

## 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. Chief Financial Officer George Lang arrived later in the meeting.

### APPROVAL OF AGENDA

Added to the agenda under "New Business" was the rescheduling of the October 15<sup>th</sup> meeting to October 16<sup>th</sup>. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved.

### APPROVAL OF MINUTES

Minutes of the September 4, 2007 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

## PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

**Torry Watkins**, 68 Meadow Drive, asked if the Borough had considered an earlier suggestion he had made to install a crosswalk on Mercer Street between the Hightstown Diner and the Post Office. Ms. Roberts stated that this was considered; however, as this is a State highway, it would require NJDOT approval, and she and the committee felt that the DOT would not be likely to approve a crosswalk at a mid-block location like this, where there is a left turn also. She noted that there is a crosswalk across Academy Street, a crosswalk to the Old Hights Print Shop and a crosswalk across

Ward Street in this area. Mayor Patten told Mr. Watkins that his concern is valid, and that he and other Borough officials will be meeting soon with NJDOT and will include this in their agenda.

**Eugene Sarafin**, 600-628 South Main Street, stated that East Windsor Township and the East Windsor Regional School District are upset with Hightstown's plans for development, and that the Borough should consider that we are a joint community, and that our planning is important to the schools. "Start talking with East Windsor and the school board and do some joint planning," he said, "or we'll wind up with lawsuits for the next 10 years."

**J. P. Gibbons**, 602 North Main Street, applauded those Council members who, at the last meeting, voted against designating Greystone as redeveloper. He went on to say that he finds it "funny" that the Mayor of East Windsor is objecting to planned development at the rug mill and the former Minute Maid facility because it could add children to our schools, and asked, "Wasn't she the one that put several hundred residential units in her Master Plan years ago?" He said that, while she does not have the right to dictate what development occurs in Hightstown, the Borough and Township "need to sit down and talk a little more." The PILOT, he said, "sounds good on paper but doesn't fully kick in until all the units are sold. What do we do during the interim?" He said that he looks forward to the public hearing on the modified redevelopment plan.

**Jeffrey Bond**, 210 South Main Street, stated, regarding the modified redevelopment plan, that he is "not thrilled with it," but has come to accept it, since the alternatives "are really not there." The negotiations, he said, "have borne some fruit ... we have a fee simple building of 10,000 square feet going in, all of the COAH units on site, and very good design criteria, which is critical to the whole plan. The time has come to get together and move on." He asked that, if any Council members vote against the ordinance to amend the redevelopment plan, they state their reasons for doing so and offer some alternatives. "Just to say 'I'd rather let it sit' is, to me, not good enough," he said.

**Michael Theokas**, 142 Mill Run East, concurred with Mr. Bond's comments. "I am in favor of moving forward," he said. "Many intelligent and professional people have looked at this for a long time to get to this point. It is productive and positive for the entire Borough and for the Township as well." He suggested that this is not the time to worry about the surrounding issues, just the development of the mill site. He implored Council to move forward with the Ordinance.

No one else came forward and the floor was closed.

## MAYOR'S COMMENTS – MITCH DORUM

Mayor Patten took this opportunity to commend resident Mitch Dorum for his ongoing volunteer work in painting all of the Borough's fire hydrants. "They are not just pretty colors," the Mayor said, "but they designate flow." He said that Mr. Dorum is about a third of the way through the work, and it is "very comforting to see him out there." Councilmember Quattrone agreed and added his thanks to Mr. Dorum for his efforts.

## ENGINEER'S ITEMS

### RECEIPT OF ADDITIONAL \$128,500 IN NJDOT FUNDING FOR MORRISON AVENUE

Ms. Roberts reported that NJDOT has informed the Borough that it will receive an additional \$128,500 toward the Morrison Avenue improvements that are underway. We submitted an application for discretionary funding a few months ago, she explained, and were initially told that it would not be approved. However, we have now been notified that the funding has been awarded.

The Mayor and Council commended Ms. Roberts for her work on this.

## RESOLUTION 2007-212, AUTHORIZING PAYMENT NO. 2 – S. BROTHERS, INC. (DOWNTOWN REVITALIZATION PHASE 3)

Following a brief review by Ms. Roberts, Resolution 2007-212 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

### RESOLUTION 2007-212 AUTHORIZING PAYMENT NO. 2 – S. BROTHERS, INC. (DOWNTOWN REVITALIZATION PHASE 3)

**WHEREAS**, on May 21, 2007, the Borough Council awarded a contract for the Borough's Downtown Revitalization Phase 3 project to S. Brothers General Contractors, Inc. of South River, New Jersey in the total amount of Four Hundred and Two Thousand Seven Hundred and Eighty (\$402,780.00) Dollars; and

**WHEREAS**, on September 4, 2007, the Council approved Change Order No. 1 to this contract in the amount of \$12,878.00, bringing the total contract price to Four Hundred and Fifteen Thousand Six Hundred and Fifty-Eight Dollars (\$415,658.00); and

**WHEREAS** the contractor has submitted Payment Request No. 2 for work done in the total amount of \$57,989.54, together with the required documentation; and

**WHEREAS** the Borough Engineer has recommended approval of this payment request;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 2 to S. Brothers General Contractors, Inc. of South River, New Jersey in the amount of \$57,989.54 is hereby approved, and the Treasurer is authorized to issue same.

## RESOLUTION 2007-222, AWARDING CONTRACT FOR IMPROVEMENTS ON NORTH MAIN STREET AND BANK STREET

Ms. Roberts explained that this work is being funded by a \$350,000 Small Cities grant which the Borough had recently been told was being withdrawn. The Mayor and other Borough officials met with the DCA about this, she said, and they agreed to reinstate the funding. The work includes streetscape improvements that will mirror those in the downtown area.

Resolution 2007-222 was moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

### RESOLUTION 2007-222 AWARDING CONTRACT FOR IMPROVEMENTS ON NORTH MAIN STREET AND BANK STREET

**WHEREAS**, three (3) bids were received on September 11, 2007 for improvements on North Main Street and Bank Street in the Borough of Hightstown; 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, Think Pavers Hardscaping, LLC of Woodbury, New Jersey; and

**WHEREAS**, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Think Pavers Hardscaping 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 improvements on North Main Street and Bank Street is hereby awarded to Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of Two Hundred and Forty-Seven Thousand and Forty-Four Dollars (\$247,044.00).
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Think Pavers Hardscaping subject to approval of the Borough Attorney.
3. Approval of this agreement is subject to the approval of the New Jersey Department of Community Affairs.

## ORDINANCES

### PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-20, ORDINANCE TO AMEND CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES* OF THE *BOROUGH OF HIGHTSTOWN* WITH RESPECT TO FENCES

Following a brief review by Ms. Gallagher, Mayor Patten opened the public hearing on Ordinance 2007-20.

**Eugene Sarafin**, 600-628 South Main Street, stated, "Don't fence me in."

No one else came forward and the hearing was closed.

Ordinance 2007-20 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

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

Ordinance adopted, 6-0.

#### **ORDINANCE 2007-20                      ORDINANCE TO AMEND SECTION 10.4, "FENCES, WALLS AND SMALL SHEDS," OF CHAPTER 28, "ZONING," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN***

**WHEREAS** the Zoning Officer has recommended that the *Revised General Ordinances of the Borough of Hightstown* be amended to require that all fences shall be erected with the face or finished side facing away from the interior of the property and the structural side toward the interior of the property;

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

Section 1. Section 10.4, "Fences, Walls and Small Sheds," of Chapter 28, "Zoning," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):

#### **Subsection 28-10.4                      Fences, Walls and Small Sheds.**

Fences and walls may be erected, subject to the following provisions:

- 1-a. The erection or alteration of any fence or wall shall require the issuance of a zoning permit pursuant to subsection 28-18.2, provided that the survey requirement may be waived by the Zoning Officer. The fee for fence and wall permits will be calculated at fifteen (\$15.00) dollars per one thousand (\$1,000.00) dollars of construction cost, with a minimum fee of forty-five (\$45.00) dollars. Inspections will be performed by the Hightstown Zoning Officer.
- b. Except as provided herein, fences or walls in a residential district shall not be more than four (4') feet or less than three (3') feet in height along the front line or in the front yard. Side lot line and rear lot line fences shall be no less than three (3') feet nor more than six (6') feet in height, unless it is a living fence, stone wall or built structure. A living fence shall have no minimum or maximum height on the rear or side yard. A stone wall shall have no minimum height but will be limited to 6' in height. A built

structure shall be governed by all applicable zoning and construction requirements as set forth in this Code. An opaque fence of solid construction along the front line or within the front yard may be constructed at a height of three (3') feet only. A see-through-type fence may be erected along the front lot line or within the front yard to a height not less than three (3') feet nor more than four (4') feet in height. The provisions of this paragraph notwithstanding, the height of any fence located in the sight triangle as set forth in Section 28:10-8 shall not exceed thirty (30") inches whether or not it is located within the front, side or rear yards.

2-c. In a nonresidential district, a fence or wall may be constructed to a height of not less than three (3') feet and not in excess of six (6') feet.

3-d. On all corner lots, an adequate line of vision shall be provided across sight triangles as required in subsection 28-10.8.

4-e. No fence or wall in a residential district may be erected which is constructed with or made of pieces of hazardous materials such as glass or sharpened metal, nor shall any fence or wall be constructed of any materials or in any manner which may be dangerous to persons, property or animals.

f. All fences in a residential district shall be erected with the face or finished side away from the interior of the property, and the structural side toward the interior of the property.

5-g. In the I Industrial District, fences may be constructed with a barbed-wire barrier.

6-h. All fences or walls shall be maintained in a safe, sound and upright condition.

i. Storage sheds smaller than one hundred twenty (120) square feet shall be permitted, provided that:

- (1) Such building shall not be located in the front setback.
- (2) Such building shall be located inside the side yard and rear yard setback according to the zoning of the district in which the property is located. The inspection fee for a storage shed shall be forty-five (\$45.00) dollars. Inspections will be performed by the Hightstown Zoning Officer.
- (3) Permitted sheds must be properly anchored, as shall be determined by the Hightstown Zoning Officer. (1991 Code § 233-32; Ord. No. 93-852; Ord. No. 2000-29 § 4; Ord. No. 2002-12, § 2; Ord. No. 2004-31 § 7; Ord. No. 2007-20)

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

Section 4. The requirements of this Ordinance shall not be applicable to any fences that are in existence as of the effective date of this Ordinance. Existing fences shall be grandfathered under the prior regulations until such time as they are removed or substantially re-built, which determination shall be made by the Borough.

## INTRODUCTION AND FIRST READING: ORDINANCE 2007-22,

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

Mr. Raffetto reviewed the provisions of Ordinance 2007-22, and explained the changes that it would make to the Borough's existing redevelopment plan. The changes proposed, he said, are in accordance with discussions held at an August 7 meeting between the Borough's subcommittee and Greystone, and include:

- Reducing the amount of required non-residential space from a minimum of 35,000 square feet to a minimum of 20,000 square feet. Of that amount, at least 10,000 square feet would be contained in a stand alone, two-story

building to be constructed on Bank Street. The remaining non-residential space could be constructed at other sites within the overall Mill area, subject to review and approval of the Planning Board within the process.

- Inclusion of a fourth option with respect to the Borough's municipal facilities. The prior plan offered three alternatives for adaptive reuse or new construction. This amendment would provide that a contribution could be made by the developer in lieu of that construction, in an amount to be negotiated between the parties as part of the Redeveloper's Agreement. Mr. Raffetto noted that, during discussions with Greystone, \$350,000 was discussed as the amount that the subcommittee would recommend. That amount, he said, is not a part of this Ordinance and would come before Council at a later date. "Right now," he said, "you would be allowing yourselves a fourth option here."
- Inclusion of a similar provision that would provide for a contribution by the redeveloper, in an amount to be negotiated as a part of the Redeveloper's Agreement, toward the Borough's recreational needs. The amount that has been discussed, he said, is \$100,000, but, like the contribution in lieu of constructing municipal facilities, that amount is not specified in this Ordinance.
- Inclusion of a payment in the amount of \$35,000 by the redeveloper as the Borough's required match for the Small Cities grant that is funding the North Main and Bank Street project.
- A provision that the redeveloper may apply to the Borough for a Payment In Lieu of Taxes (PILOT) associated with this project. The ordinance does not in itself approve a PILOT, Mr. Raffetto explained, as that would have to be applied for by the redeveloper, reviewed and approved by Borough officials, and come before Council as an Ordinance at a later date.

Mr. Raffetto noted that no redevelopment activities can take place until the redeveloper's agreement is approved and executed by all parties. He noted also that Greystone has agreed to post additional monies in escrow.

Following introduction of this Ordinance, Mr. Raffetto said, it will go to the Planning Board for their review and recommendations, and would then come back to Council for final action. The ordinance includes other minor and non-substantive revisions needed "to clean up" the existing plan, he added, and those changes have been reviewed and approved by his office, Gary Rosensweig, Ed McManimon's office, and Greystone's legal counsel. The ordinance comes to Council with the approval of the redevelopment subcommittee.

Ordinance 2007-22 was moved for introduction by Council President Sikorski and seconded by Councilmember Schneider. Discussion ensued.

Councilmember Quattrone thanked and commended the redevelopment subcommittee for their work. "It's probably not the best plan we've ever seen," he said, "but it is a good plan and it will work. I'll be voting for it."

Councilmember Thompson asked if the redeveloper's agreement would remain in effect if the redeveloper sold the property. Mr. Raffetto explained that they could not do so without Council's approval, and the designation of redeveloper is not "freely assignable." Mr. Thompson said that he will vote against the Ordinance "for the reasons I have stated over three years. We passed a plan three years ago because we wanted the ability to determine who would develop the property and how. We have a developer who can't build the number of units and retail that we prefer. ... We've never looked for alternatives ... more in line with what our vision was. The benefit to the Borough is not what it could have been."

Councilmember Schneider asked Mr. Raffetto if he is comfortable with the Plan's reference to a PILOT that "may" be applied for later on. Mr. Raffetto stated that he is, and noted that this language was recommended by Mr. McManimon

with the understanding that the developer and the subcommittee have reached a meeting of the minds regarding the PILOT.

Council President Sikorski agreed, and said that he feels comfortable that the language gives Council the right to have a PILOT program, which, if applied for, would come back to Council as a separate ordinance. "You're not approving a specific PILOT tonight," he said.

Mayor Patten asked Mr. Raffetto if PILOT programs are referenced in the State statutes governing redevelopment. Mr. Raffetto replied that they are, and the statutes include both long term and short term PILOTs. "Anything placed before you," he said, "will be in accordance with enabling legislation and statutory provisions."

Councilmember Harinxma noted that the language of the plan prohibits rental units, and asked if the redeveloper understands that the units are to be owner-occupied. She also asked if that provision would extend to a new owner if the property were sold. "Yes," Mr. Raffetto replied. "It's a requirement of the plan."

Councilmember Rosenberg asked Mr. Raffetto to explain the respective jurisdictions and responsibilities of the Council, redevelopment subcommittee and the Planning Board. "The Planning Board and Council each have independent functions," Mr. Raffetto said. "The Planning Board sets the vision and develops the Master Plan, but does not have the ability to enact ordinances." The Council, he explained, creates zoning districts in accordance with the Planning Board's vision. When it comes to the redevelopment process, Mr. Raffetto went on to say, the Planning Board and Council act together. The process begins when Council considers designating an area in need of redevelopment, and asks the Planning Board for their determination. The Planning Board then holds hearings to determine if the statutory criteria for that have been met. They send their findings back to Council, and Council proceeds on that basis. Once an area has been determined through this process to be in need of redevelopment, the Council crafts a redevelopment plan to govern the land uses. That Plan is considered to be a zoning ordinance, and supersedes any prior zoning in that area. That ordinance then goes to the Planning Board for their review and recommendations, which are sent back to Council before Council takes action to adopt the Plan. "Ultimately," Mr. Raffetto said, "the decisions to adopt zoning regulations are made by Council." Then, Mr. Raffetto went on, the Council approves a redeveloper's agreement that sets time frames, dollar amounts for contributions, enforcement provisions, etc. "These are all Borough, not Planning Board, issues," he said, "and are done by Council, as is any PILOT." Once the redeveloper's agreement is executed, he said, the redeveloper will have the ability to take their plan before the Planning Board for site plan approval. The Planning Board grants or denies this based on the zoning requirements that are part of the redevelopment plan. Mr. Raffetto added that, in this instance, the Borough had a redevelopment subcommittee that had no power other than to make recommendations to Council.

Councilmember Rosenberg said that he feels that some of the issues in the amended plan are more properly the Planning Board's decisions to make, such as needing a new municipal facility, and putting a building on Bank Street. "Why not hear from the Planning Board first?" he asked. Mr. Raffetto noted that certain members of the subcommittee are also members of the Planning Board, and they are "aware of and have a sense of the Board's feelings about this project. ... This matter was referred back to the Planning Board and they came back with no recommendations for change," he said, "but then there were no specific changes set forth, just a general referral. Now, we have specific provisions ... and they will be referred back to the Planning Board. They'll have that opportunity, and if they're upset you'll hear that from them. They'll be giving a report as to any changes they don't feel are appropriate, and it will come back to you to decide if you want to go along with their recommendations or not. The two bodies are supposed to work together through this process."

At this time, the roll was called for the introduction of Ordinance 2007-22.

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 and final reading for Ordinance 2007-22 was set for October 16, 2007.

## **CONSENT AGENDA**

Resolutions 2007-213 through 2007-221 were moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolutions adopted, 6-0.

### **RESOLUTION 2007-213 ACCEPTING MEMBERSHIP OF CHARLES J. PIETZSCH IN HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Charles J. Pietzsch of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS**, because Mr. Pietzsch is already a member of the New Jersey State Firemen's Association, no additional physical examination is required; and

**WHEREAS**, Mr. Pietzsch's membership application has been reviewed and approved by Fire Chief John Archer;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of Charles J. Pietzsch in Hightstown Engine Company No. 1 is hereby accepted.

### **RESOLUTION 2007-214 WAIVING CERTAIN TEMPORARY FOOD LICENSE FEES FOR COMMUNITY FAIR**

**WHEREAS** Hightstown's annual Community Fair will take place on Saturday, October 6, 2007; and

**WHEREAS**, in order to sell food at the event, it is necessary to purchase a temporary food license at a cost of \$35.00; and

**WHEREAS**, it is the desire of the Mayor and Council to waive said license fee for nonprofit organizations which serve the community;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the temporary food license fee for participation in the October 6 Community Fair is hereby waived for all nonprofit organizations which serve our community, and that the Treasurer is authorized and directed to refund any such fees paid to date.

### **RESOLUTION 2007-215 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-179 TO BETTER BEGINNINGS DAY CARE CENTER**

**WHEREAS**, Better Beginnings Day Care Center wishes to hold an off-premise merchandise raffle at 318 North Main Street on December 19, 2007; and

**WHEREAS**, the group has submitted application number RA-179 for this raffle along with the required fees; 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-179 to Better Beginnings Day Care Center for their merchandise raffle to be held on December 19, 2007.

**RESOLUTION 2007-216      AUTHORIZING RECEIPT OF BIDS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough's Consulting Engineer is hereby authorized to prepare specifications and advertise for bids for Phase I of the Borough's Greenways project, and that the Borough is authorized to receive bids for same following proper advertisement.

**RESOLUTION 2007-217      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 **\$489,020.84** from the following accounts:

Current	\$ 39,954.77
W/S Operating	232,838.13
General Capital	87,369.79
W/S Capital	120,000.00
Escrow – Subdivision & Site Plan (First Constitution)	<u>8,858.15</u>
<b>Total</b>	<b><u>\$489,020.84</u></b>

**RESOLUTION 2007-218      RESOLUTION TO TERMINATE CONTRACT WITH CENTRAL JERSEY WASTE & RECYCLING FOR SOLID WASTE COLLECTION SERVICES**

**WHEREAS**, the Borough entered into a contract with Central Jersey Waste & Recycling of Ewing, New Jersey, for solid waste collection services for the period January 1, 2007 through December 31, 2009 as follows:

Weekly collection of household garbage	\$99,000 per year
Collection from dumpsters as per bid specifications	\$31,250 per year; and

**WHEREAS** the bid specifications provide that this contract may be terminated by the Borough for any reason effective December 31, 2007 or December 31, 2008, provided that 90 days written notice has been provided to the contractor; and

**WHEREAS**, the Borough intends to resume in-house collection of household garbage as of January 1, 2008 and wishes to terminate that portion of the contract effective that date; and

**WHEREAS**, the Borough further wishes, subject to the agreement of Central Jersey Waste & Recycling, to continue receiving dumpster collection services from Central Jersey Waste on a month to month basis under the existing contract;

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

1. The contract with Central Jersey Waste & Recycling for solid waste collection services shall be terminated as of December 31, 2007.
2. Subject to the agreement of Central Jersey Waste & Recycling, the portion of the contract providing for collection from dumpsters within the Borough shall continue on a month-to-month basis for the remainder of the contract period or until terminated by the Borough.

**RESOLUTION 2007-219      AUTHORIZING REDUCTION IN MINIMUM BID PRICE FOR EBAY AUCTION OF BRUSH CHIPPER**

**WHEREAS**, on June 18, 2007, the Borough Council adopted Resolution 2007-167, authorizing the sale on eBay of a 1997 Vermeer chipper no longer needed for public use; and

**WHEREAS**, the minimum bid price authorized in said Resolution was \$8,000.00; and

**WHEREAS**, the Borough has conducted two 10-day eBay auctions for this equipment and no bids have been received; and

**WHEREAS**, the Superintendent of Public Works has recommended that the minimum bid price be reduced to \$6,000.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Administrator is hereby authorized to reduce the minimum bid price for the 1997 Vermeer chipper to \$6,000.00 and to readvertise it for sale on eBay in accordance with State statute and regulations.

**RESOLUTION 2007-220      AUTHORIZING JET VAC SEWER CLEANING SERVICE**

**WHEREAS**, in 2003, the Borough began a five-year program to clean three to five miles of sanitary sewer pipe each year; and

**WHEREAS**, the Superintendent of the Advanced Wastewater Treatment Plant has obtained competitive quotes for the 2007 portion of this service and has recommended that the Borough engage Oswald Enterprises of Belford, New Jersey to perform the cleaning for an estimated ten day period at a cost of \$1,175.00 per eight-hour day; and

**WHEREAS**, five days of this cleaning have been performed under the authorization of the Borough Administrator, one full day of which was paid for by an outside party; and

**WHEREAS**, this Resolution will authorize the remaining five days of cleaning; and

**WHEREAS**, the Borough's total cost for the cleaning that has been and will be performed by Oswald Enterprises under this authorization shall not exceed \$10,575.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds for this expenditure are available;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough is hereby authorized to engage Oswald Enterprises of Belford, New Jersey to perform the remaining estimated five days of cleaning for a cost of \$1,175.00 per eight-hour day.

**RESOLUTION 2007-221      AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-180 TO  
THE COMMUNITY ACTION SERVICE CENTER**

**WHEREAS**, the Community Action Service Center, Inc. wishes to hold an on-premises merchandise raffle at Hightstown Memorial Park on October 6, 2007 (rain date October 7, 2007); and

**WHEREAS**, the group has submitted application number RA-180 for this raffle; and

**WHEREAS**, no fees are due for this raffle because the total value of the prizes offered does not exceed \$400.00; and

**WHEREAS** the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-4-36750, which registration expires on March 2, 2008; 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-180 to the Community Action Service Center for their raffle to be held on October 6, 2007 (rain date October 7, 2007) as outlined herein.

## NEW BUSINESS

### CHANGE IN MEETING DATE

It was discussed and agreed that the regular meeting scheduled for October 15, 2007 would be held instead on Tuesday, October 16.

## PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

**Eugene Sarafin**, 600-628 South Main Street, stated that the provision in Ordinance 2007-22 prohibiting rentals is "asking for a lawsuit." He suggested that the language be changed to state that the units "shall be owner occupied and not rental units." Mr. Sarafin also questioned why the provision regarding the possibility of a PILOT was made so open-ended, and asked if the prohibition of rentals would hold even if the property is sold. Mr. Raffetto confirmed that it would. This will also be stated in the Redeveloper's Agreement, he said.

**Steve Misiura**, 352 South Main Street, spoke as Chairman of the Planning Board regarding the former Minute Maid property. He stated that, in 2004, the Planning Board reexamined the 1998 Master Plan, as is required by law. The big change, he said, was that the Minute Maid property had been vacated and was for sale. The reexamination report, he said, recommends that steps be taken to ensure that the site is redeveloped with a mix of retail, residential and perhaps office uses. Nothing further happened, but now there is a new owner and they're interested in developing the property along those lines. The Planning Board, he said, is in the process of recommending rezoning to Council and, as described by Mr. Raffetto, it would then be up to Council to enact an Ordinance to effectuate that. Their recommendations will encompass not only the Minute Maid site but also the highway commercial zone across the street from it, so as to maintain consistency. He noted that the Planning Board's next meeting is scheduled for October 15, but there are several issues on that agenda. They may be holding special meetings for this purpose, he said, which would be open to the public. He added that they have received input from the school board and East Windsor's mayor, but need the input of the Borough Council.

Council President Sikorski stated that, given the presence of school district representatives at the Planning Board meeting, he was "wondering about the financial consequences of any plan." The planned development at the Minute Maid property, he said, would generate a large number of children, and he questioned whether it would improve the Borough's ratable base enough to offset the increase in school taxes that could result. It is sensible, he said, to also consider the fact that a lot of the acreage at that site is in East Windsor Township and regionalized zoning may be appropriate.

Mr. Misiura stated, "We need some kind of involvement with East Windsor" given that half of the site lies within the township. "Residential units are a concern," he said, adding that they are looking at a variety of housing unit types. The type of unit constructed has an impact on the number of children that would be in residence, he pointed out. "We would want a balance and a good mix." He said that the Planning Board is talking now only in general about the units that would be permitted. "Other discussions are all before us," he said, and he welcomed the input of the governing body at future Planning Board meetings. The Board plans to reach out formally to other boards and commissions as well, he said.

**J. P. Gibbons**, 602 North Main Street, asked where the \$35,000 match for the Small Cities grant will come from if the redeveloper's agreement is not approved. Ms. Gallagher explained that the Borough has already provided for those funds in the bond ordinance which was approved, and any monies coming from the redeveloper for this would refund that ordinance.

Regarding the Mill property, Mr. Gibbons stated that he “didn’t know it would be age restricted and generate only 26 children.” Consultants, he said, “have a tendency to exaggerate,” and he recommended that the Borough treat such projections with caution. Lastly, Mr. Gibbons recommended that Mayor Patten and Council President Sikorski not attend the Planning Board meeting, as they serve on the redevelopment subcommittee and the Council and “have had enough input.”

**Michael Theokas**, 132 Mill Run East, congratulated those members of the governing body who voted in favor of introducing Ordinance 2007-22. He stated that Councilmember Thompson didn’t really answer the question posed by Mr. Bond as to what other options he would suggest. “The options are none,” Mr. Theokas said, “except for an empty building. With no other magical developer to appear to give us what we want in Shangri La, this is what we have to deal with.” He stated that, throughout the entire process, there has been no cohesion among members of the same political party, and they have not worked on their own to find common ground. The Mayor and Council President Sikorski, he said, contrary to what Mr. Gibbons suggested, “should be involved as much as possible.”

**Torry Watkins**, 68 Meadow Drive, said that he was “shocked” to hear Mr. Theokas suggest that municipal decisions should be made along party lines.

**Mike Vanderbeck**, 344 Stockton Street, stated, “I applaud intellectual dissent.”

No one else came forward and the floor was closed.

## **EXECUTIVE SESSION**

Ms. Gallagher read aloud Resolution 2007-210, authorizing a closed session for the purpose of discussing personnel, contract negotiations and possible litigation. The Resolution 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 2007-210      AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on September 17, 2007 at approximately 8:10 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

#### **Contract Negotiations – Interlocal Garbage Collection Services Personnel Possible Litigation**

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: December 17, 2007, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Upon reconvening into open session, the meeting continued.

## RESOLUTION 2007-211, AUTHORIZING AGREEMENT WITH JAMES M. EUFEMIA AS CHIEF OF POLICE

Resolution 2007-211 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 2007-211      AUTHORIZING AGREEMENT WITH JAMES M. EUFEMIA AS CHIEF OF POLICE**

**WHEREAS**, the employment agreement with Police Chief James M. Eufemia expired on December 31, 2006; and

**WHEREAS**, it is the desire of the Mayor and Council to authorize an agreement with Chief Eufemia to establish the terms and conditions of his employment from January 1, 2007 through December 31, 2010 in accordance with negotiations held with him in connection therewith;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the agreement with James M. Eufemia as Chief of Police which is attached hereto and made a part hereof<sup>1</sup> is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

There being no further business, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk

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<sup>1</sup> Agreement is on file with the original Resolution in the office of the Borough Clerk.