommendations of the EDC before making these kinds of decisions.

After further discussion, Councilmember Thompson stated that his prior motion (as previously seconded by Councilmember Harinxma, and including a requirement for a minimum of 6,300 square feet of retail space – see page 10) would stand. After brief additional discussion, the roll was called.

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

Introduction of Ordinance with stated amendments DEFEATED, 4-2.

Council now proceeded to introduce and vote on amendments to the proposed Ordinance one at a time.

Motion - Amendment #1: Council President Schneider moved that the ordinance be amended to **include a range of 80 to 130 for permitted residential units**. This motion was seconded by Councilmember Rosenberg.

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

Amendment #1 adopted, 5-0.

Motion – Amendment #2: Council President Schneider moved that the **inclusion of the municipal building in the plan be made optional**, just as it was in the original plan. This was seconded by Councilmember Thompson.

Councilmember Quattrone stated that if the municipal building is left out of the Plan, the developer should provide funds to be used toward the existing building. Mr. Schneider agreed and so amended his motion. Councilmember Sikorski noted that, from the beginning of this process, it was intended that renovations to the municipal building would be a part of this, because it would be an asset to the Borough. This, he said, is the logical place for the retail component. Council President Schneider stated that there is no question that renovations are needed to the existing building, but asked “do we really want to be on top of that retail?”

Councilmember Sikorski stated that the Developer’s cost to expand this building would be in the area of \$950,000, plus the \$50,000 that was offered to the Borough in their most recent proposal.

Council President Schneider stated again that “Borough Hall should not be involved in this. We should just address what is at Bank Street. I have no problem leaving that option open,” he said, “but I am not in favor of taking this building away.” He then **restated his motion** to “**adjust the recommendation from the Planning Board to read that the inclusion of Borough Hall in this plan at all is fully at the option of Council and/or the Redevelopment Agency,**” and to **include financial consideration from the developer if Borough Hall is left out of the plan.**

The Mayor asked Council if they want to make sure that Borough Hall gets redeveloped. Councilmember Thompson stated, “if leaving Borough Hall out gives us fewer units, we want the flexibility.” Mayor Patten stated that it is his understanding from Ms. Gallagher that the municipal building must be improved. Councilmember Quattrone agreed with that statement. He asked if the issue of renovating Borough Hall would be negotiated later in the process if this motion is adopted. Mr. Raffetto stated that it could be negotiated as a part of the Redeveloper’s Agreement.

The roll was then called on this amendment to the ordinance.

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

Amendment #2 adopted, 4-2.

Motion – Amendment #3: Council President Schneider moved that the proposed Ordinance be amended to state that **the Borough’s COAH obligation must be met, but how it would be met would be subject to negotiation with the redeveloper.** Councilmember Thompson seconded this motion, noting once again that he supports including the affordable housing onsite. After brief discussion, the roll was called.

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

Amendment #3 adopted, 4-2.

Councilmember Harinxma noted that Council had not yet addressed the issue of retail space. The requirement in the proposed ordinance for a total of 35,000 square feet of retail, office, commercial and governmental space, she pointed out, will change in light of what Council is doing at this meeting. “We need to set a minimum on what we want as retail,” she said. Council President Schneider stated that this requirement should apply only if Borough Hall is included in the plan.

Motion – Amendment #4: After further discussion, Councilmember Harinxma moved that the Ordinance be amended to **establish a minimum requirement of 6,300 square feet of retail space**, without reference to Borough Hall. This motion was seconded by Councilmember Quattrone and a roll call vote was taken.

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

Amendment #4 adopted, 4-2.

Motion – Amendment #5: Council President Schneider noted that the provision for a minimum of 35,000 square feet of retail, office, commercial and governmental space was not amended, and is now at odds with Council's other actions. Municipal space is optional, and retail space has been separately addressed. He moved that this language be changed to **require simply a minimum of 14,000 square feet of office space, with no further mention of government, commercial or retail space.** His motion was seconded by Councilmember Thompson.

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

Amendment #5 adopted, 4-2.

INTRODUCTION OF ORDINANCE AS AMENDED: It was then moved by Council President Schneider, seconded by Councilmember Quattrone, that **Ordinance 2006-19 be introduced as modified by Council at this meeting.**

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

Ordinance introduced, 4-2.

The public hearing and final reading for Ordinance 2006-19 was set for September 18, 2006.

INTRODUCTION AND FIRST 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, Ordinance 2006-20 was moved for introduction by Councilmember Thompson and seconded by Councilmember Quattrone.

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

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST 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, Ordinance 2006-21 was moved for introduction by Councilmember Sikorski and seconded by Council President Schneider.

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

Ordinance introduced, 6-0.

RESOLUTIONS

RESOLUTION 2006-189, A RESOLUTION AWARDING A LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT CRANBURY STATION ROAD, TO T-MOBILE NORTHEAST, L.L.C.

Following a brief review by Ms. Gallagher, Resolution 2006-189 was moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-189 A RESOLUTION AWARDING A LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT CRANBURY STATION ROAD, TO T-MOBILE NORTHEAST, L.L.C.

WHEREAS, N.J.S.A. 40A:12-14 and N.J.S.A. 40A:12-24 require public bidding when a municipality has determined to lease any real property or personal property not otherwise needed for municipal public use; and

WHEREAS, by Resolution No. 2006-96, adopted on April 3, 2006, the Borough of Hightstown authorized and directed the Borough Clerk to publish advertisements for the receipt of sealed bids for a lease of space on and adjacent to the Borough's water tower located at Cranbury Station Road, subject to the terms and conditions set forth in the Resolution as well as subject to all terms and conditions set forth in the Borough's bid documents and proposed contract; and

WHEREAS, the said advertisements were published in accordance with applicable law and indicated that the sealed bids would be received from any and all interested applicants at 11:00 a.m., prevailing time, August 17, 2006, at the Hightstown Borough Hall; and

WHEREAS, on that date, the Borough received a timely submission from one (1) bidder, T-Mobile Northeast, L.L.C. (hereinafter referred to as "T-Mobile"); and

WHEREAS, the bid submitted by T-Mobile proposes a rental fee in the total amount of \$24,000.00 per annum, representing \$2,000.00 per month for the initial five (5) year term, with the option of renewals for four (4) successive periods of five (5) years each, upon the same terms and conditions as those governing the initial term, except as to the rental rate, which shall increase at the rate of three percent (3%) per year for each year after the initial term; and

WHEREAS, the financial amount offered by Nextel is in accordance with the minimum dollar amount required in Resolution No. 2006-96; and

WHEREAS, the bid submitted by T-Mobile contained a number of exceptions to the requirements set forth in the Borough's bid documents and to the terms and conditions set forth in the proposed contract; and

WHEREAS, the proposed exceptions requested by T-Mobile are being reviewed by the Borough Attorney; and

WHEREAS, the Borough Council wishes to award the bid for this lease of space to T-Mobile, subject to the review and approval of the Borough Attorney as to any exceptions taken by T-Mobile to the Borough's bid documents and to the terms and conditions set forth in the proposed contract.

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, subject to the conditions set forth herein, the Borough hereby awards a contract to T-Mobile for a lease of space on and adjacent to the Borough's water tower, located at Cranbury Station Road, for a five (5) year term, in the amount of \$24,000.00 per annum, representing \$2,000.00 per month for the initial five (5) year term, with the option of renewals for four (4) successive periods of five (5) years each, upon the same terms and conditions as those governing the initial term, except as to the rental rate, which shall increase at the rate of three percent (3%) per year for each year after the initial term.
2. That this award is subject to all of the terms and conditions set forth in Resolution No. 2006-96, as well as all terms and conditions set forth in the Borough's bid documents and proposed contract for this matter.
3. That the Borough authorizes and directs the Borough Attorney to review all exceptions taken by T-Mobile to the Borough's bid documents and to the terms and conditions set forth in the proposed contract, and to advise the Borough as to the acceptability of such exceptions. The award of this bid is specifically contingent upon the review and approval of the Borough Attorney as to any exceptions taken by T-Mobile to the Borough's bid documents and to the terms and conditions set forth in the proposed contract. If, after negotiation with T-Mobile, the Borough Attorney is not satisfied with any or all of the exceptions taken by T-Mobile, then the award of this contract shall be void.
4. That, subject to the approval of the Borough Attorney, the Mayor is authorized to execute and the Municipal Clerk to attest a Communications Site Lease Agreement between the Borough of Hightstown and T-Mobile.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. T-Mobile Northeast, L.L.C.
 - b. Frederick C. Raffetto, Esq., Borough Attorney
 - c. Candace Gallagher, Borough Clerk/Administrator
 - d. Carmela Roberts, P.E., Borough Engineer

**RESOLUTION 2006-190, A RESOLUTION RESCINDING RESOLUTION NO. 2005-132, REGARDING THE
AWARD OF A LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT
FIRST AVENUE TO NEXTEL COMMUNICATIONS OF THE MIDATLANTIC, INC. D/B/A NEXTEL
COMMUNICATIONS**

Following a brief review by Ms. Gallagher, Resolution 2006-190 was moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

**RESOLUTION 2006-190 A RESOLUTION RESCINDING RESOLUTION NO. 2005-132, REGARDING THE AWARD OF A
LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT FIRST
AVENUE TO NEXTEL COMMUNICATIONS OF THE MIDATLANTIC, INC. D/B/A NEXTEL
COMMUNICATIONS**

WHEREAS, on May 16, 2005, the Borough adopted Resolution No. 2005-132, which authorized the award of a lease of space to Nextel Communications of the Mid-Atlantic D/B/A Nextel Communications (hereinafter referred to as "Nextel"), following open public bidding; and

WHEREAS, the award authorized a non-exclusive lease of space on or adjacent to the Borough's water tower located on First Avenue, for the placement of cellular telephone and associated equipment; and

WHEREAS, following the adoption of Resolution No. 2005-132, Nextel has not executed the necessary Lease Agreement, nor has Nextel taken any actions to proceed with any application(s) for site plan and/or other necessary approvals before the Hightstown Borough Planning Board, as required; and

WHEREAS, Nextel has recently advised that it is no longer interested in this site, and that it therefore wishes to rescind its bid; and

WHEREAS, the Borough Council wishes to rescind the authorization provided to Nextel pursuant to Resolution No. 2005-132, and to authorize the return of all of Nextel's bid guarantees and related documents.

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 Resolution No. 2005-132, as adopted by the Borough Council on May 16, 2005, is hereby rescinded.
2. That the Borough Administrator is hereby authorized and directed to return to Nextel the bid guarantees submitted with its bid, and any other materials as are appropriate at this time.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Nextel Communication
 - b. Frederick C. Raffetto, Esquire, Borough Attorney
 - c. Candace Gallagher, Borough Clerk/Administrator

CONSENT AGENDA

Resolutions 2006-191, 192, 193, 194, 195, 196, 197 and 198 were moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-191 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-164 TO EAST WINDSOR P.A.L.

WHEREAS, the East Windsor P.A.L. wishes to hold an on-premise merchandise raffle at the Hightstown High School on November 4, 2006; and

WHEREAS, the group has submitted application number RA-164 for this raffle; and

WHEREAS, no fees are due and payable at this time because the amount of the prize is anticipated to be less than \$400.00; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-164 to the East Windsor P.A.L. for their raffle to be held on November 4, 2006.

RESOLUTION 2006-192 RESOLUTION SUPPORTING THE MAYORS WELLNESS CAMPAIGN

WHEREAS, across New Jersey, communities are facing a rise in health care costs, and

WHEREAS, physical activity levels have been decreasing and obesity rates increasing, and

WHEREAS, local leaders are looking for ways to promote active living, healthy eating, and overall wellness in their communities, and

WHEREAS, the Mayors Wellness Campaign works with Mayors and key leaders to shape healthier lifestyles for the men, women and children in their communities, and

WHEREAS, communities can work towards the goal of healthier citizens and lower health care costs by championing practices and programs that promote active living, and

WHEREAS, the Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for the Borough of Hightstown; and

WHEREAS, the Borough's partnership with the New Jersey Council on Physical Fitness and Sports will help our community to provide a safe and healthy environment for our residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that we ask all residents of this community to join us in supporting the Mayors Wellness Campaign, and

BE IT FURTHER RESOLVED, that we encourage the residents of Hightstown to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

RESOLUTION 2006-193 AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF SEPTIC WASTE WATER, GRAY WATER AND/OR FATS AND GREASE – TRIPLE J SEPTIC

WHEREAS, Triple J Septic of Farmingdale, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water, gray water and/or fats and grease; and

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant and the Borough Engineer, and Triple J Septic has submitted a signed agreement for the consideration of the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Triple J Septic for acceptance and processing of septic waste water, gray water and/or fats and grease, which agreement is attached hereto and incorporated herein, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

RESOLUTION 2006-194 AUTHORIZING REFUND OF PARKING PERMIT FEES

WHEREAS on June 28, 2006, the Borough received payment in the amount of \$225.00 from RSM Junk I, LLC, 102 Main Street, Hightstown, NJ (t/a 1-800-GOT-JUNK) for parking permits #13, #14 and #15 covering the period July 1, 2006 through June 30, 2007; and

WHEREAS subsequent to issuance of the permits, the firm learned that the parking of trucks was not permitted in the Borough's Stockton Street parking lot or in the area leased by the Borough for permit parking purposes from Wachovia Bank; and

WHEREAS the firm was advised by the Chief of Police that they would not be able to park their trucks in these areas after July 31, 2006; and

WHEREAS RSM Junk has requested a refund of the unused portion of the permit fees;

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

1. The Treasurer is hereby authorized to refund to RSM Junk I, LLC the amount of \$206.25, representing a refund of 11 months of the parking permit fees for the three permits issued.
2. Parking permits #13, #14 and #15 shall be marked VOID and kept on file in the Borough Clerk's office.
3. A copy of this Resolution shall be provided to the Borough Treasurer, Chief of Police and RSM Junk I, LLC.

RESOLUTION 2006-195**AUTHORIZING ISSUANCE OF TAXICAB DRIVER'S LICENSE**

WHEREAS, an application for issuance of a taxicab driver's license, which application complies with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Rosa Hicks, 64 Gilman Place, Hightstown, New Jersey; and

WHEREAS, the Chief of Police has reviewed the application and has approved issuance of the license;

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 driver's license to Rosa Hicks, 64 Gilman Place, Hightstown, New Jersey.

RESOLUTION 2006-196**AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS N.J.S.A. 54:4-8.64 provides that homestead rebates be sent directly to the municipality on behalf of claimants who are delinquent for taxes due and payable for the year immediately preceding, to be credited against the claimant's delinquency; and

WHEREAS the statute further provides that, in the event that the amount so credited exceeds the amount of delinquency, the tax collector may return the difference to the taxpayer or credit such amount to the subsequent property tax bill; and

WHEREAS the Borough Tax Collector received a homestead rebate payment in the amount of \$800.00 on behalf of Professor and Mrs. John Willis, 158 Academy Street; and

WHEREAS the delinquency on this account consisted of 2005 taxes in the amount of \$30.27 plus outstanding interest in the amount of \$212.48, totaling \$242.75; and

WHEREAS the Willises have requested a refund of amounts not applied to their 2005 taxes, and the Tax Collector has requested authorization to return to them the balance remaining of \$557.25;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to refund to Professor and Mrs. John Willis, 158 Academy Street, the amount of \$557.25, as outlined herein.

RESOLUTION 2006-197**RESOLUTION TO ADOPT AND IMPLEMENT A DEFERRED COMPENSATION PLAN AND SERVICE AGREEMENT – AXA EQUITABLE**

WHEREAS in order to attract and retain qualified employees, there exists a need to adopt and implement a supplemental deferred compensation plan for the employees of the Borough of Hightstown, hereinafter referred to as "Employer," which will provide said employees the ability to enhance their financial security at retirement through the accrual of tax benefits as provided by Section 457 of the federal Internal Revenue Code; and

WHEREAS there is no direct financial cost to the Employer to adopt and implement said deferred compensation plan; and

WHEREAS the Employer prepared and made available to the providers of deferred compensation services requests for proposals as described herein;

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

1. A deferred compensation plan provided by the Equitable Life Assurance Society of the United States (hereinafter "Equitable") (O2-PD-EQUITABLE-A030402)(hereinafter "Plan") is hereby adopted. It is acknowledged that said Plan is substantially similar to one upon which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), and all such provisions are stated in the Plan in terms substantially similar to the text of those provisions in federal Internal Revenue *Revised General Ordinances of the Borough of Hightstown* Section 457. It is further acknowledged that the use of a Private Letter Ruling is for guidance only, and for that Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

2. Written proposals were received by the Borough of Hightstown for a Deferred Compensation Plan and Service Agreement from two or more contractors providing prototypical plans or service agreements. Proposals were received from Equitable and ICMA.
3. The Borough Administrator and/or her designee(s) reviewed the proposals and spoke with representatives of the responding providers of deferred compensation services and recommended Equitable because of Equitable's ability to: (a) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.
4. The Borough Administrator is hereby designated as the Local Plan Administrator of the Plan.
5. The Borough Administrator is hereby authorized to execute a service agreement with Equitable (02-SA-EQUITABLE-A030402) for the provision of administrative and investment services, and to submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.
6. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Equitable in the selection of Equitable as Contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.
7. A certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs.

RESOLUTION 2006-198 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 **\$1,528,709.88** from the following accounts:

Current	\$ 309,371.95
W/S Operating	601,663.41
General Capital	312,493.63
W/S Capital	279,513.00
Animal Control Account	90.00
Trust	7,339.76
Unemployment Trust	41.80
Public Defender	185.00
Grant	3,912.59
Escrow-Subdivision & Site Plan (First Washington Bank)	14,098.74
Total	<u>\$1,528,709.88</u>

UNFINISHED BUSINESS

It was agreed that items under "Unfinished Business" would be postponed until the following meeting.

COUNCIL COMMENTS AND COMMITTEE REPORTS

There were no comments by members of Council at this time.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment. No one came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2006-185**, authorizing a closed session for the purpose of discussing personnel, contract negotiations and litigation. The Resolution was moved by Councilmember Quattrone and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-185 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 5, 2006 at approximately 10:55 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:

Personnel

Contract Negotiations – PBA, Sprint Spectrum, L.P., Emergency Medical Services;
Litigation – Buriak vs. Hightstown Planning Board; Mandarano v. Borough of Hightstown

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 5, 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 11:30 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk