

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; Ed McManimon, Borough Bond Counsel; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Deleted from the agenda was the presentation of artwork by Robert Seda-Schreiber, which will take place at a later date. In addition, a change in the listed title of Ordinance 2006-25 was noted, and, at the request of Councilmember Thompson, the first Public Comment portion of the meeting was moved up on the agenda, to take place prior to the Executive Session. The agenda was moved as amended by Councilman Thompson, seconded by Councilman Sikorski and unanimously approved.

APPROVAL OF MINUTES

Minutes of the October 2, 2006 open session meeting were moved by Councilmember Sikorski, seconded by Council President Schneider and approved as submitted by all but Councilmember Quattrone, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

J. P. Gibbons, 602 North Main Street, stated that "many residents wanted to attend any presentation with respect to redevelopment," and said that a decision by Council on redevelopment without public comment would be "premature." He said that because the project is "so large," and is likely to be subcontracted, it is a "major issue to take a look at who

will be involved and how it will go forward." He urged Council to reassess what it wants to do with the redevelopment, and requested that any decision on the designation of a Redeveloper be delayed until the next meeting.

Torry Watkins, 68 Meadow Drive, referred to the introduction stated on this agenda of a bond ordinance to fund the purchase of a new garbage truck, and said that he hopes to see a "cost-benefit analysis" with respect to this purchase.

Ron Sackowitz, 7 Powell Court, noted the presentation on this agenda regarding the Borough's housing codes, and stated that overcrowding exists in New Jersey due to "poor planning and corruption." He pointed out that there will be more cars in Hightstown after development of Enchantment and the Mill property, and urged Council to "do it right." "We have an opportunity here," he said. "I petition you all to please take action on this."

Debbie Haraburda, North Main Street, stated that public comment on redevelopment should not be limited to three minutes per person.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud Resolution 2006-219, authorizing a closed session for the purpose of receiving advice from counsel. The Resolution was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2006-219 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 October 16, 2006 at approximately 7:15 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:

Advice of Counsel

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: January 16, 2007, 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.

REDEVELOPMENT

Upon reconvening into open session at approximately 8:30 p.m., Edward McManimon, Esq., reviewed the Borough's redevelopment process to date and our options as we move forward. He explained that the project is the result of years of effort by Council and the Planning Board, consistent with the provisions of Redevelopment Law. The Borough adopted a Redevelopment Plan that broadly defined acceptable uses for the property, and engaged in lengthy negotiations with Greystone, which at that time had an option to purchase the property and sought to undertake a Redevelopment project. They were named as Conditional Redeveloper, but eventually that designation was allowed to lapse because of the inability to reach an agreement with them. In Greystone's view, the project would not work within the limitations of the adopted Redevelopment Plan.

Since that time, the Borough has revised its Redevelopment Plan consistent with the provisions of the Local Redevelopment and Housing Law, and Greystone has acquired the property. The Borough is now in the position, having adopted a revised Redevelopment Plan, to decide what it would like to see there consistent with that Plan. The Borough must now determine its best course of action in order to see that development occurs. It is important, Mr. McManimon said, to maintain a certain respect for the rights of the property owner while recognizing the right of the Borough to engage in the redevelopment process.

Mr. Raffetto stated that it is now up to Council to take action at this point, with the understanding that we have had prior discussions with Greystone and that they are now the owners of the property. We could designate them as either Redeveloper or as Conditional Redeveloper, pending the completion of other matters. The Borough could also consider other options; however, he said, respect for property rights within the State of New Jersey should be considered by the governing body.

Council President Schneider asked, if Council does designate Greystone as Conditional Redeveloper, who would be negotiating the terms of the Conditional Redeveloper's Agreement. Mr. Raffetto stated that he and Mr. McManimon would do so and bring a mutually agreeable document back to Council for approval at the next meeting.

Mr. McManimon noted that there is a difference between a Conditional Redeveloper's Agreement and a Redeveloper's Agreement. "You're not approving a project," he said.

It was noted that, if proceeding to adopt a Resolution designating a Conditional Redeveloper, the meeting agenda would first have to be amended to include this.

Motion: It was moved by Council President Schneider and seconded by Councilman Sikorski that the **agenda be amended** to include Resolution 2006-225, to designate Greystone Capital Partners as Conditional Redeveloper. A roll call vote was taken on the motion.

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

Motion carried (Resolution 2006-225 added to the agenda), **6-0**.

Mr. Raffetto stated that designating Greystone as Conditional Redeveloper does not represent approval of the project, but rather authorizes discussions with the new owners of the property to see if the Borough can work out a mutually agreeable Redeveloper's Agreement with those owners. "It is not a foregone conclusion," he said, "but it would be respecting their rights as owners and giving them the opportunity to negotiate."

Resolution 2006-225 was moved by Council President Schneider, and seconded by Councilman Sikorski. Council President Schneider stated, "Where we stand can be advanced by moving on this." He noted that things had "halted for awhile," and said that he is not so concerned about a "conditional" designation, since the Redeveloper's Agreement must still be negotiated. This Resolution, he said, "moves the project in the direction of being completed so that we can see the benefit we've been looking for." He noted that he was moving the Resolution to designate Greystone as Conditional Redeveloper with the understanding that the Borough's professionals will finalize the remaining details, including timeframes, and will bring the Conditional Redeveloper's agreement back to Council for further review at the next meeting.

Councilman Quattrone thanked Mr. Raffetto for "putting this together and having patience with us." "We did a fine job of keeping it up in air," he said, "and I think this is the right direction to go in."

Councilman Thompson stated that, when he first ran for Council two years ago, "this issue was hotter than it is now." He ran, he said, on the platform of the redevelopment process being "open and public," and stated that "to have only two weeks pass since approving a Redevelopment Plan and beginning the process of identifying a Redeveloper seems, with all respect to the property owner, to be inconsistent with what my and the community's vision of the process was."

Councilman Sikorski noted that the redevelopment process to date "has been lengthy and open" and that the public "has had ample opportunity" to comment. He noted that the draft Resolution to designate Greystone as Conditional Redeveloper was actually modified to accommodate a speaker who wished to have further opportunity for public comment at the next meeting¹. "The process is moving," he said. "It's time to fish or cut bait." He noted that this process has been "very deliberative" and said that he has "complete confidence in what we are doing."

Mayor Patten echoed Mr. Sikorski's comments. "It has been four years," he said, "and it just keeps going. It is a long and deliberate process that requires due diligence. We have been doing that, and we continue moving forward. I appreciate the public input."

At this time, the roll was called on Resolution 2006-225.

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

Resolution adopted, 5-1.

RESOLUTION 2006-225 RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY NAMING A CONDITIONAL REDEVELOPER FOR THE BANK STREET REDEVELOPMENT PROJECT IN SUB-AREA I (BANK STREET)

WHEREAS, on October 2, 2006, the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"), approved and adopted an amended Redevelopment Plan (the "Plan") for the Borough by Ordinance No. 2006-19, following review and recommendations from the Planning Board; and

WHEREAS, the Plan created updated design criteria relating to the area commonly known as "Sub-Area I" (Bank Street), which includes the following properties: Block 30, Lots 1-13; and Block 21, Lots 1-14 and Lot 26 on the official tax map of the Borough (collectively referred to as the "site"); and

WHEREAS, the project contemplated by the Borough for the site is referred to as the "Bank Street Redevelopment Project" or the "Project"; and

WHEREAS, Greystone Capital Partners NJ LLC ("Greystone"), or a related entity, is the owner of most of the properties located within the site; and

WHEREAS, Greystone is an established developer of mixed use projects, similar to that required under the Plan for the Bank Street Redevelopment Project; and

WHEREAS, the Borough's Redevelopment Subcommittee and its professionals have previously reviewed development proposals from Greystone for the Bank Street Redevelopment Project, and have previously determined that Greystone appears to be capable of performing the Project; and

¹ Clerk's note: The draft of Resolution 2006-225 which had first been prepared and which was reviewed during Executive Session had originally authorized both the naming of the Conditional Redeveloper and approval of the terms and conditions of the Conditional Redeveloper's Agreement. Subsequently, Council opted to act only on the naming of the Conditional Redeveloper, and expects to take action at the next meeting to approve the terms and conditions of the agreement.

WHEREAS, Greystone is desirous of being named the official Redeveloper of the Bank Street Redevelopment Project, pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"); and

WHEREAS, the Borough has not yet determined to name any developer the official Redeveloper of the Bank Street Redevelopment Project as of this point; and

WHEREAS, in order to move the redevelopment process forward as it relates to the Bank Street Redevelopment Project, and in recognition of Greystone's status as the owner of most of the properties located within the site, the Borough is willing to name Greystone the "Conditional Redeveloper" of the Bank Street Redevelopment Project, for a temporary period of time, in order to provide the parties with an opportunity to engage in exclusive discussions regarding Greystone's updated proposal(s) for the Bank Street Redevelopment Project; and

WHEREAS, the discussions contemplated shall be performed within specified time periods in order to determine whether the parties can reach a mutually acceptable plan for the Project; and

WHEREAS, if the parties are successful in reaching a mutually acceptable plan for the Project, the Borough may then take further action, at a later date, to name Greystone the official Redeveloper of the Bank Street Redevelopment Project, and also take further action to authorize the Borough to enter into a full Redevelopment Agreement with Greystone regarding construction of the Project and all related matters; and

WHEREAS, in the meantime, the Borough wishes to direct its professionals to negotiate the terms and conditions of an interim agreement, to be known as the "Amended and Restated Conditional Redeveloper's Agreement," with Greystone, for the purpose of setting forth in greater detail the parties' respective undertakings, rights and obligations, in and to this "conditional" designation bestowed upon Greystone; and

WHEREAS, the Borough Council shall consider adoption of this Amended and Restated Conditional Redeveloper's Agreement at the next Borough Council meeting.

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

1. That Greystone Capital Partners NJ LLC is hereby designated as the Conditional Redeveloper of the Bank Street Redevelopment Project, on an interim basis, pursuant to terms and conditions that shall be set forth in an Amended and Restated Conditional Redeveloper's Agreement between the parties.
2. That the Borough's professionals are hereby authorized and directed to negotiate the terms and conditions of the proposed Amended and Restated Conditional Redeveloper's Agreement with Greystone, and to submit the proposed Amended and Restated Conditional Redeveloper's Agreement to the Borough Council for its consideration at the next Borough Council meeting.
3. That a copy of this Resolution shall be provided to each of the following:
 - a. Greystone Capital Partners NJ LLC
 - b. Frederick C. Raffetto, Esq., Borough Attorney
 - c. Edward J. McManimon III, Esq., Borough Special Counsel
 - d. Gary S. Rosensweig, Esq., Planning Board Attorney
 - e. Carmela Roberts, P.E., Borough Engineer
 - f. George Lang, Borough Chief Financial Officer
 - g. Arlene O'Rourke, Borough Treasurer
 - h. Candace Gallagher, Borough Administrator/Clerk

PRESENTATION

REPORT OF THE HOUSING CODE COMMITTEE – *CHRISTOPHER EMIGHOLZ, CHAIR*

Christopher Emigholz, Chair of the Housing Code Committee appointed by Mayor Patten, addressed the Mayor and Council to present the Committee's report, the full text of which is included at the end of these 10/16/06 minutes. He noted that the Committee met often, met with Borough officials, and "rehashed this report a number of times." He said that the Borough's Housing Code is "not perfect, but it's a good Code, and we have a good Housing Official." He suggested that certain improvements could be made "to make sure that we are preventing all the problems that we can."

Seven to ten years ago, Mr. Emigholz said, there was a much greater problem in Hightstown with rental units than there is today. Great improvements have been made in that area. Today, our problems are more associated with owner-occupied private dwellings. He noted that the Borough's Housing Official has a high level of expertise and fills numerous roles for the Borough. He may be stretched too thin, Mr. Emigholz said, but this saves money for the taxpayers and the Borough has limited financial resources. Addressing these issues takes money, he said, and often involves court costs. The committee has done a thorough review of the Code, he said, and he invited Committee member Lisa Ernst to comment further.

Ms. Ernst stated that her task was to review the Borough's existing Code, which was "not easy, as it is written in 'legalese.'" Generally, she said, the Code appears to have been written at different times by different administrations, and there is little consistency or clarity. The Committee's report specifies areas which they feel need improvement in that respect. She noted that, although the Borough requires a Certificate of Occupancy for an "owner-occupied single-family home," that term is not defined within the Code. "If we're sending the tax bill to Princeton," she said, "the owner is probably not living in that house." She requested that the entire Housing Code be reviewed by the Borough Attorney.

Mr. Emigholz agreed, and noted that "almost every other town has had problems like this." The report makes several recommendations, he said, some of which may not be feasible, or will be considered controversial. He provided a brief review of the report and offered to answer questions from the Mayor and Council.

Councilmember Rosenberg stated that the Borough was dealing with this issue about a year ago, and one issue which came up then was how to define "family." This varies from culture to culture, he said. Councilmember Sikorski asked the Borough attorney to comment. Mr. Raffetto stated that the law will not allow us to restrict the definition of a family to mean only those individuals related by blood. "Family," by law, is considered to be a "single housekeeping unit," he said. He added that other towns dealing with this may have taken certain actions which he will be happy to review, along with the Committee's report. He said that he would work with Mr. Wetterskog and bring something back to Council at a future meeting.

Ms. Ernst agreed that the definition of "family" is vague, and said that what she meant was that we should define "owner-occupied." Mr. Raffetto stated that, even with the understanding that we cannot limit the definition of "family" to blood relatives, "there also can't be a hundred people living in a structure which can't accommodate that." Councilmember Sikorski said that, under current occupancy laws, he could have 25 people living in his home and it would be acceptable, as long as they weren't living in the kitchen, attic, etc. Ms. Ernst disagreed, and said that in her own four-bedroom home, her calculations indicate that she could have no more than nine occupants. Part of the problem, she said, is that our Code is not clearly written. She added that the Code indicates that a bedroom must have a door, and said, "I don't think there is a home in Hightstown that could accommodate 25 people."

Councilmember Thompson stated, "This is a great example of what is working in Hightstown – your taking the time to do this work." Ms. Ernst said that the Borough's rental codes "are pretty well written" and feels that it would help to clarify the Code regarding owner-occupied dwellings.

Mayor Patten thanked the Committee members for "putting their heart and soul" into this, and said that Hightstown was the first town to form a committee to look into this issue that is a problem "all over New Jersey."

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2006-22, AN ORDINANCE APPROPRIATING \$24,000 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF VARIOUS EQUIPMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Gallagher reviewed the provisions of this Ordinance, which would provide funding for the purchase of the following police equipment: 48 replacement pistol magazines; six replacement shotgun sights; 30 eight-foot A-frame barricades; nine reflective pedestrian crossing signs; two portable radios; one mobile radio for a vehicle; one base station radio to replace the current 20-year-old unit which is now unrepairable; and one repeater station to replace a 30-year-old unit that is no longer working.

Mayor Patten opened the public hearing on Ordinance 2006-22.

Eugene Sarafin, 600-628 South Main Street, urged Council to adopt this Ordinance.

J.P. Gibbons, 602 North Main Street, expressed support for the Ordinance.

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

Ordinance 2006-22 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Sikorski.

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

Ordinance adopted, 6-0.

ORDINANCE 2006-22 **AN ORDINANCE APPROPRIATING \$24,000 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF VARIOUS EQUIPMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY**

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

Section 1. The sum of \$24,000.00 is hereby appropriated from General Capital Fund Balance for the purchase the following equipment for use by the Police Department of the Borough of Hightstown, in the County of Mercer, New Jersey, including all work and materials necessary therefor and incidental thereto:

**Pedestrian Crossing Signs
Police Radio Equipment
Reflective Barricades
Firearms Equipment**

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. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-23, ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$145,000 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Gallagher reviewed the provisions of Ordinance 2006-23, which will authorize a special emergency appropriation to fund the revaluation of real property that the Borough has been ordered by Mercer County to undertake. Bids for the revaluation, she said, were received on October 2 and are under review by the Borough Attorney. This Ordinance will fund the cost of the revaluation and any resulting tax appeals. She noted that the Borough has previously approved a Special Emergency Appropriation in the amount of \$15,000 for the preliminary work on the tax maps that was necessary. Together, the \$160,000 expense will be funded by inclusion of at least 1/5 of the amount (\$32,000) in the budgets of the next five years (2007 through 2011). Council President Schneider asked if this amount could be bonded rather than included in the budgets. Ms. Gallagher was not sure if that would be possible.

Ordinance 2006-23 was moved for introduction by Council President Schneider and seconded by Councilmember Quattrone.

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

Ordinance adopted, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-24, BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A GARBAGE TRUCK IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$187,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$178,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher reviewed the provisions of this Ordinance, which would appropriate \$187,500 for the purchase of a rear loading garbage truck. She noted that bids have been received for both a rear loading truck and an automated, side-loading truck and containers. The latter will be considered as an alternative to contracting out for garbage collection once the bids for that service have been received (scheduled for October 23). In the meantime, the existing rear loading truck that is used regularly by the Borough for collecting grass, yard waste, carpeting, metal and some bulk items is a 1972 model that is in dire need of replacement.

Councilmember Quattrone stated that the truck must be replaced, and recommended the adoption of this Ordinance.

Council President Schneider asked if the items that this truck is used for could be picked up by an outside contractor. Ms. Gallagher stated that the bid specifications that are currently out do not provide for this, and that the Borough saved significant money by bringing the collection of grass clippings back in house and removing it from the outside contract.

Ordinance 2006-24 was moved for introduction by Councilmember Quattrone and seconded by Council President Schneider.

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

Ordinance introduced, 6-0.

**INTRODUCTION AND FIRST READING: ORDINANCE 2006-25, BOND ORDINANCE PROVIDING A
SUPPLEMENTAL APPROPRIATION OF \$105,000 FOR WATER AND SEWER CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER,
NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE
BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

Ms. Gallagher reviewed the provisions of this Ordinance, which would provide a supplemental appropriation of \$105,000 for additional work needed on the Cole Avenue and Clinton Street project. She explained that, during preliminary excavation to prepare for the reconstruction of those streets, the contractor found that the water mains there are of a two-inch diameter. We had expected them to be of a six-inch diameter, and the two-inch pipes are insufficient to supply adequate water for the residents in this area and will need to be replaced. This involves the replacement of approximately 900 linear feet of water main, along with all of the house services, and it will be costly – approaching \$100,000. The Borough Engineer has recommended that a change order be approved with Jonico, Inc., the contractor already engaged to do the reconstruction work. Because such a change order will exceed 20% of the original contract price, Ms. Roberts has provided her written certification that the change order is needed as a matter of public health and safety, and she will prepare it for Council's approval at the first meeting in November.

Ms. Gallagher noted that, according to Ms. Roberts, the only alternative to a change order would be to stop work on the project, prepare new drawings and contract documents, receive bids and award a new contract for the water main replacement. This would take months, and construction would need to be halted until the water main construction was completed, with the likelihood of incurring demobilization and remobilization charges by the contractor. Ms. Roberts has recommended that this bond ordinance be introduced to cover the cost of the water main replacement and that a change order be authorized and formalized at the next meeting.

Councilmember Quattrone expressed support for proceeding in this manner, and asked if the homeowners would have a chance to redo their own water lines. Ms. Gallagher stated that the homeowners were advised by letter at the beginning of this project that this would be the time for them to do any such work.

Ordinance 2006-25 was moved for introduction by Councilmember Quattrone and seconded by Council President Schneider.

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

Ordinance introduced, 6-0.

CONSENT AGENDA

Resolutions 2006-220, 221, 222, 223 and 224 were moved by Councilmember Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-220 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, a tax overpayment has been received by the Borough as follows:

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
Donald and Wanda McCall 109 Prospect Drive Hightstown, New Jersey 08520	\$1,390.04	Block 48 Lot 22	109 Prospect Drive

; and

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

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

RESOLUTION 2006-221 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-168 TO HIGHTSTOWN HIGH SCHOOL MUSIC BOOSTERS ASSOCIATION

WHEREAS, the Hightstown High School Music Boosters Association wishes to hold an off-premise merchandise raffle at 25 Leshin Lane on May 16, 2007; and

WHEREAS, the group has submitted application number RA-168 for this raffle, together with the required fee; and

WHEREAS, the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-27683, which registration expires on December 31, 2007; 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-168 to the Hightstown High School Music Boosters Association for their raffle to be held on May 16, 2007.

RESOLUTION 2006-222 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-169 TO PEDDIE SCHOOL

WHEREAS, Peddie School wishes to hold an off-premise 50/50 raffle at the Peddie School on April 28, 2007, and has submitted application number RA-169 for this raffle along with the required fees; and

WHEREAS, Peddie School is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-28133, which registration expires on December 31, 2007; 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-169 to the Peddie School for their 50/50 raffle to be held on April 28, 2007.

RESOLUTION 2006-223 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 **\$232,183.77** from the following accounts:

Current	\$ 116,856.46
W/S Operating	91,657.44
General Capital	3,165.62
W/S Capital	1,247.13
Animal Control	24.00
Trust	5,261.85
Grant	874.87
COAH Trust	900.00
Public Defender	475.00
Escrow-Subdivision & Site Plan (First Washington Bank)	11,721.40
Total	<u>\$232,183.77</u>

RESOLUTION 2006-224 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 \$200.00 on behalf of Mr. and Mrs. Drew Kollman, 108 Morrison Avenue; and

WHEREAS there is no delinquency on this account, and the Tax Collector has requested authorization to refund this amount to the Kollmans;

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 Mr. and Mrs. Drew Kollman, 108 Morrison Avenue, the amount of \$200.00, as outlined herein.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

J. P. Gibbons, 602 North Main Street, requested clarification regarding the Resolution that was adopted earlier in meeting with respect to the Conditional Redeveloper, and asked if there would be the opportunity for public comment specific to that topic at the next meeting. Mr. Raffetto stated that the Borough will hold the usual Public Comment period at the beginning of the meeting, but it would be at Council's discretion as to whether or not they wish to create a separate, specific public comment period for that item. Mr. Raffetto went on to say that there will be a Resolution and a proposed agreement to set forth the terms and conditions of the Conditional Redeveloper's Agreement. Mr. Gibbons stated that a three-minute restriction for comment on this subject is "inappropriate" and asked again if there would be a specific comment period set aside for this item. Mayor Patten stated that, typically, there is usually no comment period on Resolutions, but he would take Mr. Gibbon's request under advisement. Mr. Gibbons said that he would like to know ahead of time if this will be permitted. The Mayor advised him that he will know when the agenda is set.

Eugene Sarafin, 600-628 South Main Street, commended Christopher Emigholz for his work with the Housing Code Committee, and said that none of the committee members are in the rental business or have an apartment in their home, so they do not understand the complexities of housing codes. He noted that Mr. Wetterskog was not listed as a Committee member, and recommended that Mitzi MacCagnan, Executive Director of the Hightstown Housing Authority, be included on the committee. "She knows more about housing problems than anyone in town," he said.

Regarding redevelopment, Mr. Sarafin said that he was glad to see Council begin the process with Greystone. He again asked that a parking garage be considered as part of the project, and said that the Borough could fund it and sell spaces to pay off the bond issue. He suggested a three-story garage that would house 450 vehicles, and said that spaces could be sold for \$25,000 each. "It is well worth the effort," he said.

Mayor Patten noted that one of the Housing Code Committee members is the Superintendent of the Deerfield and Westerlea apartments.

Janice Mastriano, 15 Leshin Lane, said that she wished to complain about the Borough's police department. She said that the Police Chief stated in the press that "Hightstown does not want to be known as a town that stops speeders," and that buses "speed down Leshin Lane." She further stated that the police "have the audacity to ticket residents there who are parking in front of their own houses." "I hope you can do something about that," she said. She added that, when her neighbor was setting off fireworks on July 4, the police arrested him. Hightstown "never used to do that," she said, and added, "they've become the Gestapo."

Ms. Mastriano then commended Mayor Patten for his work with the Animal Welfare Committee, and said that Trap-Neuter-Release is the only humane way to deal with the feral cat population. She asked Council to consider licensing indoor cats every three or four years rather than annually, as most veterinarians say that a vaccination every three or four years is adequate for an indoor cat.

Lastly, Ms. Mastriano asked if hydrants could be placed at the end of streets where water mains end. On Greeley Street where her daughter lives, she said, "the quality of the water is horrendous. Flushing up here doesn't help at the end of the block."

No one else came forward and the floor was closed.

Upon motion by Councilmember Rosenberg, seconded by Councilmember Sikorski and unanimously approved, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk