

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

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

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer and Frederick Raffetto, Esq., Borough Attorney. Arriving later in the meeting was George Lang, Chief Financial Officer.

APPROVAL OF AGENDA

Added to the agenda was Resolution 2007-146, authorizing issuance of a raffle license to the Hightstown Engine Co. No. 1 Ladies Auxiliary. At the request of Councilmember Schneider, a discussion of contract negotiations for redevelopment of the Mill property was moved out of Executive Session and into open session, under Old Business. The Resolution authorizing the closed session was then deleted. The agenda was moved as so amended by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved.

APPROVAL OF MINUTES

Minutes of the May 7, 2007 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Quattrone and approved as submitted by all but Councilmember Rosenberg, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, reported that one of the two cats which were abandoned by an apartment resident has found a home, but the other still needs one. She is a four-year old spayed female, mostly white with orange and black markings, and has a "lovely disposition." She is currently being fostered but if a permanent home is not found for her within the next month, she will need to be put down.

J. P. Gibbons, 602 North Main Street, applauded the moving of the Mill discussion into open session and said that the concept of closed sessions "enrages" him. He objected to action taken following the closed session at the prior meeting and said that "some people in the Borough," including himself, "have a problem with people assigned to more than one

title” as doing so “removes critical oversight.” Regarding signage proposed for the bridge abutment, Mr. Gibbons stated that “the wall looks good just the way it is” and said that he has a problem with “changing the character of the Borough.”

Mayor Patten asked the Borough Attorney if this Council had ever discussed anything inappropriate in executive session. “Certainly not,” Mr. Raffetto replied. He stated that he and Ms. Gallagher review each agenda and matters to be discussed in closed session, and sometimes pull things that are more appropriately discussed in open session. “The Open Public Meetings Act,” he said, “describes items that may be discussed in closed session, and if action is to be taken afterward, it must be indicated.” He added that, following the executive sessions, “we always look in the hallway to see if anyone is still here so that they can witness any action to be taken.”

Mike Vanderbeck, 344 Stockton Street, stated that he was “delighted” to see the signage for the bridge abutment back on the agenda. “Marketing a town is what we are all about,” he said. He commended Council for taking another look at this. Mr. Vanderbeck also stated that he received a notice stating that trees were going to be removed under the utility poles on Grant Avenue. He called the contractor, who told him that they had been in touch with the Borough and the Shade Tree Commissioner, and that Public Works would be reviewing the plan. Mr. Vanderbeck asked to be “kept in the loop,” and said, “They need oversight. They just get in there and cut.”

No one else came forward and the floor was closed.

PRESENTATION

SIGNAGE FOR RAILROAD BRIDGE ABUTMENT – *COUNCILMEMBER RYAN ROSENBERG*

Councilmember Rosenberg distributed handouts illustrating a conceptual plan for signage on the railroad bridge abutment, which he created in collaboration with Anne Marie Weidemann of the Greater Hightstown – East Windsor Improvement Project¹. He noted that Jeff Bond of GHEWIP was present to help answer any questions. Councilmember Rosenberg stated that “the railroad abutment is one of the first things people see when they come into town,” and that the proposed signage would “add elegance and value to that part of town. It would act as welcoming gateway, and help to create an historic and village-like atmosphere.”

The conceptual plan presented included cranberry-colored lettering of cast aluminum reading “Historic Hightstown Est. 1721” which would be illuminated by three gooseneck lamps. The plan, as illustrated, also included plantings of ivy on the top of the abutment and hanging flower baskets. “GHEWIP is ready to sign the check,” Mr. Rosenberg said, “and I am looking for an answer from Council tonight.” He noted that the cost would be fully paid by GHEWIP at no cost to Borough taxpayers. Mr. Bond noted that the cost of this signage is slightly higher than that of the signage which GHEWIP had originally proposed, “but that’s okay – we’ll be able to do it. It is a good project that would be good for the community.”

Councilmember Quattrone thanked Councilmember Rosenberg for “an excellent job,” and asked if the lettering can be placed so as not to obscure a dated plaque which is currently at the top of the abutment. Mr. Rosenberg said that this would not be a problem. Mr. Quattrone thanked GHEWIP for “not giving up,” and expressed his support for the new plan.

Councilmember Schneider asked what would be involved in cleaning the abutment. Mr. Bond stated that the abutment would be cleaned by GHEWIP prior to installation of the lettering. Mayor Patten suggested that it be repointed also. Mr. Bond said that they would look at that. Mr. Schneider asked what would be required in terms of maintenance. Councilmember Rosenberg stated that cast aluminum has a long life and would just need “power washing now and then.” The only other maintenance would be to change light bulbs as needed.

¹ A full copy of the handout is included at the end of these 5/21/07 minutes.

Council President Sikorski thanked Councilmember Rosenberg and GHEWIP for their participation and diligence and expressed his support for the design, which he feels is appropriate for Hightstown and an improvement over prior choices.

Councilmember Thompson commended Councilmember Rosenberg on the design of the project and for his collaboration with GHEWIP. He suggested that the lettering be slightly smaller. Councilmember Schneider agreed. Councilmember Rosenberg stated that the lettering can be adjusted to any size. As illustrated, the "H" in "Hightstown" is 30" tall. Mr. Bond noted that it has already been downsized once (from 36" to 30").

Councilmember Harinxma expressed support for the new design, and asked if alternative locations had been considered for the banners which are currently placed on the abutment. Mr. Rosenberg stated that he and Ms. Weidemann had discussed this, and suggested that the banners could be placed in front of Borough Hall, on the spillway, across from the Slowdown Café in front of the bank, or at the corner of Franklin and Main Streets, with permission of the property owner(s). There are "many alternatives," he said.

"A lot of good work went into this," Mayor Patten said. "I'm anxious to see it go up."

Following brief further discussion, a verbal Resolution, to be reduced to writing and numbered as Resolution 2007-147, was moved by Councilmember Rosenberg and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-147 APPROVING SIGNAGE FOR BRIDGE ABUTMENT

WHEREAS Councilman Ryan Rosenberg has worked collaboratively with members of the Greater Hightstown-East Windsor Improvement Project (GHEWIP) to create a conceptual design for signage to be installed on the Borough's railroad bridge abutment at the intersection of Franklin and Main Streets; and

WHEREAS, the plan was presented to the Mayor, Council and public on May 21, 2007; and

WHEREAS, the signage proposed would consist of cast aluminum lettering lit from above by gooseneck lamps, and would read, "Historic Hightstown Est. 1721," as detailed on the attached illustration; and

WHEREAS, the signage would be purchased and installed by GHEWIP at no cost to Borough taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough hereby approves the installation by GHEWIP of signage on the railroad bridge abutment as detailed herein.

ENGINEER'S ITEMS

RESOLUTION 2007-137, AWARDING CONTRACT FOR DOWNTOWN REVITALIZATION, PHASE III – S. BROTHERS, INC.

Following a brief review by Ms. Roberts, Resolution 2007-137 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2007-137 AWARDING CONTRACT FOR DOWNTOWN REVITALIZATION, PHASE III – S. BROTHERS, INC.

WHEREAS, eight (8) bids were received on May 10, 2007 for the Downtown Revitalization, Phase III Project in the Borough of Hightstown, a federally-funded project under the Transportation Enhancement program; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the firm's recommendation that the contract be awarded to the low bidder, S. Brothers, Inc. of South River, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by S. Brothers is in order with respect to legal compliance; and

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

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

1. The contract for the Downtown Revitalization, Phase III Project is hereby awarded to S. Brothers, Inc. of South River, New Jersey in the amount of Four Hundred and Two Thousand Seven Hundred and Eighty (\$402,780.00) Dollars.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with S. Brothers, Inc. subject to approval of the Borough Attorney.
3. Approval of this agreement is subject to the approval of the New Jersey Department of Transportation

RESOLUTION 2007-138, AUTHORIZING PAYMENT NO. 6 – JONICO, INC. (COLE AVENUE & CLINTON STREET RECONSTRUCTION)

Following a brief review by Ms. Roberts, Resolution 2007-138 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2007-138 AUTHORIZING PAYMENT NO. 6 – JONICO, INC. (COLE AVENUE & CLINTON STREET RECONSTRUCTION)

WHEREAS, on August 7, 2006 the Borough Council awarded a contract for the reconstruction of Cole Avenue and Clinton Street to Jonico, Inc. of Lambertville, NJ in the amount of Two Hundred and Ninety-Five Thousand One Hundred and Thirty-Three (\$295,133.00) Dollars; and

WHEREAS, the Borough Council subsequently approved Change Order No. 1 to this contract in the net amount of \$82,436.29, bringing the total contract price to \$377,569.29; and

WHEREAS, the Contractor has submitted Payment Request No. 6 for this project in the total amount of \$34,561.72, as detailed on the attached listing, and the Borough Engineer has recommended that this payment be approved, subject to receipt of the required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 6 by Jonico, Inc. in the amount of \$34,561.72 is hereby approved and the Treasurer is authorized to issue payment for same, subject to receipt of the required certified payrolls.

Councilmember Quattrone expressed satisfaction with this project, which he said was a "big improvement to the town." Mayor Patten noted that the residents there are very pleased.

CENTERS OF PLACE FUNDING

Ms. Roberts reported that "Centers of Place" funding is available through NJDOT, and this year's applications are due on July 6. The funding is similar to Transportation Trust Funding, she said, but is only available to towns which are

designated Centers, such as Hightstown. If Council is interested, she said, she would recommend pursuing funding for improvements to the downtown parking lot and Memorial Park area next to the lake. Her fee to prepare the application would not exceed \$3,000, which would include all evaluation, estimates, text and narrative. Ms. Roberts stated that the grant would pay for construction and inspection costs. The Borough would be responsible for the design costs.

Mayor Patten asked if the bridge over the dam would be a part of this project. "No," Ms. Roberts replied, and explained that the Borough received a low-interest loan through NJDEP to replace that bridge and make other improvements to the dam. The Mayor suggested that the Environmental Commission may be interested in participating in the design of the project Ms. Roberts was proposing. Ms. Roberts noted that, when the Master Plan was redone in 1998, Tamara Lee prepared a conceptual plan for the area of Memorial Park and the parking lot which altered the layout of the driveway there and provided more park area. In that plan, the driveway entered the lot and turned right immediately. "Right now," she said, "you have a road between a small park and the parking lot, and it makes it hard to really enjoy that area as it ought to be enjoyed." Mayor Patten recommended that input of the local businesses be sought when designing this project, and Ms. Roberts agreed, indicating that during the evaluation process, she intends to speak with Theo's, the bank and other businesses there to understand how they use the area and see what can be done to have a better separation of vehicles and pedestrians.

Councilmember Quattrone recalled that there had been a discussion several years ago regarding putting in some type of shelter at our bus stops, and he asked if it would be possible to include that in this project. Ms. Roberts indicated that this could be added to the grant application.

Ms. Gallagher noted that, if Council wishes to authorize Ms. Roberts to proceed with this grant application, the funding for her work will need to be added to the budget when an amendment is made.

Councilmember Schneider expressed concern about the layout mentioned, where the driveway would enter the lot and then turn right. He noted that tractor trailers would likely need access for deliveries. Ms. Roberts stated that this is part of what she would discuss with the businesses. "There must be a better way," she said. Mr. Schneider asked about construction and design costs. Design costs, Ms. Roberts said, would be about 10 to 15 percent of the construction costs, which she estimated at between \$150,000 and \$200,000, "depending on what you want to do. The whole lot needs to be revamped," she said, and noted that work could include drainage improvements and installation of lighting fixtures to match those in the street.

Councilmember Thompson asked how the design costs would be funded. Ms. Gallagher stated that they would be part of a bond ordinance that would be adopted for the project.

Motion: After brief further discussion, it was moved by Councilmember Quattrone and seconded by Council President Sikorski that Ms. Roberts be authorized to prepare a Centers of Place grant application for these improvements. The motion was unanimously approved.

SMALL CITIES PUBLIC FACILITIES FUNDING FOR BANK STREET

Ms. Roberts reported that the extension recently requested by the Borough for additional time in which to award a contract for streetscape improvements in the redevelopment area has been denied by the State. This was the third year in which the Borough requested an extension due to the uncertainty of who the redeveloper would be and how they would be developing the area. "We have not wanted to forge ahead," she said, "as the work could be damaged by a large construction operation coming in right behind you." The grant will be withdrawn, and the Borough would need to reapply in order to receive funding.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-09,
AN ORDINANCE APPROPRIATING \$30,000 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

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2007-09.

Eugene Sarafin, 600-628 South Main Street, expressed support for the hardware purchase, and stated that the Borough lacks software to maintain records of fire and ambulance calls. He urged the Borough to purchase software that will provide this information, particularly with regard to ambulance calls, so that a monthly report could be generated detailing how many calls were answered within Hightstown, how many mutual aid calls were answered, etc.

No one else came forward and the floor was closed.

Ordinance 2007-09 was moved for adoption by Councilmember Quattrone and seconded by Council President Sikorski.

Councilmember Quattrone expressed agreement with Mr. Sarafin regarding the importance of recordkeeping, and added that the recording machine used by the Council and Planning Board needs to be replaced. "We need something better," he said.

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

Ordinance adopted, 6-0

ORDINANCE 2007-09 AN ORDINANCE APPROPRIATING \$30,000 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 \$30,000.00 is hereby appropriated from General Capital Fund Balance for the purchase the following equipment for use by the Borough of Hightstown, in the County of Mercer, New Jersey, including all work and materials necessary therefor and incidental thereto:

Network server for police department
Network server for main offices
Digital recording system for use by municipal court, Borough Council and other boards and commissions
Walk-through metal detector for use by municipal court

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.

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-10,
ORDINANCE AUTHORIZING THE SALE OF BOROUGH-OWNED PROPERTY NO LONGER
NEEDED FOR PUBLIC USE

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2007-10.

Eugene Sarafin, 600-628 South Main Street, asked what the original minimum bid was on this parcel. Ms. Gallagher stated that the first time the property was put to bid, the minimum bid was set at \$185,000. "What is the point of a minimum bid?" Mr. Sarafin asked. He recommended that, instead, Council simply reserve the right to reject any offer.

No one else came forward and the hearing was closed.

Ordinance 2007-10 was moved for adoption by Council President Sikorski and seconded by Councilmember Schneider.

Councilmember Rosenberg asked Mr. Raffetto to comment regarding Mr. Sarafin's suggestion. Mr. Raffetto stated that the Council can proceed in that way, and reserve the right to refuse any offer. He added that including a minimum bid "gives you an opportunity to see if there is a taker who won't lowball it."

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

Ordinance adopted, 6-0.

ORDINANCE 2007-10 **ORDINANCE AUTHORIZING THE SALE OF BOROUGH-OWNED PROPERTY
NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, N.J.S.A. 40A:12-13(b)(5) mandates that surplus Borough property less than the minimum size required for development under the Borough zoning ordinance and without any improvement hereon, be auctioned off in an auction among all contiguous lot owners; and

WHEREAS, Block 40, Lot 28, is such a property;

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

Section 1.

- A. Pursuant to the aforementioned statute, an auction in accordance with the provisions of *N.J.S.A. 40A:12-13(b)* will be held among the owners of Block 40, Lot 27; Block 40, Lot 29; and Block 40, Lot 5.02 at a date and time to be set by the Borough Administrator, which date shall be not less than 30 days following final adoption of this Ordinance.
- B. Said lot owners shall be notified by certified mail at least (2) two weeks prior to said auction.
- C. In accordance with the provisions of *N.J.S.A. 40A:12-13(b)*, offers for the purchase of Block 40, Lot 28 may be made to the Borough through the office of the Borough Administrator for a period of 20 days following advertisement of this finally adopted Ordinance, at no less than the minimum price, by any prospective purchaser, real estate broker or other authorized representative. In the event that any such offers are received, the governing body may reconsider this Ordinance, not later than 30 days after its enactment, and advertise the property in question for public sale pursuant to *N.J.S.A. 40A:12-13(a)*.
- D. The Mayor and Borough Clerk are hereby authorized to execute all documents necessary for the conduct of this auction and for conveyance of said property to the highest bidder.
- E. The minimum amount that may be bid for this property, as determined by the Borough Tax Assessor, is \$100,000 Dollars.

Section 2. This Ordinance shall take effect upon its passage and publication as provided by law.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-11,

AN ORDINANCE TO AMEND CHAPTER 7, "TRAFFIC," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Gallagher, Ordinance 2007-11 was moved for introduction by Council President Sikorski and seconded by Councilmember Thompson.

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

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-12,

ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AUTHORIZING THE EXECUTION OR ACKNOWLEDGEMENT AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH THE MERCER COUNTY IMPROVEMENT AUTHORITY'S 2007 COUNTY GUARANTEED LEASE BANK LEASING PROGRAM

Ms. Gallagher noted that this Ordinance will provide the authority for the Borough to enter into a lease agreement with the MCIA to fund the purchase of three police vehicles. The ordinance has been reviewed by the Chief Financial Officer, she said, and he has recommended its approval.

Ordinance 2007-12 was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-13,

AN ORDINANCE TO AMEND CHAPTER 19, "WATER AND SEWER," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Roberts, who explained that this Ordinance would establish certain requirements with respect to connections made to our water and sewer system outside the Borough, Ordinance 2007-13 was moved for introduction by Councilmember Thompson and seconded by Council President Sikorski.

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

Ordinance introduced, 6-0.

Public hearings and final readings for the three introduced ordinances were scheduled for June 4, 2007.

CONSENT AGENDA

Resolutions 2007-139 through 2007-146 were moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolutions adopted, 6-0.

RESOLUTION 2007-139 AUTHORIZING RENEWED PROFESSIONAL SERVICES AGREEMENT FOR ADMINISTRATION OF SMALL CITIES RECAPTURED FUNDS (COMMUNITY GRANTS & PLANNING, INC.)

WHEREAS, there exists the need for continued consultant services in connection with the administration of the Borough's recaptured funds from the Hightstown-East Windsor Small Cities Housing Rehabilitation Program and in accordance with the Hightstown Borough Housing Rehabilitation Program Policies and Procedures Manual; and

WHEREAS, Community Grants & Planning, Inc. of East Windsor, NJ, has been engaged to perform these services in prior years, and it is the desire of the Mayor and Council to authorize a renewed agreement with Community Grants & Planning to perform these services for a per unit administrative fee of 20 percent of the awarded bid price per project, but not less than \$2,000 per project, and additional fees for Lead Risk Assessment, if necessary, as outlined in the agreement which is attached hereto and made a part hereof; and

WHEREAS, administrative fees paid to Community Grants & Planning under this agreement will be paid from the Revolving Loan Fund, at no cost to Borough taxpayers;

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

1. The agreement with Community Grants & Planning, P.A., which is attached hereto and made a part hereof², is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a).
3. A copy of this Resolution as well as the agreement shall be placed on file in the office of the Borough Clerk.
4. A notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2007-140 AUTHORIZING RENEWED PROFESSIONAL SERVICES AGREEMENT FOR ADMINISTRATION OF HIGHTSTOWN-MANALAPAN REGIONAL CONTRIBUTION AGREEMENT (COMMUNITY GRANTS & PLANNING, INC.)

WHEREAS, the Borough of Hightstown has entered into a Regional Contribution Agreement (RCA) with Manalapan Township for the rehabilitation of 41 low- and moderate-income housing units in the Borough of Hightstown, which agreement has been formally approved by the Council on Affordable Housing (COAH); and

WHEREAS, there exists the need for continued consultant services to administer the remainder of the Borough's RCA Housing Rehabilitation Program; and

WHEREAS, Community Grants & Planning, Inc. of East Windsor, NJ, has been engaged to perform these services in prior years, and it is the desire of the Mayor and Council to authorize a renewed agreement with Community Grants & Planning for continuation of these services, as outlined in the agreement which is attached hereto and made a part hereof; and

WHEREAS, all fees paid to Community Grants & Planning, Inc. under this contract shall be paid from RCA funds provided by Manalapan Township;

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

1. The agreement with Community Grants & Planning, Inc., which is attached hereto and made a part hereof³, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

² Contract is on file with original Resolution in the Borough Clerk's office.

³ Contract is on file with original Resolution in the Borough Clerk's office.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a).
3. A copy of this Resolution as well as the agreement shall be placed on file in the office of the Borough Clerk.
4. A notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2007-141 SUPPORTING THE "CLICK IT OR TICKET" MOBILIZATION OF MAY 21 – JUNE 3, 2007

WHEREAS there were 773 motor vehicle fatalities in New Jersey in 2006; and

WHEREAS a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975 – 2000; and

WHEREAS the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 21 – June 3, 2007 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 90% to 92%; and

WHEREAS a further increase in safety belt usage in New Jersey will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Hightstown Borough declares its support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 21 – June 3, 2007 and pledges to increase awareness of the mobilization and the benefits of safety belt use. |

RESOLUTION 2007-142 AUTHORIZING CANCELLATION AND/OR REFUND OF BALANCES REMAINING IN CERTAIN ESCROW ACCOUNTS

WHEREAS the Borough Treasurer has requested closure of certain escrow accounts, as follows:

Applicant	Application No.	Balance	Closing Procedure
Michael Page	2004-12	\$66.00	Cancel to Misc. Revenue
T & S Juronics	2005-08	\$0.50	Cancel to Misc. Revenue
N. DiSalvo	2003-16	\$1.95	Cancel to Misc. Revenue
Peddie School	History House (interest on performance guarantee)	\$8.40	Refund to Applicant

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the escrow accounts listed above shall be closed in the manner specified herein.

**RESOLUTION 2007-143 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2007 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2007 temporary budget; and

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

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached⁴; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2007 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	THIS RESOLUTION	PREVIOUS TOTAL	CUMULATIVE TOTAL
Current	19,750.00	1,463,086.25	1,482,836.25
Capital Outlay – Current	0.00	5,000.00	5,000.00
Debt Service - Current	0.00	152,603.00	152,603.00
Water/Sewer	110,213.00	770,551.00	880,764.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	146,580.00	146,580.00
TOTAL	129,963.00	2,537,820.25	2,667,783.25

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2007 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

RESOLUTION 2007-144 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, June 9, 2007 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Chief of Police; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Auctions for this event;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Auctions for their auction to be held on Saturday, June 9, 2007 at 278 Monmouth Street.

RESOLUTION 2007-145 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 **\$422,330.56** from the following accounts:

Current	\$ 142,639.25
W/S Operating	79,112.19
General Capital	71,784.10
W/S Capital	108,883.66
Grant	16,144.86
Trust	100.00

⁴ Included at end of these 5/21/07 minutes.

Public Defender	300.00
Escrow – Subdivision & Site Plan (First Washington Bank)	<u>3,366.50</u>
Total	<u>\$422,330.56</u>

**RESOLUTION 2007-146 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-176 TO LADIES AUXILIARY,
HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, the Ladies Auxiliary of Hightstown Engine Co. No. 1 wishes to hold an off-premise merchandise raffle at the Hightstown Firehouse on October 6, 2007; and

WHEREAS, the group has submitted application number RA-176 for this raffle, together with the required fees; and

WHEREAS, the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-9-27140, 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-176 to the Hightstown Engine Co. No. 1 Ladies Auxiliary for their raffle to be held on October 6, 2007 as outlined herein.

UNFINISHED BUSINESS

MILL REDEVELOPMENT

Councilmember Schneider stated that the last proposal by Greystone did not conform to our adopted Redevelopment Plan. He recommended that the Plan be referred back to the Planning Board at this time "to see if they have further thoughts." "This is the next step regardless," he said, noting that doing this will "start the clock" to give the Borough a chance to move forward. He added that he believes that construction could take place this year.

Councilmember Thompson disagreed, stating, "we don't have a willing developer."

Mr. Raffetto pointed out that Greystone has been communicating with Ed and Kevin McManimon regarding the terms and conditions of the proposed Redeveloper's Agreement, and did post escrow to cover work on that. It was noted that a portion of the escrow posted by them actually served to reimburse the Borough for approximately \$27,000 in prior expenses incurred during this process. Mr. McManimon and Greystone's legal counsel have continued their efforts to put together a draft agreement, he said. Just that day, Kevin McManimon suggested that the Redevelopment Subcommittee reconvene soon. "Since we haven't seen an updated conceptual plan," Mr. Raffetto said, "we're not sure whether and to what degree we may need changes to the Redevelopment Plan, but I do believe it will be necessary at some point to refer it back to the Planning Board." Councilmember Schneider again recommended that the Redevelopment Plan be referred back to the Planning Board at this time. "I came here tonight to ask that they be named as Redeveloper," he said, "but I'm not asking that – just to get moving." He then moved a verbal Resolution (to be reduced to writing and numbered 2007-148) to refer the Redevelopment Ordinance back to the Planning Board.

Discussion continued.

Councilmember Thompson asked, "What are we asking the Planning Board to do?" Councilmember Schneider answered, "Where we left off was that Greystone has so far, in theory, said 'we are willing to provide you with a certain dollar amount for Borough Hall.' There is a lot up in the air regarding the numbers. They were largely complying and raised the number of units by just a few, to the maximum allowed. ... The first part, that no one disagrees with, is the

town homes. They could break ground in a matter of months. Where we are right now with them is not so terribly far apart. If we went with a developer other than Greystone, we would have to condemn the property, and they're not willing to sell. The last ordinance was outside of where they could go, but they were willing to make some concessions." Mr. Schneider noted that the Borough will still have the opportunity to name or not name Greystone as Redeveloper, but by referring the plan now back to the Planning Board, it gives us the opportunity to move forward. Mr. Thompson asked, "What changes do we anticipate them to make?" Councilmember Schneider replied that he would anticipate that the Planning Board would open the Plan up to remove the requirement for changes to this building, and limit the development to the Mill site. "They would stay off this property and give us money to fix it on our own," he said.

Councilmember Harinxma asked about the prior plan's requirement for retail and office space. "Office space would stay unchanged," Mr. Schneider said, "but retail here is where the deal falls off. The bank would have a lot of issues with doing the front [of this building]." He added that to take the property through condemnation would be a lengthy process.

Councilmember Thompson asked the Borough Attorney if, in order to proceed with condemnation of the Mill property, the Borough would need to have another developer willing to build something "substantially dissimilar" to what Greystone has proposed. Mr. Raffetto replied that this has been discussed in closed session, and that he would be "reluctant to get into the Borough's litigation posture in this setting." Mr. Thompson asked if it is true that condemnation would be a "lengthy process." "It can vary," Mr. Raffetto replied. He noted that the process must include an appraisal, title work, ordinance adoption and statutorily-required negotiations, and can go on for quite some time. When and if negotiations break down, he said, the town can file an action in superior court with a declaration of taking to authorize acquisition of the property. A determination would then be made as to whether or not the Borough had "validly exercised its power." After that, he said, the court would set hearings regarding the property's fair market value. "But at any point in the process," Mr. Thompson asked, "the owner and developer could agree?" "Yes," replied Mr. Raffetto.

Council President Sikorski reviewed the process to be followed, as follows: (1) Council sends the Redevelopment Plan back to the Planning Board for review. (2) This issue is aired by the Planning Board at a public meeting, where they may make recommendations to Council. (3) The Plan then comes back to Council, who will consider the Planning Board's recommendations in an open meeting, and any changes to be made would follow the usual process for adopting an Ordinance, including a public hearing. (4) Any final version of the Redeveloper's Agreement would also be brought before Council for a vote, with public input. Mr. Raffetto confirmed that this is indeed the process that would be followed. "It is a thoughtful process," Mr. Sikorski said, "and is not being 'railroaded.' I feel comfortable supporting the recommendation outlined by Dave [Schneider] to proceed as expeditiously as possible."

Councilmember Thompson stated, "My issue has been 'the process' from the beginning, especially how we positioned ourselves and how we continue to interact with one developer." He added that, when we "initiated the last process" six months ago, Council was told that it could take a lot longer otherwise and "nothing has happened." "We continue to get less and less from this developer," he said, "because we failed to position ourselves well within the negotiation."

Council President Sikorski disagreed. "Progress has been made," he said, "in the sense that Greystone made an escrow payment, and the negotiation of an agreement is ongoing. Tonight is proposed something to expedite the process further. Development projects in other communities have hit very serious snags; we are proceeding as cautiously as we can, considering all of the obstacles in place."

Councilmember Schneider stated that, typically, a redeveloper is designated and then a redeveloper's agreement negotiated. "Naming them doesn't help," he said, "if they can't come to an agreement with us. There is not much of a reason right now to withhold the designation. If this goes to the Planning Board, they can come back to us with recommendations and we can have Greystone in the room and pin them down as to the basics of the conceptual plan. We can name them as Redeveloper, and can still work out the details of the agreement, once we know they will be building something we are reasonably happy with. Once designated, they can get the process started. We don't need a subcommittee or private meeting. I would be happy to have live negotiations with Greystone in front of us at the microphone. For some reason, we feel that the Redeveloper's Agreement has to be pinned down before the redeveloper

is named, but it is hardly ever done that way. We're close. Why not get them in here?" He clarified that the vote tonight which he is requesting is simply to send the ordinance to the Planning Board for further review.

Councilman Thompson stated that, if changes made are in sync with the Borough's discussions with Greystone, it "will weaken the Borough's benefit from this project."

"The weakest point is to let it continue unbuilt," Councilmember Schneider responded. "It's been vacant for many years. We have someone willing to redevelop it." He added that it would be "adversarial to take the property away when we can have tax relief and something built there that can be very nice. Even the eight town homes would help a lot." Mayor Patten stated that, due to the delay in this project, the Borough lost a \$350,000 Small Cities grant that could have been used for important streetscaping, and there is "no guarantee we'll get that back." "It is important to at least go this route to continue the process," he said.

Councilman Quattrone stated that it would be helpful to have Councilmember Schneider attend the Planning Board meeting. Mr. Schneider indicated that he plans to do that.

Councilmember Harinxma stated that, while she sees Councilman Thompson's point, she feels that "we under the gun here now." "But," she added, "I feel that we're just getting worn down to finally agree to what they want." Councilmember Schneider stated that the concessions that Greystone has made were made because they are tired of this process. "They can't walk away," he said. "They have too much invested. Right now, it's costing them a lot. And every month that passes, we lose the opportunity for tax relief. The 10-year PILOT would bring in nearly \$700,000 per year....The only way this doesn't benefit us is if it goes away."

Councilman Quattrone stated that he understands how Councilmember Harinxma would have felt manipulated, but added, "That went away a few months ago. I've seen the tide change and I'm now willing to vote yes."

At this time, the roll was called for Resolution 2007-148.

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

Resolution adopted, 5-1.

RESOLUTION 2007-148 RESOLUTION TO REFER ADOPTED REDEVELOPMENT PLAN TO BOROUGH PLANNING BOARD FOR REVIEW AND RECOMMENDED REVISIONS

WHEREAS, N.J.S.A. 40A:12A-7(f) provides that the governing body of a municipality may direct the planning board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area, to be transmitted to the governing body for its adoption; and

WHEREAS, the Borough has previously adopted a redevelopment plan relating to various areas of the Borough; and

WHEREAS, subsequent to the adoption of said plan, the Borough Council has previously requested that the planning board review the adopted plan and make recommendations for revisions to said plan; and

WHEREAS, the planning board previously reviewed the adopted plan, in accordance with the governing body's request, and made recommendations for revisions to said plan, which were thereafter adopted by the governing body; and

WHEREAS, the Borough Council believes that it would once again be in the best interests of the Borough for the planning board to review the most recent version of the plan and to make recommendations for additional revisions to said plan, if any, which will assist in facilitating the redevelopment of the Mill site, as contained in the Bank Street Sub-area; and

WHEREAS, in accordance with N.J.S.A. 40A:12A-7(f), the Borough Council therefore wishes to direct the planning board to review the most recent version of the plan and to make recommendations for additional revisions to said plan, if any, which will assist in facilitating the redevelopment of the Mill site, as contained in the Bank Street Sub-area.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that, in accordance with N.J.S.A. 40A:12A-7(f), the Borough Council hereby requests that the Planning Board review the Borough's most recent redevelopment plan, and submit to the Borough Council the Board's recommended revision(s) thereto, if any, which will assist in facilitating the redevelopment of the Mill site, as contained in the Bank Street Sub-area.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Hightstown Borough Planning Board
- b. Gary Rosensweig, Esquire, Planning Board Attorney
- c. Frederick C. Raffetto, Esquire, Borough Attorney
- d. Edward McManimon, Esquire, Special Counsel
- e. Candace B. Gallagher, Borough Administrator
- f. Carmela Roberts, P.E., Borough Engineer
- g. Tamara Lee, P.P., Borough Planner

Councilmember Schneider stated that he would be at the next Planning Board if they are willing to hear him, and is also willing to speak with any member of Council or the public at more length. He recommended that any future subcommittee meetings take place in public during a Council meeting.

