

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

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

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

APPROVAL OF AGENDA

Prior to approval of the agenda, Mr. Raffetto noted that certain revisions to Ordinance 2007-22 have been recommended by the Planning Board, and they are "substantial in nature." If Council wishes to amend the ordinance to incorporate those changes, it would need to be reintroduced and the public hearing and adoption scheduled for a later date. The agenda, he said, could be approved as is, or revised to delete the public hearing on this ordinance with the understanding that the ordinance would be revised and reintroduced, and a new public hearing scheduled.

This was discussed briefly and it was generally agreed that the agenda should be approved as is in order to provide the opportunity for those who came to this meeting to speak at the public hearing that was advertised.

The agenda was amended under "Engineer's Items" to include Resolution 2007-236 and to remove Resolution 2007-231. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Thompson and unanimously approved.

APPROVAL OF MINUTES

Minutes of the October 1, 2007 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Schneider and approved as submitted by all but Councilmember Thompson, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, suggested that the Mill redevelopment project incorporate the principles of LEED (Leadership in Energy and Environmental Design). The initial cost would be five to ten percent higher, she said, but utility costs would be reduced by 25 to 50 percent.

Chris Moraitis, 208 Stockton Street, said that he was disappointed by the comments of some Planning Board members at the previous night's meeting. He called those comments "mean spirited, divisive and meant to invalidate the good work of some members of the community." Still, he said, he finds it "exhilarating to participate in this small town." He expressed confidence that Council would be more responsive than the Planning Board to the comments and concerns of the public.

Tom Huelbig, 237 Rogers Avenue, stated that he moved here from northern New Jersey because of the diversity, and spent two years looking elsewhere before he found "the perfect house" in Hightstown. He said that he attended the Planning Board meeting held on the prior evening (October 15) and felt "like a schoolboy being scolded" by one of the Board members who commented that speakers from the public were "letting their emotions run away with them." He felt that the members of the Planning Board had their minds made up, and 7 of the 8 members voted yes, despite the fact that, he said, "80 percent of the speakers were against" the changes to the Plan. This redevelopment project, he said, will affect Hightstown for many years to come. He said that, while everyone was excited about the vision at the beginning of this process, that is no longer the case. He asked how changes to the plan would benefit the town and said that some did suggest alternatives, such as 80 units. He stated that this will have "a direct impact" on our schools, and that the farther along we are in this process, the harder it will be to change things. "I want what is in the best interest of Hightstown," he said.

Richard Pratt, 214 Stockton Street, agreed with Ms. Deal that it would be good to incorporate LEED principles in the Mill design. LEED, he said, is "becoming very real," and Boston now requires that all new construction meet certain LEED guidelines. He noted that more information is available through the website of the U.S. Green Buildings Council, www.usgbc.org. Mr. Pratt went on to say that, while at Grant Avenue Park last weekend, a large tree limb fell to the ground just 20 feet away from them. He asked that the Borough address other dead and dying branches there before someone gets hurt, and noted that there is one tree there that is entirely dead.

Cristi Palmer, 121 Park Avenue, echoed Mr. Pratt's concerns, and said that there are actually two dead trees in that park. Ms. Palmer then read aloud a letter submitted by Janice Carson, 124 Park Avenue, regarding the redevelopment plan. In her letter, Ms. Carson stated, "It is critical for a town to have such a plan in order to achieve its goals. It is also critical that it is not changed repeatedly to meet the needs of a developer. As elected officials, we fully expect you to do what is best for the local residents and to think very carefully about the long-term impact on our town if a developer is allowed to determine what works best."

Laurie Johnston, 225 Rogers Avenue, spoke regarding the public reaction to the recent stabbings on Rogers Avenue, and said that at the last meeting, things turned into a "modern day witch hunt." Some residents spoke of the house at the corner of Rogers Avenue and Academy Street, she said, as if it were the cause of the stabbings, and one resident objected to the Mill development and the anticipated "socioeconomic status" of its residents. She said that she was appalled to see a picture of the corner house in the *Windsor-Hights Herald*, implying that it was one of the causes of the violence. "It seems easier," she said, "to blame a crime on a class of people than to face the fact that we live in 2007 and violent crimes will occur, and, yes, one did here." "This is my home," Ms. Johnston went on to say. "I have pride, and I do not want our town's name tarnished by one act, or by how we treat our neighbors. We are not all born with the ability to make a good living," she said, "but we do the best that we can. We don't all fit the quota, but we are all part of Hightstown, living together, trying to enjoy life together as a community." Ms. Johnston said that she holds down two jobs

and asked, "Am I part of the corrosive problem?" "No," she said, "but that is the opinion of those who group classes of people together. I don't think crime is based on a certain class of people. That is a prejudiced and biased opinion that I want no part of."

Dan Hagerty spoke on behalf of Gospel Mission Corps, 146 Stockton Street, to request a tax abatement. They are trying to expedite repairs, he said, and an abatement would be very helpful. "We have different avenues to pursue to restore our tax exempt status," he said, "but we felt that the best way was to work in a friendly, workable way to address concerns that the town and our neighbors have. I am here to open a dialogue and see what we can do to get the tax situation resolved."

Jennifer Ward, 225 Rogers Avenue, spoke regarding the recent stabbing and the reaction of the public with regard to the house at the corner of Rogers and Academy Street. "It is ridiculous," she said, "that people have a biased opinion of the people that hang out there and are friends. There is nothing wrong with hanging out." She said that they are not permitted to be in the parks after dark. She works 30 hours a week, she said, and attends college, and it is "ridiculous that I am judged by who I hang out with." She said that three of the group of friends were at this meeting, but others in the group were afraid to come. She encouraged those who have criticized them to do so to their face.

Mayor Patten thanked Ms. Ward "for being a real Hightstonian."

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTION 2007-229, AUTHORIZING PAYMENT NO. 10 AND FINAL ACCEPTANCE – JONICO, INC. (RECONSTRUCTION OF CLINTON STREET AND COLE AVENUE)

Following a brief review by Ms. Roberts, Resolution 2007-229 was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2007-229 AUTHORIZING PAYMENT NO. 10 AND FINAL ACCEPTANCE – JONICO, INC. (RECONSTRUCTION OF CLINTON STREET AND COLE AVENUE)

WHEREAS, on August 7, 2006 the Borough Council awarded a contract for the reconstruction of Clinton Street and Cole Avenue 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 Orders No. 1 and 2 to this contract in the total net amount of \$90,756.89, bringing the total contract price to \$385,889.89; and

WHEREAS, the Contractor has submitted Payment Request No. 10 and Final for this project in the total amount of \$7,717.80, as detailed on the attached listing, together with the required certified payrolls and closeout documents, including a one-year maintenance guarantee in the amount of \$38,589.00; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 10 and Final, and release of the performance guarantee originally submitted for this project;

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

1. Payment Request No. 10 and Final by Jonico, Inc. in the amount of \$7,717.80 is hereby approved, and the Treasurer is authorized to issue same.
2. The Cole Avenue and Clinton Street Reconstruction Project is hereby accepted.
3. The Borough Clerk is hereby directed to return to Jonico, Inc. the performance bond originally submitted for this project in the amount of \$295,133.00.

**RESOLUTION 2007-230, AUTHORIZING EXECUTION OF A FIRST ADDENDUM TO DEVELOPER'S
CONSTRUCTION AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND
ENCHANTMENT AT HIGHTSTOWN, LLC**

Following a brief review by Ms. Roberts, Resolution 2007-230 was moved by Councilmember Harinxma and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

**RESOLUTION 2007-230 AUTHORIZING EXECUTION OF A FIRST ADDENDUM TO DEVELOPER'S CONSTRUCTION
AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND ENCHANTMENT AT
HIGHTSTOWN, LLC**

WHEREAS, the Borough of Hightstown (the "Borough") and Enchantment at Hightstown, LLC (the "Developer") have previously entered into a Developer's Construction Agreement dated November 1, 2004 (the "Developer's Construction Agreement"), relating to development of the properties known and designated as Block 1, Lots 1, 5, 6 and 7, and Block 10, Lots 10, 11 and 12, and Block 11, Lots 1, 21 and 22, as shown on the Hightstown Borough Tax Map, which lands have been subdivided into seventy-eight (78) building lots for single-family age restricted homes, one (1) lot for recreation, two (2) lots for storm water management and one (1) lot for a water storage tower, collectively known as the "Enchantment at Hightstown" (also referenced as the "development"); and

WHEREAS, the Developer is being charged one (1) connection fee for water and one (1) connection fee for sewer for each home in the development, in accordance with the Borough's Ordinance, totaling approximately \$5,500.00 per unit; and

WHEREAS, the Borough's Ordinance requires one (1) connection fee for each three hundred (300) gallons per day of anticipated flow; and

WHEREAS, the Developer has constructed a clubhouse on one of the above lots for the exclusive use of the age-restricted population that will inhabit the development; and

WHEREAS, at this time, the clubhouse is ready to obtain a final certificate of occupancy for use, and in order to do so, the Developer must first pay the necessary connection fees associated with the said clubhouse; and

WHEREAS, the parties have determined that the figures representing estimated flow at the clubhouse, as estimated by the New Jersey Department of Environmental Protection (the "NJDEP") , are unrealistic given the contemplated use of the clubhouse; and

WHEREAS, the parties have also determined that the Borough's Ordinance does not adequately address the calculation of connection fees for such a clubhouse; and

WHEREAS, the parties agree that any connection fee that is charged must be fair and reasonable, based upon the estimated demand for water and sewer services that the clubhouse will place upon the Borough's systems; and

WHEREAS, the Borough Engineer has reviewed the issue of how other towns have dealt with this situation, as well as the actual demand that the proposed clubhouse will place upon the Borough's water and sewer systems; and

WHEREAS, in light of the above, the parties have agreed that it would be fair and reasonable for the Developer to pay a fee to the Borough in the amount of five (5) connection fees, representing a total of twenty-seven thousand eight hundred and twenty dollars (\$27,820.00), in order to adequately compensate the Borough for the estimated demand for water and sewer services that the clubhouse will place on the Borough's systems, which fee shall be due and payable prior to the time of issuance of a final certificate of occupancy for the clubhouse; and

WHEREAS, the terms and conditions relating to payment of the said fee are set forth in a First Addendum to the Developer's Construction Agreement, a copy of which is attached hereto and made a part hereof.

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

1. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached First Addendum to the Developer's Construction Agreement, which shall serve as a supplement to the initial Developer's Construction Agreement.
2. That, pursuant to the attached First Addendum, the Borough is hereby authorized to charge and collect a fee from the Developer in the amount of twenty-seven thousand eight hundred and twenty dollars (\$27,820.00), in order to adequately compensate the Borough for the estimated demand for water and sewer services that the clubhouse referenced above will place on the Borough's systems.
3. That all Borough officials are hereby authorized and directed to undertake all actions that are necessary in order to effectuate the intentions of this Resolution and the attached First Addendum.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Enchantment at Hightstown, LLC
 - b. Carmela Roberts, P.E., Borough Engineer
 - c. Arlene O'Rourke, Borough Treasurer
 - d. Larry Blake, Director, Borough Department of Public Works
 - e. George Chin, Borough Construction Code Official
 - f. Frederick C. Raffetto, Esq., Borough Attorney

RESOLUTION 2007-236, AUTHORIZING RELEASE OF AMOUNTS REMAINING IN ESCROW – D. M. PROPERTIES (GRANT PRESERVE)

Following a brief review by Ms. Roberts, Resolution 2007-236 was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 6-0.

RESOLUTION 2007-236 AUTHORIZING RELEASE OF AMOUNTS REMAINING IN ESCROW – D. M. PROPERTIES (GRANT PRESERVE)

WHEREAS, D. M. Properties posted funds in escrow with the Borough relative to their Grant Preserve subdivision; and

WHEREAS the work is now complete, and the Borough Engineer has recommended release of all remaining escrow held by the Borough on their behalf, subject to payment of any outstanding fees;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to return to D. M. Properties any and all funds remaining in their escrow account as detailed herein.

RESOLUTIONS

RESOLUTION 2007-235, RESOLUTION CALLING UPON THE COMMISSIONERS OF THE BOARD OF PUBLIC UTILITIES TO APPROVE THE REBATE APPLICATION BY THE BOROUGH OF HIGHTSTOWN DATED DECEMBER 23, 2005, WITH RESPECT TO THE INSTALLATION OF A SOLAR PHOTOVOLTAIC ELECTRIC SYSTEM ON CERTAIN MUNICIPAL BUILDINGS AND PROPERTIES

Mr. Raffetto reviewed the provisions of this Resolution, noting that the courts have determined that the Board of Public Utilities must take action to resolve this matter by October 25. A public meeting will take place in Newark on October 24. Resolution 2007-235 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-235 RESOLUTION CALLING UPON THE COMMISSIONERS OF THE BOARD OF PUBLIC UTILITIES TO APPROVE THE REBATE APPLICATION BY THE BOROUGH OF HIGHTSTOWN DATED DECEMBER 23, 2005, WITH RESPECT TO THE INSTALLATION OF A SOLAR PHOTOVOLTAIC ELECTRIC SYSTEM ON CERTAIN MUNICIPAL BUILDINGS AND PROPERTIES

WHEREAS, the development and operation of solar photovoltaic electric ("PV") systems on rooftops and other locations is an important element in New Jersey's "clean energy" policies; and

WHEREAS, solar PV systems reduce electric utility bills while decreasing pollution, especially greenhouse gas emissions, and help to curtail dependence on fossil fuels and foreign sources of energy; and

WHEREAS, the Board of Public Utilities ("BPU") has established a "Clean Energy Program" by which residents obtain rebates from the Societal Benefits Charge ("SBC"), pursuant to Section 12 of the "Electric Discount and Energy Competition Act" for the installation of solar PV projects; and

WHEREAS, on December 23 2005, the Borough of Hightstown responded to the BPU's initiatives by submitting a complete rebate application to install a solar PV project on certain municipal buildings and properties; and

WHEREAS, the Borough thereafter engaged in an open competitive solicitation among potential solar PV developers to install and operate such a solar electric PV system; and

WHEREAS, the Borough selected the firm of World Water & Power, a pioneering solar energy firm with headquarters in Mercer County, New Jersey; and

WHEREAS, due to delays in obtaining the rebates, World Water had to file an appeal with the Appellate Division of Superior Court, seeking a judicial directive for the BPU to approve the December 23, 2005 rebate application; and

WHEREAS, the Appellate Division responded to this appeal by issuance of an order dated August 25, 2007 whereby the BPU was directed to act on the rebate application for the Hightstown project by no later than October 25, 2007;

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

1. The elected officials of the Borough of Hightstown continue to support and endorse the planned World Water & Power solar PV project for installation as soon as possible on certain designated municipal buildings and properties;
2. The elected Borough officials recognize that, without the rebate approval from the BPU, World Water & Power will be unable to finance, install and operate the solar PV system for the benefit of the Borough and the public of New Jersey;

3. The Borough calls upon the Commissioners of the Board of Public Utilities to approve the rebate application dated December 23, 2005 and to order the issuance of the rebates so that this important solar project may be developed as soon as possible;
4. A copy of this Resolution shall be delivered as promptly as possible, and prior to October 24, 2007, to each commissioner of the BPU and to the relevant members of the BPU's staff.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-22,

AN ORDINANCE AMENDING THE BOROUGH'S REDEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE 2004-20 ON SEPTEMBER 7, 2004, AND AMENDED BY ORDINANCE 2006-19 ON OCTOBER 2, 2006, RELATING TO SUB-AREA I (BANK STREET) WITHIN THE BOROUGH OF HIGHTSTOWN

Mr. Raffetto stated that the Planning Board met on the previous evening and reviewed the amendments to the adopted Redevelopment Plan which are proposed in this Ordinance. Their recommendation, he said, is that those amendments be approved by Council. In addition, they are recommending that two additional changes be made to the plan: the requirement for shared parking should stand regardless of whether or not Borough Hall is included in the plan, and it should be clarified that the amount of non-residential space required is "leaseable" space. The consensus of all of the attorneys involved, he said, is that these added changes are substantive and to include them in this Ordinance would require its reintroduction. Under redevelopment law, Mr. Raffetto said, Council may approve or disapprove or change any recommendation of the Planning Board. If they disapprove or change any of them, their reasons for doing so must be recorded in the minutes.

Ms. Roberts asked Council to consider one more change to this Ordinance. The redevelopment plan, she said, includes a provision stating that Mechanic Street (between Bank Street and the municipal building) shall be vacated. Now that there are options relating to how the municipal building property can be handled, she said, this "may not be the definitive thing to do." She recommended that, in order to provide flexibility for both the Borough and the developer, this language be changed to state that it "may," rather than "shall," be vacated. Mr. Raffetto noted that, should this change be included, the Ordinance will once again need to be referred back to the Planning Board.

Mayor Patten opened the public hearing on Ordinance 2007-22.

Phyllis Deal, 305 Stockton Street, said that, although LEED principles¹ are "encouraged" in the existing Redevelopment Plan, there is no requirement that those guidelines be followed. "If we're looking to achieve that," she said, "the language needs to address it."

Richard Pratt, 214 Stockton Street, said that he hopes that a condominium association or similar agency (other than the redevelopment agency) will be in place to oversee things once the project is built. Mr. Pratt also stated that there needs to be a building on North Main Street and that it would continue the commercial district. We need the option to have a building on Bank Street in addition to, not instead of, a building on North Main Street, he said. He added that it needn't necessarily be retail space.

Cristi Palmer, 121 Park Avenue, urged Council to reconsider the amended plan. The concept initially presented, she said, was acceptable to residents, and addressed the Borough's needs for business ratables to stabilize taxes, enhanced

¹ See Ms. Deal's prior comments during Public Comment.

retail on North Main Street to connect it to the downtown area, and an attractive area to draw visitors. She said that she is concerned about "the continued erosion of the plan from its initial vision" and that it no longer meets the community's needs. Constant revisions at the developer's request raises questions about them, she said. "Did they not understand or just tell us what we wanted to hear?" she asked. "Either way, it is imprudent to continue to accede to their demands." Ms. Palmer requested that the Plan stand as is, so that the developer provides a Borough Hall. Alternatively, she suggested, the developer could transfer to the Borough that area between Mechanic Street and Main Street, which would allow us to expand or replace the municipal building as we see fit, and have that space available for parking under the Borough's control. "Ultimately," she said, "having that land is more valuable than \$350,000." Lastly, Ms. Palmer said that it is "very concerning to her that members of the Planning Board or Borough Council would tell the public that their opinion is not valuable and that they have no insight into this." This will impact residents, she said, and their voices should be heard.

Chris Moraitis, 208 Stockton Street, stated that there is "broad opposition to this plan" among residents. He asked Council not to discount their opinion and not to settle for less when it comes to the Mill property. "The public," he said, "is overwhelmingly concerned that we've given up any value to our residents. ... The Mill will have the greatest impact on this community that any of us will ever see."

Dylan Ross, 126 Morrison Avenue, agreed with prior comments and stated that he does not agree with the proposed changes to the redevelopment plan.

Michael J. Gross, spoke as an attorney representing Greystone to respond to Ms. Roberts's recommendation that the language of the Plan be changed to make the vacation of a portion of Mechanic Street optional rather than a requirement of the Plan. That suggestion is "very disturbing," he said, as Greystone's plan does contemplate the vacation of that street. This was negotiated, he said, and has always been a part of the plan. He said that this change would be a major consideration for financial entities in funding a project with an uncertainty about receiving the street vacation. Regarding the shared parking, Mr. Gross stated that the original numbers were in the context of work that would be performed by the redeveloper on Borough property, which is no longer the case. "Greystone," he said, "is more than willing to entertain and provide shared parking" but he added that they would not want that requirement to impact their "ability to construct in accordance with the Redevelopment Plan." If these additional changes are made, he said, Greystone would be "concerned moving forward on that basis." With respect to the shared parking, Mr. Gross commented that it would be satisfactory to Greystone if there were a provision in the plan that the redeveloper "would attempt to maximize the parking without impacting allowed uses under the Redevelopment Plan."

Dan Buriak, 194 Stockton Street, expressed his opposition to changing the Redevelopment Plan. He asked Council to take into consideration what the people want and referenced President Abraham Lincoln and "government by the people."

Mike Wiley, 205 Morrison Avenue, expressed his opposition as well, and said that this represents a departure from the original vision for the Borough. "We've moved past the point where residents share in a vision with the developer," he said.

Amanda Porter, 214 Stockton Street, said that, until now, people in the community "didn't really understand" the redevelopment plan and did not have "easy enough access to information" to get involved sooner. "You've finally got a town really interested and involved," she said. "This is an opportunity.... Don't be in a rush to finish it. Make it something that all have had a say in."

Joe Henning, 33 Meadow Drive, asked if there is a way to put this to a vote by the people. Mr. Raffetto explained that there is no legal means for an initiative and referendum by the public, so the matter rests within the discretion of Borough officials.

Gail Doran, 201 Hutchinson Street, said that she opposes revisions to the Redevelopment Plan and feels that "concessions made to the developer are ill-advised." The increase in the number of units and the absence of retail on

North Main Street, she said, "make the project much less attractive." She said that other developers could be interested given the increase in the number of residential units, including some that "walked away" when the maximum was set at 80. She said that the Borough should not be in a rush at this point, and that the climate is not good right now for building new housing. She added that counsel for Greystone refers back to the original agreement when it is convenient to do so and not otherwise. The revised plan does not represent the interest of Hightstown, she said, and she urged Council not to approve these revisions.

Mike Vanderbeck, 344 Stockton Street, applauded the hard work of the subcommittee members throughout this process, and said that Greystone is a strong developer, but the plan has been "whittled and whittled." "At the heart of this," he said, "what the developer is trying to do is mitigate a bad business decision ... and residents are being shortchanged." He asked Council to vote against changes to the Plan.

No one else came forward and the hearing was closed.

Discussion by Council ensued.

Councilmember Thompson said that he was gratified to see the public getting involved in this issue, and that he will "enthusiastically vote no, as in the past."

Councilmember Harinxma stated that she, also, is "inclined to vote no." Hightstown is a small community, she said, with not a lot of space left to develop, and "this will have a big impact."

Councilmember Rosenberg said that he would be voting no on this for the following reasons:

- "The plan lacks overall vision to elevate Hightstown to the next level." This site, he said, has the potential to be different than anything else around us. He said that he hasn't heard anyone excited recently, and that this project "has to be a home run, not just acceptable. This would be a mediocre development that will not elevate Hightstown."
- "We would be modifying the Plan again based on the developer's ability to meet its requirements and not on our own needs."
- "The majority of the public thinks we should not modify the Plan." The petition submitted and those in attendance at this and the Planning Board meeting, he said, indicate "how the majority of Hightstown residents really feel." He said that it represents a "true cross section" of the town.

Councilmember Schneider stated that this "started when Mike [Vanderbeck] showed us a drawing as to what the town's vision was" for the Mill property, and that included retail, offices and condominiums. Mr. Schneider said that he never liked the Mill building and felt that it should come down. "I've heard continually that we are giving into the developer's requests," he said. "The developers were those who came to us and said, 'If you'd like retail, give us the front portion of Borough Hall.' That came from *them*." He went on to say that a lot of people are very passionate about this right now. "You could have read the papers, come to meetings ...," he said, "but what this passion is based on is what was on the petition," which, he said, was "shockingly misleading." He stated that:

- \$1.8 million is the price of redoing the entire municipal building, which "was never contemplated by any developer" and which he is not in favor of. "No one," he said, "has presented a legitimate argument as to why we need more space for this Borough Hall." What was contemplated, he added, was an expansion of Borough Hall to North Main Street, where the Borough would receive 6,000 square feet of fit out space and we would lose the back portion of the building.

- The original plan contemplated 80 residential units with 42,000 square feet of office and retail space. He felt that the parking in that plan would not work, and it would be a "parking nightmare like we've never seen."
- Reduction in the amount of non-residential space from 35,000 square feet to 20,000 square feet is insignificant, because the 35,000 sq. ft. included 15,000 sq. ft. of municipal space.
- Regarding retail space along North Main Street, he said, "you're talking about three stores, 2,000 sq. ft. each, between the firehouse and the Historical Society, separated from the rest of downtown by the bridge and the firehouse. I can't see it as anything other than a strip mall."

Councilmember Schneider said that, while he assumes that the writer of the petition which was circulated believed that some of what it stated was true, that is "just not the case," and he would be "surprised if anyone on Council believed that that was ever the case." He went on to say that:

- We have "traded high parking requirement office spaces for some additional condo units."
- The Master Plan did not include Borough Hall, but did include redevelopment of the mill site. "It has been undeveloped for 20 years," Mr. Schneider said. "Opposition to this is based on misleading or outright false information. People who have only become involved in this process in the last couple of years may not be aware of where we were four or five years ago."
- The site was declared a redevelopment zone "not to say what goes there but we didn't want warehousing." He said that he would be concerned about its being an industrial site with trucks going in and out all day.
- Reconstruction of the front of Borough Hall would create a "traffic nightmare" and compromise our emergency services by adding valuable seconds to our response time. He added that he is "not in favor of parking on Bank Street for the same reason."
- "Everyone's concerns are more in danger of being worsened if we go the route of trying to get another developer. It would cause further increases in density, and we don't have the parking to handle it. All that everyone would like to see in this project is largely addressed, but the stores in front are a deal breaker."
- This development by itself, he said, could reduce our portion of property taxes by 20 to 25 percent, and the additional cost of services is not significant. The cost of the services we now provide would be shared among more people. "My motivation is always to reduce taxes," he said, "and not at the expense of our lifestyle. I plan to stay here. But that undeveloped property is not helping. ... If you let it go till the future, you'll inflate the price and cost and anyone coming in will try to recoup those losses. This developer is willing to build a project that *we* negotiated. To say 'let's start over' or go to a different developer is not realistic ... unless we give them higher density. Are we willing to take 250 units in order to get Borough Hall redone? I won't. ... [The Mill property] is a blight on this community, and we have a chance to erase it," he said.

Councilmember Schneider said that he is available to speak at length with anyone about this.

Council President Sikorski stated, "Everyone has a truth to tell. The truth we tell is a story we create by the information we have at our disposal." He said that he has learned a great deal during the years he has served on the redevelopment subcommittee. That experience, he said, "doesn't make us prophets but gives us an insight regarding the plan at this stage." He noted that extensive negotiations have taken place, and Greystone has spent nearly \$250,000 for our professionals to review their proposals and present them to Council so that they "have some objective analysis." He noted that, when the site plan review is presented, it may not be possible for the developer to construct 130 units. That number, he said, is "not an absolute number but a permitted number." It includes four duplexes at the top of Academy

Street and 14 affordable units throughout the development. At present, he said, we are discussing with Greystone a contribution to the Borough by them of \$100,000 for recreation and open space purposes, as well as a \$350,000 contribution in lieu of reconstructing Borough Hall and a \$35,000 contribution toward the Bank Street streetscape project. "I recall," he said, "that we were almost at the point of settling at a smaller number of units, and Greystone brought with them a check for \$35,000 [toward the Bank Street streetscape] but Council decided, with a 4 to 2 vote, to reject the smaller number and issue an RFP. We received only one response -- from Dranoff -- and it included more units." He added, "As we procrastinated and delayed, the numbers went up."

Mr. Sikorski explained that, when affordable housing units are included, it costs the developer and that cost needs to be made up with other units. "There is a give and take process," he said, and financial institutions will be reluctant to fund a project if they are not comfortable with the Redevelopment Plan. He stated that, on his daily walks through the Borough, he has noted that the SciCore Academy is now vacant, comprising several thousand square feet in the center of Hightstown, as is Genovese's restaurant, and there are currently three vacant businesses on Nassau Street in Princeton. "There is a complexity to these things," he said.

Council President Sikorski pointed out that, during the negotiating process, "we don't go to the press and say 'this is what we're doing.'" Like a marriage, he said, this is a give and take process. To some extent, we have given to the developer, but there are other things that are positive for the Borough. "If we were to take a ballot question," he asked, "how would it even be phrased? We have erred in that we may not have presented all of this data to the community so that people can understand that there is a good rationale. ... I have served on the subcommittee and on the Planning Board, I have seen the changes proposed, and I feel they are reasonable. I have no evidence to refute them."

Mr. Sikorski stated that, currently, the property generates approximately \$40,000 in tax revenues, of which the Borough receives about \$10,000, the school \$20,000 and the county \$10,000. "We have a one square mile town with 13 churches, the Peddie School and a cemetery, and the tax burden falls on those left. This project is a \$35 million ratable. The amount of services generated is a minor cost considering that the police are nearby. Water and sewer connection fees will generate added revenue. They would use that much additional water and sewer, which is more revenue. Look at the whole picture." He said that he is convinced that the project is not doable as configured, based on what he has read, and he does not see that the three retail spaces would have a significant impact. The increase in ratables, he said, is substantial even without addressing the PILOT, and added that he has not yet taken a final position in that regard.

Lastly, Council President Sikorski pointed out that the final Redeveloper's Agreement does not exist yet, and can't be finished until our ordinances are adjusted. He will want Council to have a draft of that agreement at least a week before voting on it. Some of the concerns raised, he said, are really those of the Planning Board during the site review process. Concerned people should come to Planning Board meetings when this is discussed, he said, adding that, if the Borough were doing this over, there should have been more public disclosure. "This has been a learning process," he said.

Councilman Quattrone stated that he voted yes last time on the redevelopment ordinance, with good reason. "I'm a guy that listens to the public," he said, "and I have changed my mind many times. Tonight, we have 60 or 70 out of 5,000 here. I'm not sure that is a good representation." He said that he came to this meeting feeling that he would vote 'yes,' and spoke to people about this all day, some of whom were for the project and some against it. Borough Engineer Carmela Roberts, he said, is very good, and her recommendation regarding Mechanic Street is in protection of the Borough. When Greystone's attorney came forward at this meeting to suggest that this could jeopardize the project, Mr. Quattrone said, "he soured the grapes." He'll vote no on this ordinance, he said, "if I vote at all."

Councilmember Harinxma stated that the original plan included retail space, which was subsequently deemed to be not workable. Another developer came in, she said, and told us that retail was workable because density will drive the downtown. That was their argument for increasing the number of units, and did change the minds of some. Towns like Plainsboro and Washington Township, she said, have included retail in their developments. "I don't buy the idea that it is

not workable for retail," she said. "If you increase the number of people, you will drive the retail." She said that she is not against the development taking place, but is against it being a "glorified apartment complex."

Mayor Patten expressed his appreciation to the public who came out, and said that he has heard both sides of this, and only votes in the event of a tie. Council President Sikorski, he said, did an excellent job explaining the process we have been going through. In 2004, a conceptual plan was presented, and he noted at that time that it was just a concept. "Unfortunately," he said, "that has been put in people's minds as the *thing*." He pointed out Greystone actually owns this property, which "throws something into this mix." He estimated that they have invested \$5 million so far in this project and said, "Negotiations have been going on to try and meld that vision and reality. Our highly skilled professionals understand the legal issues and redevelopment, and we're not settling. The Borough is getting something out of all this. We do have a blighted area. ... You also will have needed housing – condos and townhouses that will serve the needs of our community."

Hightstown, Mayor Patten said, is located in the "vital central part of New Jersey" and will be a prime location for people to live and commute to the city. "These won't be 'apartments,'" he said. "It creates fear when you use those terms, and it's unfair. Wyckoff's Mill was built almost 20 years ago, and people said the same things about that, but they were wrong." The Mill project, he said, will create residences for single, young professionals, as well as provide affordable units "that many of us would probably qualify for." He noted that the project will also include a portion of the Roger Cook Greenway, a contribution towards recreation and open space, and many other positives for the Borough. It would cost two to three million dollars, he said, to build a new Borough Hall and police department. "We can't do that," he said, "so we're trying to bargain for something in lieu of that. The burden should not be placed on the developer to fix all that we want." The Mayor said that he does believe that we need retail, but it is not financially feasible for the developer to do that in the context of this project. Another developer, however, could come in and put in an addition. "There are so many positive things we can do here," he said. No developer has come forward, he noted, to say that they would build in accordance with our original plan, despite the issuance of an RFP. Greystone has invested in this, and the Borough has been very tough and listened to its "top flight professionals" as well as to the public. "I've heard *more* people saying, 'get this job done,'" the Mayor said.

Mayor Patten closed his comments by saying that the process *does* work, and the public has always been involved. "We're looking out for you," he said. "We all live here too."

Councilman Thompson stated that "the people showed real vision during this past week" and expressed hope that it would begin "an inclusive process for people to help define our vision and work with Greystone or whoever toward that." Mayor Patten agreed, adding that public involvement "is what makes this a healthy community, and I'm proud of that."

At this time, Councilman Thompson moved Ordinance 2007-22 for adoption as originally introduced, and without including the amendments recommended by the Planning Board and Ms. Roberts. The motion was seconded by Councilmember Rosenberg.

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

Ordinance DEFEATED, 5-1.

Council President Sikorski said that he would like to move toward the introduction of a new ordinance amending the Plan to include the changes that were proposed with Ordinance 2007-22 as well as the Planning Board's recommended changes and the change suggested by Ms. Roberts at this meeting, and to send that ordinance back to the Planning Board, as required, for further comment. He made a motion for same and that motion was seconded by Councilmember Schneider.

The new ordinance would be numbered consecutively as **Ordinance 2007-23**.

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

Ordinance introduced, 4-3.

The public hearing on the newly introduced ordinance will take place following the Planning Board's review and recommendations, and was scheduled for November 19, 2007.

CONSENT AGENDA

At the request of Councilman Quattrone, Resolution 2007-234 was pulled from the Consent Agenda for separate consideration. Resolutions 2007-232 and 2007-233 were moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted, 6-0.

RESOLUTION 2007-232 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 **\$460,240.83** from the following accounts:

Current	\$ 154,342.97
W/S Operating	67,694.47
General Capital	1,544.60
W/S Capital	220,217.80
Grant	404.82
Trust	4,184.42
Housing - Trust	2,000.00
Public Defender	150.00
Escrow – Subdivision & Site Plan (First Constitution)	<u>9,701.75</u>
Total	<u>\$460,240.83</u>

RESOLUTION 2007-233 AUTHORIZING PURCHASE OF AMBULANCE FROM WASHINGTON TOWNSHIP

WHEREAS, due to the age and condition of the Borough's existing 1994 ambulance, it was necessary to replace that rig in order to reliably respond to emergency medical calls; and

WHEREAS, said ambulance is used by Washington Township in their provision of emergency medical services to the Borough in accordance with the terms of our interlocal agreement with them for same; and

WHEREAS, in order to assure the Borough's ability to reliably respond to emergency medical calls and to protect the health and welfare of the community, a new ambulance was purchased immediately by Washington Township at a cost of \$87,500.00 and placed into service in the Borough during September 2007, with the understanding that, once funding was put into place, Hightstown would purchase the rig from Washington; and

WHEREAS, Bond Ordinance 2007-21, providing funding for this purchase, was unanimously adopted by the Borough Council on September 4, 2007, and became effective on September 27, 2007; and

WHEREAS, *N.J.S.A.* 40A:11-5(2) specifically excludes any contract entered into between municipalities from the requirements of the Local Public Contracts Law, therefore this purchase may be made without going out to public bid;

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

1. The purchase of a 2006 Ford E-450 Wheeled Coach Custom Type III Model 375 (demo) ambulance, Build #263259, from Washington Township, New Jersey at a total cost of \$87,500.00 is hereby approved, and the Treasurer is authorized to issue payment for same.
2. The Borough Administrator is hereby authorized to take whatever steps are necessary to arrange for transfer of the title of said ambulance to the Borough, and its proper registration, licensing and insurance.

Resolution 2007-234 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

Councilman Quattrone stated, "This is a perfect example of how recycling works in the Borough. I have handed out over 60 violation notices to those not recycling properly. If everyone recycled properly, this number would increase and it would help lower our taxes. It is an excellent way to save money in the Borough. Read your *Crier* ... it tells you what you can and can't recycle."

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

Resolution adopted, 6-0.

RESOLUTION 2007-234 REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2007 BUDGET

WHEREAS, *N.J.S.A.* 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2007 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey Solid Waste Administration	\$2,254.44	Recycling Tonnage Grant	Recycling Tonnage Grant

PUBLIC COMMENT II

Prior to the opening of the floor to public comment, Councilmember Harinxma announced that the Parks and Recreation Commission is offering exercise classes for all age groups on Wednesday evenings beginning November 7.

Councilmember Rosenberg announced that the Environmental Commission will sponsor another town cleanup on Saturday, November 3. Last time, he said, 28 bags of garbage were collected in two hours.

Mayor Patten opened the floor for public comment.

Felicia Randolph, 215 Academy Street, said that she was born and raised in Hightstown, and grew up in the Hightstown Housing Authority. She recalled that, as a child, that was a bad part of Hightstown, and there were "lots of shootouts in the center of the projects." The house on the corner of Rogers and Academy Street, she said, belongs to her grandmother, and had nothing to do with the recent stabbing, yet its picture was in the paper afterward. The kids there, she said, have nowhere else to go, and get in trouble with the town if they are in the park after dark. "Where would you like us to go?" she asked. She said that, because her great grandmother has a breathing problem, she goes outside to smoke, but now she's afraid she will be fined if she sits on the porch.

Brian Chew, 205 Rogers Avenue, stated that the people who congregate in the area of Rogers and Academy Street are the people who live there. "We're not doing anything wrong," he said. "That incident had nothing to do with us. There is no trouble or violence there." Mr. Chew said that he has been promised by people in Trenton and elsewhere that this will not happen again, and said that, if he had been home, it would not have happened at all, because he "runs things" there. Now, he said, the police are in that area all the time, yet when a car went through the stop sign recently, they did not pursue it. "We work on bikes and cars, we pay for ice cream ... we do things the normal way," he said. "Not a lot of crime comes out of that corner. That incident just happened, and it shouldn't have."

Mr. Chew went on to say, "If I and my people walk on that path and walk too far up, the police follow us. ... If you were of a different color or creed, you'd see where I'm coming from. I don't want people to think that the people at Rogers and Academy are bad people. This is not Trenton. This isn't Plainsboro or Washington either. It's Hightstown. I was born and raised here, and I want to keep it a community." He said that he encourages kids to stay in school, adding, "I don't want people to walk by and look at us like we're a different people, not Hightstonians. We're not. We sweep sidewalks, clean up leaves, and pick up trash. When we ride dirt bikes in the yard, we sweep up." He said that he does not want to see their picture in the paper. One woman, he said, said that she was afraid to come out and that they play loud music in the early morning hours. "That's false," he said. "At a certain time, the music goes off." "We're not bad people at all," Mr. Chew said. "I want all to know that. It's people from the outside." He said that his "duty," as the head of that area and spokesperson, is to do what he has to do to keep his town safe, and asked that people "don't pass judgment. If so," he said, "we may have to seek legal advice. Don't treat us like outsiders, but as family. We're in this together. We're not here to cause trouble ... we just want mutual respect." He encouraged anyone to feel free to come by and talk with him at any time, and gain a better understanding of the situation. "Please talk to the papers also," he said. "The corner house has nothing to do with this. I don't want people to be afraid of us."

Phyllis Deal, 305 Stockton Street, applauded Mr. Chew and the other young people for being at this meeting, and welcomed them to take part in future meetings. She said that she has been in town for 32 years, and when she moved here, certain areas "were not good." Crime and drugs were rampant. "A lot has changed," she said, adding that it's now "a heck of a lot better than it was when I moved here." This incident, she said, originated in another town, and is not indicative of ours.

Richard Swanson, spoke as a former resident of the Gospel Mission Corps, 144-146 Stockton Street. He lived there for a year, he said, and it was a "great benefit" to his life. He said that he would like to see the Borough provide some tax relief to the Mission Corps to enable them "to make the Bethany Mission Home once again a viable contributing factor to the community."

Dan Buriak, 194 Stockton Street, asked the Mayor not "to make up falsities" by saying that no one will buy a house on Stockton Street because the rear of the property is blighted². The Planning Board report that amends the Master Plan, he said, notes that significant improvements have been made to Stockton Street homes.

Mayor Patten responded to say that either he was misinterpreted or did not make himself clear. "What I said," he said, "was that people who buy houses sometimes did not see what was behind their house, as they are saying that no one would want to buy a condo looking at the First Aid Squad building."

Mike Vanderbeck, 344 Stockton Street, asked, "What happened here tonight?" Mr. Raffetto explained that Ordinance 2007-22 was defeated as introduced, after which another ordinance was introduced to amend the Redevelopment Plan as it would have been amended with Ordinance 2007-22 and also to include changes recommended by the Planning Board and Ms. Roberts. Mr. Vanderbeck noted that the plan he shared years ago regarding the Mill property (referred to by Councilmember Schneider during that discussion) was actually the class work of Lee Stults.

No one else came forward and the floor was closed.

Adjournment was moved by Council President Sikorski, seconded by Councilman Quattrone and unanimously approved. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk

² Mr. Buriak was referring to a statement made by Mayor Patten following the public hearing on Ordinance 2007-22, wherein he related that someone at the prior night's Planning Board meeting had asked, "Who is going to buy a condo that looks out their back window and back yard at the First Aid Squad building?" The Mayor said that it could also then be asked who would buy a nice home on Stockton Street and look out their back yard and see "the trash that's on that property right now." "Let's be consistent when making these kinds of comments," he said.