NEW BUSINESS

PROPERTY MAINTENANCE: RESTRICTIONS ON HEIGHT OF GRASS

Mayor Patten stated that our current ordinance restricts grass height to 10 inches. When it reaches that height, we notify property owners and give them time to cut their grass before further action is taken. If the grass is not cut after notification, Public Works can do it, and the Borough places a lien on the property. In the meantime, neighbors are complaining. He recommended that the ordinance be changed to restrict grass height to six inches. Councilman Quattrone stated that, even with that restriction, the grass could reach 10 or 12 inches before it was cut. This was discussed briefly and it was generally agreed that an Ordinance would be introduced at the next meeting to restrict grass height to six inches.

COMCAST CABLEVISION FRANCHISE RENEWAL

Ms. Gallagher reviewed the timeline now in place following the submission by Comcast of their Application for Municipal Consent to Operate a Cable Television Franchise in the Borough. She explained that a public hearing must be held no later than July 15, and must be advertised 45 days in advance. She recommended that a hearing date be set at this time for Tuesday, July 10, and that the regular Council meeting be convened on that date rather than on Monday, July 2. Council was in agreement, and this will be advertised in accordance with the statute.

Mr. Raffetto noted that Comcast could opt to pursue the new statewide franchise, but has opted at this time to follow the older procedure. They could, at any point in time, opt to pursue the statewide franchise. He noted that any cable company that wished to apply here could do so by following this process.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, stated that the Bradford pear trees in the Borough "should go away before they all fall down in pieces." She recommended that they be replaced with Ginkgo trees.

Michael Theokas, 142 Mill Run East, stated that improvements to the Main Street parking lot are a great idea and he would like to discuss the plans with the Borough Engineer. Mr. Theokas also expressed support for the signage proposed for the railroad bridge abutment. He went on to refer to the Mill and the Minute Maid properties as "two big black eyes," and urged that redevelopment efforts proceed without further delay. "The longer we wait," he said, "the worse position we'll be in. Get it done now. ... The future of this Borough relies on its growth." He said that he would be

at every Planning Board meeting from now on, and added, “the reason we are still here after years of nitpicking is that we don’t move forward.”

Eugene Sarafin, 600-628 South Main Street, spoke regarding several issues:

- He noted the recent passing of area residents Joseph Locke, Bob Wilson and Roger Bentley.
- He stated that the reason Comcast is following the older franchise procedure is so that they can charge different prices in different towns.
- He estimated that, given their investment, the Mill property is costing Greystone \$200,000 per year plus taxes. “I don’t think it’s the borough giving things up,” he said. “It’s almost to our advantage to speed up the process and let them build it the way we want.” He commended Council for their work.
- He noted a recent editorial cartoon in the *Trenton Times* depicting Hightstown as a town where the “fourth amendment is strictly enforced” and said, “we’re becoming world famous as a town. I don’t see any harm ... it’s better to be known as a community that is honest and treats people fairly than as a town like Morristown.... To those who say it will bring in Hispanics, not really and ... so what? They can buy homes.”

Jeff Bond, 210 South Main Street, recalled that, when the Borough began Phase III of its revitalization (Mercer Street) there was discussion regarding whether Franklin Street should have been improved first. “Franklin Street,” he said, “is really the gateway to the community.” He asked Ms. Roberts why she had proposed that the Centers of Place grant application be submitted for the Memorial Park area rather than for Franklin Street. Ms. Roberts replied, “It is geared more toward what this type of grant would fund, with a connection both to the park and to parking. [This project] would rank high with the Centers of Place grant. I agree that Franklin Street is important, but other grants would be more appropriate for it.” Mr. Bond recommended that the Borough pursue a Small Cities grant or other funding for the reconstruction of Franklin Street, as there is a real need for that work to be done, and it is “construction ready.”

J. P. Gibbons, 602 North Main Street, expressed support for removing the Borough Hall from the Mill project and instead receiving cash from the developer to make our own improvements, and asked what leverage the Borough would have to be sure we receive that money, given that “they own the property and can do what they want with it.” Mr. Raffetto explained that anything they do there must be in accordance with the Redevelopment Plan, because that area has been designated as an Area in Need of Redevelopment. Anything they do would require the approval of the Mayor and Council. Mr. Gibbons applauded Council and added, “build and get your ratables.” Lastly, Mr. Gibbons recommended that “child caps” be installed where the new benches are bolted to the walls in the courtroom.

No one else came forward and the floor was closed.

Adjournment was moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk