

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; Frederick Raffetto, Esq., Borough Attorney; Police Chief James Eufemia; and Chief Financial Officer George Lang.

APPROVAL OF AGENDA

Added to the agenda was Resolution 2007-180, authorizing the release to D. M. Properties of a maintenance bond held on their behalf. Also added was a presentation by Matt Gallo, Life Scout, regarding his proposed Eagle Scout project of a picnic area at Peddie Lake and, under Unfinished Business, a discussion regarding the Borough's ordinance for redevelopment of the rug mill. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Quattrone and approved by all.

APPROVAL OF MINUTES

Minutes of the June 18, 2007 open session meeting were moved for approval by Council President Sikorski, seconded by Councilmember Schneider and approved as submitted by all but Councilmember Rosenberg, who abstained.

PRESENTATIONS

HISTORIC PRESERVATION COMMISSION UPDATE – *AMY I. AUGHENBAUGH, CHAIR*

Amy Aughenbaugh, Chair of the Historic Preservation Commission (HPC), addressed the governing body regarding the Commission's progress in their work toward an ordinance regarding the Stockton Street Historic District.

She reviewed the history of the project, beginning in May 2006, when Council adopted a Resolution requesting that the Borough Attorney and the HPC work together to draft any Ordinance needed "to ensure the continued protection" of the Stockton Street Historic District. The Committee met with Mr. Raffetto in June, and also met with the Planning Board chair, Steve Misiura, who has created a Historic District subcommittee of the Planning Board. The Commission has been meeting with them, as well as doing their own research and reviewing the matter with the State. As a part of that process, they have attended meetings of other Historic Preservation Commissions in New Jersey and in March, they sent a survey to residents of the District.

Ms. Aughenbaugh provided a copy of the survey results to the governing body and the public. Of the 54 surveys which were sent out, 23 were returned. 18 of the residents who responded were in favor of an Ordinance and five were not. The HPC, she said, has decided that they will move forward with creating a local Ordinance that will include advisory guidelines but will not include any restrictive rules or regulations, and they are currently trying to coordinate meetings with the Planning Board subcommittee during the summer. They are hopeful that they will have a final draft of the Ordinance ready for review at their September 20 meeting. That draft will be sent to residents of the District, who will be invited to attend the October HPC meeting. After that, the Ordinance will be submitted to the Planning Board for their review and revisions. Finally, by January 2008, they anticipate having the Ordinance ready for submission to the Borough Council. This is an "aggressive timeline," Ms. Aughenbaugh said, but the Commission feels comfortable that they will have support from the residents.

Councilmember Rosenberg asked, "What will the Ordinance do? Just designate the District locally?" "Yes," Ms. Aughenbaugh replied, "with advisory guidelines." Mr. Rosenberg asked if there would be any provisions that would require review by the HPC or the Planning Board prior to the demolition of any properties within the district. Ms. Aughenbaugh stated that, while this would not require approval by the HPC, it would most likely require Planning Board approval. She said that they will be discussing this in their upcoming meetings with the Planning Board subcommittee.

Councilmember Schneider suggested that, while waiting for the Ordinance to be created, Council consider immediately adopting a Resolution to simply designate the Historic District. Mr. Raffetto noted that such a Resolution would be "symbolic only, with no legal force or effect."

Councilmember Rosenberg asked if recognizing the District now, by Resolution, would impact property values in any way. Mr. Raffetto stated that it would not. Council President Sikorski noted that it could be helpful, however, for anyone who may be contemplating moving into the Historic District, and added that some people now are coming to see it "in its unfinished state." He said that it could be beneficial to have a symbolic Resolution in place to include with the Borough's next grant application for the District.

Ms. Aughenbaugh stated that Council will have the draft Ordinance in January, which is "long before you'll need to apply for the next grant." Mr. Sikorski stated that a designation by Resolution would give the District greater visibility, and that he sees "no shortfall" in taking that action. Mr. Raffetto said that such a Resolution could have some significance to the market value of the District properties simply by making people aware of it.

Ms. Aughenbaugh noted that 31 of the District's residents still have not responded to the survey. The HPC members, she said, are "volunteers who are taking time out of their summer and fall to meet, and we take this very seriously. We will include residents in the process, and we need to continue with the process." She said she does not feel that Council should adopt a Resolution in the meantime.

Councilmember Rosenberg asked about the Commission's "long-term vision for the Historic District and/or the Borough." Ms. Aughenbaugh stated that the HPC will be applying for more grants, and plans to start a Heritage Trail program and promote it throughout the State, provided that the District residents are in favor of that. "We have to do this gingerly," she said. "It will change their lives."

Mr. Rosenberg asked about the Commission's goals for areas outside of the Historic District. Ms. Aughenbaugh said that they will be focusing next on the area where the John Bull sleepers are located, and they are considering doing an antiques fair in conjunction with the Historical Society's 2008 House Tour.

Councilmember Rosenberg asked if the grantwriting process can begin before the Ordinance is in place. Ms. Aughenbaugh explained that the State requires that we finish one program before starting another.

There were no further questions and Mayor Patten thanked Ms. Aughenbaugh for her report.

PROPOSED EAGLE SCOUT PROJECT – *MATT GALLO, TROOP 5700*

Life Scout Matt Gallo of Troop 5700, Hightstown, addressed the Mayor and Council regarding his proposed Eagle Scout project. He would like to add benches, a picnic area and landscaping near the Peddie Lake boat launch and the proposed Greenway trail. "It would be a nice place to stop and rest," he said, and noted that it would also provide a place to rest when the lake is open for ice skating. He provided photographs of the plantings and types of furnishings he envisions, along with a rough drawing of the location. The area would be about 20 x 20 feet with benches and a picnic table made of composite material. He also plans to reinforce the utility poles which are used in that area. Superintendent of Public Works Larry Blake and Parks Commissioner Gary Grubb will assist with the effort.

Councilmember Rosenberg asked if the Scouts would be able to take responsibility for ongoing watering of the plants. Mr. Gallo said that he will water the plants as needed until he can discuss it with the Troop in September, and added, "I can't imagine any problem with it being a long running project."

Councilmember Schneider asked if that area would be paved in the future. Ms. Roberts said that it will not, and added that she and Mr. Blake will be looking at the general area on the coming Friday in order to assist with the precise location of the project. "We'll make sure we can have it all worked out before they start construction," she said.

Mayor Patten asked if a Resolution of Approval is needed. Mr. Raffetto stated that this could be put together for a future meeting.

The Mayor thanked Matt Gallo for his presentation, and Council President Sikorski and Councilmember Rosenberg added their commendations to him for a "great project."

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Torry Watkins, 68 Meadow Drive, expressed concerns with respect to the Historic District Ordinance. "It is presumptuous to say that we are a historic town," he said. "Nothing particularly historic went on here. ... I'm not sure we need a Historic District, but I'm not against it." He added that he would not want to see much public money spent to improve the District, as that would constitute "one group of taxpayers subsidizing another." He further stated that he would not want Council, "in whatever Ordinance you enact, to significantly economically advantage or disadvantage any particular group vis a vis any other group. We have already had controversy regarding subdivision," he said. "There have been some attempts which were met with opposition. I am in favor of such subdivisions."

Eugene Sarafin, 600-628 South Main Street, spoke regarding the presentation made at the previous night's Planning Board meeting regarding the proposed development of the Minute Maid property. He said that the proposal would entail 145 condominiums, over 60,000 square feet of commercial space and 101 townhouses on the 11-acre site, a density of 22 units per acre. "That's like New York City," he said, "or Philadelphia or Trenton." The group stated, Mr. Sarafin said,

that they met with the Mayor and others, "who thought it was great." Mr. Sarafin went on to say that the property is owned by "Hassidim from Canada" and added that "in Lakewood, the Hassidic community destroyed that town." He urged Council not to allow schools to be built at the site and added, "It will be a Hassidim ghetto." He also stated that because "they have 10 to 12 kids," such a community would increase our school taxes.

Mayor Patten stated for the record that "biased statements by members of the public are not condoned by the governing body."

Chris Moraitis, 208 Stockton Street, said that he was disappointed in Ms. Aughenbaugh's presentation, which he called "uninspired." He urged Council to adopt an ordinance to establish protections, and to disallow demolitions and multi-family housing in the Historic District. "From there we can move forward," he said. "I'm afraid we'll get something more restrictive than the public will be comfortable with. Get the basic protections in place first." Mr. Moraitis went on to say that the survey process "was a soap box" for the "self interest" of some within the Historic District. The results, he said, were supportive of putting some restrictions in place, and added that the majority are opposed to subdivisions. "Some weren't willing to respond to a survey that was not well thought out," he said. Mr. Moraitis urged the Borough to "start thinking long term" with respect to Historic Preservation and suggested that Main Street may be more important in that regard than the railroad sleepers. He suggested that the HPC work more closely with the Borough's Economic Development Committee.

Stacy Trent, 163 Rogers Avenue, stated that the home at 157 Rogers Avenue continually puts out their garbage on Sundays, and that the property should be condemned. "Revitalization is a great idea," she said, "but you have existing ratables that are falling apart." She asked what the Borough is doing to help homes be "brought up to just looking good." "I applaud your wanting to make changes," she said, "but I ask that you enforce the property maintenance laws we have."

J. P. Gibbons, 602 N. Main Street, applauded the two presentations made earlier in the meeting. "Public input and volunteers are excellent for communities," he said, "but you have to have control with respect to why people are involved and their motivation." He added that survey results can be slanted by the way that the questions are constructed. "The HPC is trying hard," he said, and the Eagle Scout project is a "great idea." He urged Council to take a broad view of the whole community, and suggested that it may be best to hire professionals to prepare grant applications, possibly funded with private donations, rather than leave that to our volunteers. Mayor Patten noted that the Economic Development Committee is very interested in the Main Street project, which would require a paid coordinator.

No one else came forward and the floor was closed.

PUBLIC HEARING

COMCAST OF CENTRAL NEW JERSEY, INC – APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT

Rob Clifton of Comcast addressed the Mayor and Council regarding Comcast's application for renewal of municipal consent to operate a cable television system in the Borough. Six months ago, he said, the State legislature changed the way that CATV franchising is done in New Jersey, and allowed for application for a statewide franchise. Comcast, however, has opted to continue to negotiate locally with the municipalities. The current franchise expires on January 15, 2008.

Mr. Clifton reviewed the franchise renewal process, and noted that, upon close of the public hearing, the town would have 30 days to make their decision, but since the parties have not yet had time to negotiate, that time frame is flexible. The BPU, he said, would enforce that only if neither side would agree to talk. Negotiating meetings will begin soon, he said, and Comcast is seeking the Borough's consent to continue operating in the Borough. He noted that the Borough's consent is non-exclusive, and that any other cable company could come in and ask for the same rights.

Mr. Clifton explained the criteria which must be used in the Borough's decision making process, and noted that rates and programming may not be considered in making the decision.

Mayor Patten opened the public hearing on Comcast's application.

Torry Watkins, 68 Meadow Drive, urged Council to favorably review the renewal and grant it.

Eugene Sarafin, 600-628 South Main Street, objected to not having been able to review prior to this meeting a copy of the franchise renewal application, and suggested that this hearing may be illegal.

Mr. Clifton and Ms. Gallagher explained that the copy of the application which was originally filed (and which was provided at that time to the governing body) contained confidential proprietary information which Comcast had requested not be released to the public. Only within the past few days were redacted copies made available by Comcast for the public, and Mr. Clifton apologized for that delay. Mr. Raffetto explained that the legal process involved provides that the public hearing can be adjourned and continued as long as it is finally closed within 30 days. This satisfied the concerns just expressed by Mr. Sarafin.

Mr. Sarafin asked Mr. Clifton why Comcast opted not to pursue a statewide franchise. Mr. Clifton replied, "We like the process of local negotiations. We feel you have a better sense of your cable needs." Mr. Sarafin asked why New York channels 4 and 11 were dropped and switched to digital. Mr. Clifton explained that the FCC requires the cable provider to carry the channels which are in the local ADI viewing area, and said that Hightstown is in the Philadelphia ADI. As such, Comcast is permitted to remove channels from outside that area. Rather than remove those channels altogether, he said, they opted to continue them on the digital level of service, which requires only a box. Mr. Sarafin said that Hightstown used to be in the New York viewing area and he receives only New York stations with an antenna. Mr. Clifton stated that the FCC makes the determination regarding which ADI we are in. Mr. Sarafin asked if Channel 13 will be dropped as well, and Mr. Clifton said that this has not yet been determined. Mr. Sarafin requested that the hearing be continued to the next meeting.

Mike Vanderbeck, 344 Stockton Street, stated that he switched recently from Comcast to Verizon, and has been on the phone with Verizon "on average 128 minutes per day since July 2" trying to resolve various issues. There is "no responsiveness," he said, and he will be switching back to Comcast. He said that he was "encouraged by the local presence" of Comcast at this hearing, and hopes that the Borough can work with them in renewing their franchise.

Mr. Sarafin spoke again to request that the agreement require an interconnection between Comcast and Verizon so that each public access channel can be seen by subscribers to either system. He said that he was "very disappointed about how the public access channel is used," and we should take advantage of the technology to broadcast public meetings.

Mr. Watkins spoke again to endorse Mr. Sarafin's comments regarding local access channels. "That aspect of the service has been abysmal," he said. Mr. Watkins also asked Mr. Clifton why he was "forced to install a digital converter which rendered useless" his Panasonic DVR. Mr. Clifton stated that he would look into this on Mr. Watkins' behalf.

Motion: There being no further questions or comments from the public at this time, Councilmember Schneider moved that the public hearing on Comcast's application be continued to the meeting of August 6, 2007. The motion was seconded by Council President Sikorski and unanimously approved. Mr. Raffetto noted that the hearing must be closed within 30 days of its inception, and Council will then have an additional 30 days to make their determination regarding renewal of the franchise.

Councilmember Schneider asked Mr. Clifton for further clarification regarding Comcast's moving the New York stations to digital. Mr. Clifton stated that our channel lineup is governed by the FCC. Hightstown is in the Philadelphia market, which allows Comcast to migrate to digital the New York feeds. Mr. Schneider asked how Hightstown got designated as in the

Philadelphia market. Years ago, Mr. Clifton said, there was more available channel space and Comcast put on duplicate channels. As the need for space has grown, they have taken those duplicate channels and migrated them to digital. He said that there are no plans to migrate anything else at the current time. Mayor Patten asked if analog service will be discontinued altogether. Mr. Clifton said that this is "still being discussed at the Federal level." Congress, he said, has mandated that all service be digital by 2009, but the cable companies are working with them to find alternatives.

Councilman Quattrone asked if there would be any consideration by Comcast toward providing free internet service to our fire company and first aid squad. Mr. Clifton stated that this franchise covers only cable television, but added that this can be discussed during negotiations.

Mayor Patten thanked Mr. Clifton for his attendance at the hearing. Mr. Clifton said that he or another Comcast representative will be in attendance also on August 6.

RESOLUTION 2007-166, AMENDING THE 2007 BUDGET

Ms. Gallagher reviewed the provisions of Resolution 2007-166, which amends the introduced 2007 budget to include various grants (each with offsetting expenditures) and to increase appropriations for grant writing, postage and natural gas. The net effect of the amendment, she said, is to add \$6,999.25 to the amount to be raised in taxes (approximately one-third of one cent on the tax rate). She explained that no action by Council is needed at this time, as the amendment has already been adopted, and the public hearing is being held as required by statute.

Mayor Patten opened the public hearing on the Resolution.

Eugene Sarafin, 600-628 South Main Street, noted his presence at the hearing.

J. P. Gibbons, 602 North Main Street, stated that Ms. Gallagher and Mr. Lang did a "great job explaining the budget amendment at the last meeting," and he now supports it.

No one else came forward and the hearing was closed.

ENGINEER'S ITEMS

RESTORATION OF SMALL CITIES GRANT FOR NORTH MAIN AND BANK STREETS

Ms. Roberts reported that, following the DCA's denial of the Borough's request for an extended period of time in which to award a contract for improvements to North Main and Bank Streets under our Small Cities grant, Borough officials (Mayor Patten, Ms. Gallagher, herself and Planning Board Attorney Gary Rosensweig) went to Trenton to meet with the DCA and asked them to reconsider. Mr. Rosensweig, she said, made some very convincing arguments as to why they should continue to support this work. As a result, the DCA has agreed to allow the Borough to maintain the grant, provided that plans and specs for the project be submitted to them by the coming Friday, which she assured would take place.

Councilman Quattrone commended Mr. Rosensweig for his successful efforts in this regard.

RESOLUTION 2007-172, AUTHORIZING RECEIPT OF BIDS

Ms. Roberts explained that this will authorize the receipt of bids for the streetscape improvements that will be funded by the Small Cities grant just discussed. After the DCA receives the Borough's plans and specifications, they will need to review and approve them. It is likely to be sometime in August, she said, that we will be able to advertise.

Resolution 2007-172 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 5-0.

RESOLUTION 2007-172 AUTHORIZING RECEIPT OF BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for Streetscape Improvements on North Main Street and Bank Street, and that the Borough is authorized to receive bids for same following proper advertisement.

RESOLUTION 2007-180, AUTHORIZING RELEASE OF MAINTENANCE BOND – D. M. PROPERTIES, INC.

Ms. Roberts reviewed the provisions of Resolution 2007-180, which would release to D. M. Properties amounts held on their behalf as a maintenance bond with respect to the Grant Preserve subdivision. Councilmember Rosenberg asked if they fixed the sidewalks that had been at issue. Ms. Roberts stated that the problem had been the breaking off of small sections of surface concrete, but at D. M. Properties request, she reviewed the work once again. The damage is not to such a degree that it would be considered a failure of the sidewalk, she said, and is not out of the ordinary. Most of the sidewalk was completed in 2003 and 2004, and it has been stable. It is fair and reasonable to release the bond, she said.

Councilmember Quattrone asked about drainage problems in that development. Ms. Roberts stated that there had been some problems on the south side of Grant Avenue related to the new homes and old field drains. That was corrected house by house, she said. On the other side, there have been some drainage problems between Park Avenue and Grant Preserve which were not caused by Grant Preserve, and which Public Works intends to address.

Resolution 2007-180 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 4-0.

RESOLUTION 2007-180 AUTHORIZING RELEASE OF MAINTENANCE BOND – D. M. PROPERTIES, INC. (GRANT PRESERVE)

WHEREAS, the developer of the Grant Preserve subdivision, D. M. Properties, Inc., has previously posted a cash maintenance guarantee with the Borough in the amount of \$7,500.00; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of said maintenance bond;

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

1. The Treasurer is authorized and directed to release to D. M. Properties the cash maintenance guarantee held on their behalf relative to their Grant Preserve subdivision in the amount of \$7,500.00.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. D. M. Properties, Inc.
 - b. Carmela Roberts, P.E., Borough Engineer
 - c. Arlene O'Rourke, Treasurer
 - d. Frederick C. Raffetto, Esquire, Borough Attorney

2007 APPLICATIONS FOR TRANSPORTATION TRUST FUNDING

Ms. Roberts stated that the deadline to submit Transportation Trust Fund applications is August 24. We can submit up to three applications, and they must be prioritized. The State normally funds just one street at a time. She presented four options to Council for their consideration: (1) the remainder of Morrison Avenue (between Summit Street and Railroad Avenue), which work would include continuation of an important water main extension; (2) the entire length of Park Avenue; (3) Westerlea Avenue and Leshin Lane; and (4) Park Way, between Stockton Street and Grant Avenue.

Council discussed this at some length and generally agreed that applications should be submitted for Morrison Avenue, Westerlea Avenue/Leshin Lane, and Park Avenue, in that order. With respect to Park Way, it was noted that Ms. Roberts intends to include road work on that street in the plans for improvements within the Historic District; however, there is no way to know when funding for that will become available. Councilmember Quattrone asked if funding could be provided in the 2008 budget for work on that street, and a request made to the county to assist us with the paving. Ms. Roberts noted that, while we could request this, the county is generally interested only in paving roads "with regional significance to them."

RESOLUTION 2007-173, AUTHORIZING PAYMENT NO. 9 – JONICO, INC.

(COLE AVENUE & CLINTON STREET RECONSTRUCTION)

Following a brief review by Ms. Roberts, Resolution 2007-173 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

Mayor Patten noted that the streets look nice and Councilmember Quattrone agreed, saying that the residents there are pleased with the work. Ms. Roberts said that there have been no complaints.

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

Resolution adopted, 5-0.

RESOLUTION 2007-173

AUTHORIZING PAYMENT NO. 9 – JONICO, INC.

(COLE AVENUE & CLINTON STREET RECONSTRUCTION)

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

WHEREAS, the Borough Council subsequently approved Change 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. 9 for this project in the total amount of \$2,665.60, as detailed on the attached listing, and the Borough Engineer has recommended that this payment be approved, subject to receipt of the required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 9 by Jonico, Inc. in the amount of \$2,665.60 is hereby approved and the Treasurer is authorized to issue payment for same, subject to receipt of the required certified payrolls.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2007-17,

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

Chief Eufemia noted that, in response to concerns expressed by the homeowners on Leshin Lane, the language proposed in the original ordinance with respect to that street was amended, and those homeowners are now satisfied and seem to be in favor of it. He said that the Ordinance will enhance safety and movement along the "S" curve on that street.

Mayor Patten opened the public hearing on Ordinance 2007-17.

Eugene Sarafin, 600-628 South Main Street, commended the Mayor and Council for their responsiveness to residents' concerns with respect to this Ordinance, saying, "That's what government is about. Keep up the good work."

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

Ordinance 2007-17 was moved for adoption by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Ordinance adopted, 5-0.

ORDINANCE 2007-17

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

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, as follows:

Section 1. Subsection 13-1, "Parking Prohibited at All Times on Certain Streets," of Chapter 7, "Traffic," of the *Revised General Ordinances of the Borough of Hightstown* is hereby amended by the addition of the following NEW locations:

Name of Street Side	Location
<u>Leshin Lane South</u>	<u>From a point 50' west of the western side of the driveway of 17 Leshin Lane to Westerlea Avenue</u>
<u>Leshin Lane North</u>	<u>From a point 50' west of the western side of the driveway of 16 Leshin Lane to Westerlea Avenue</u>

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.

INTRODUCTION AND FIRST READING: ORDINANCE 2007-18,

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

Ms. Gallagher reviewed the provisions of Ordinance 2007-18, authorizing the sale of Borough-owned property on Academy Street by auction among the contiguous property owners. She noted that the Borough received one bid in response to the last offer of this property for sale, and that bid was for just over \$30,000. The minimum bid set most recently was \$100,000, therefore that bid was deemed to be non-responsive. Previously, the minimum bid had been set

at \$180,000 and no bids were received. This Ordinance does not include a minimum bid, she said, but provides that Council may reject any and all bids.

Mr. Raffetto noted that anyone may express interest in purchasing the property and Council has the option to go out to a full open public bid for anyone to submit. This process is cumbersome, he said, but we are complying with the provisions of the Local Public Contracts Law.

Ordinance 2007-18 was moved for introduction by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Ordinance introduced, 3-2.

The public hearing and final reading for this Ordinance was set for August 6, 2007.

RESOLUTIONS

RESOLUTION 2007-179, RESOLUTION AUTHORIZING AND APPROVING AN INTERLOCAL AGREEMENT WITH THE COUNTY OF MERCER FOR THE PROVISION OF AN ARCHIVES AND RECORDS MANAGEMENT NEEDS ASSESSMENT

Following a review by Ms. Gallagher, Resolution 2007-179 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 5-0.

RESOLUTION 2007-179 RESOLUTION AUTHORIZING AND APPROVING AN INTERLOCAL AGREEMENT WITH THE COUNTY OF MERCER FOR THE PROVISION OF AN ARCHIVES AND RECORDS MANAGEMENT NEEDS ASSESSMENT

WHEREAS, the New Jersey State Legislature authorized the establishment of a grant program to support the development and improvement of public archives and records management in county and municipal governments through Public Law 2003 Chapter 117 Sections 38 and 39; and

WHEREAS, the grant known as Public Archives and Records Infrastructure Support (PARIS) has awarded funds of various amounts to all 21 counties and 38 municipalities throughout the State; and

WHEREAS, the Borough of Hightstown and other smaller towns have not yet become eligible for PARIS grant application status due to the criteria for population size; and

WHEREAS, municipalities may now become eligible to apply for PARIS grant funding upon State Records Committee (SRC) approval of a complete records management needs assessment and a strategic plan, and the Division of Archives and Records Management (DARM) is encouraging counties to provide records management needs assessments and strategic plans to municipalities in order to expedite the eligibility process; and

WHEREAS, the County of Mercer intends to provide this opportunity to its currently ineligible municipalities and to prepare and deliver, at no cost to the municipality, an Archives and Records Management Needs Assessment and Strategic Plan for each municipality that is currently not eligible to apply for PARIS; and

WHEREAS, when the project is complete, the Borough of Hightstown and other currently ineligible municipalities will become eligible to apply for Public Archives and Records Infrastructure Support (PARIS) grant funding upon State Records Committee approval of their Archives and Records Management Needs Assessment and Strategic Plan as prepared for them by the County; and

WHEREAS, the Assessment and Plan will also be useful to the Borough in furthering its own records management objectives and towards becoming compliant, or improving compliance, with State and Federal imaging and records management standards; and

WHEREAS, in addition, the project will:

- (a) assess the needs and storage space necessary for an inactive records storage warehouse, archives, and records management service center for use by the County of Mercer and its thirteen municipalities;
- (b) identify efficient and inefficient records handling and storage practices; and
- (c) identify opportunities for potential shared services; and

WHEREAS, *N.J.S.A. 40A:8A-1 et seq.*, the New Jersey Interlocal Services Act, permits the Borough to enter into an agreement with Mercer County to provide for the provision of this Needs Assessment; and

WHEREAS, there is no cost to the Borough to participate in this project;

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

1. The Interlocal Services Agreement by and between the Borough of Hightstown and the County of Mercer Improvement Authority for the Provision of an Archives and Records Management Needs Assessment, which agreement is attached hereto and incorporated herein¹, is hereby authorized and accepted, and the Mayor and Borough Clerk are authorized to execute same.
2. This agreement shall take effect upon the adoption of an appropriate Resolution by the County of Mercer and the execution of the agreement by and between the Borough of Hightstown and the County of Mercer in accordance with *N.J.S.A. 40:8A-1 et seq.*

CONSENT AGENDA

At the request of Councilmember Quattrone, **Resolution 2007-177** was removed from the Consent Agenda for separate consideration.

Resolutions 2007-174 through 2007-176 and **Resolution 2007-178** were moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 5-0.

¹ Agreement is on permanent file with the original Resolution in the Borough Clerk's office.

RESOLUTION 2007-174 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 **\$542,040.03** from the following accounts:

Current	\$ 317,110.40
W/S Operating	140,303.20
General Capital	27,350.84
W/S Capital	907.51
Grant	33,675.68
Trust	8,946.83
Public Defender	300.00
COAH	21.00
Escrow – Subdivision & Site Plan (1 st Constitution Bank)	<u>13,424.57</u>
Total	<u>\$542,040.03</u>

RESOLUTION 2007-175 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2007 BUDGET

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

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

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

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

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	381,925.00	1,646,757.25	2,028,682.25
Capital Outlay – Current	0.00	5,000.00	5,000.00
Debt Service - Current	0.00	152,603.00	152,603.00
Water/Sewer	2,000.00	1,020,013.00	1,022,013.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	146,580.00	146,580.00
TOTAL	383,925.00	2,970,953.25	3,354,878.25

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto² and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2007 budget under the same title as written herein;

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

3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

RESOLUTION 2007-176 APPOINTING ANN DANDURAND TO THE BOARD OF HEALTH

WHEREAS, due to the recent resignation of Karen Cox, a vacancy currently exists on the Board of Health; and

WHEREAS, it is the recommendation of Mayor Robert Patten that Ann Dandurand be appointed to fill this vacancy, and the Borough Council concurs with the Mayor's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Ann Dandurand is hereby appointed as a member of the Board of Health for the unexpired three-year term ending December 31, 2008.

RESOLUTION 2007-178 AUTHORIZING LICENSING OF ADDITIONAL VEHICLE –UNITED TAXI

WHEREAS on May 7, 2007, a Taxicab Owner's License for 2007 was issued to United Taxi, operating out of 112 North Main Street, for four vehicles owned by the firm; and

WHEREAS United Taxi has submitted an application for the licensing of a fifth vehicle, together with the required fee; and

WHEREAS this request has been reviewed and approved by the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to amend the Taxicab Owners' License held by United Taxi to include the following vehicle:

Vehicle Description	VIN #
1997 Dodge Van – white	1B4GP44R5VB353613

Regarding **Resolution 2007-177**, Councilmember Quattrone asked where the parking spaces for which the permit fees would be waived would be located. Chief Eufemia stated that the Center's employees park in the Main Street parking lot. Councilmember Quattrone said that the spaces in that lot should be kept open for our businesses. Chief Eufemia noted that, generally, only two or three permits are used regularly. The others are used only if needed.

After further discussion, it was agreed that the Resolution would be adopted and the permit fees waived, and that the Center would be asked to utilize the permit parking spaces in the Borough's other parking areas whenever possible.

Resolution 2007-177 was moved by Councilmember Quattrone and seconded by Councilmember Schneider.

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

RESOLUTION 2007-177 WAIVING FEE FOR CERTAIN PARKING PERMITS

WHEREAS the Community Action Service Center, a nonprofit agency serving Borough residents, has requested 2007-08 parking permits for use by their staff; and

WHEREAS, the Center has requested, and the Chief of Police has recommended, that the fee for these permits be waived;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Community Action Service Center shall be issued up to ten (10) 2007-08 parking permits for the use of their staff and that the fee for these permits shall be waived.

UNFINISHED BUSINESS

RUG MILL REDEVELOPMENT

Planning Board Chair Steve Misiura was present and addressed the Mayor and Council. Following Council's recent referral of the Redevelopment Plan back to the Planning Board, he said, the Board discussed the Plan on June 11 (receiving testimony at that meeting from Councilmember Schneider) and again at a special meeting on June 25. After consideration, the Board voted 8 to 1 to send the Plan back to Council with no changes, and to request that the conditional redeveloper, Greystone, provide specific reasons and justification for any changes that are or may be requested. He noted that the non-residential space was reduced once before and flexibility was added wherein it could be further reduced on the recommendation of the Planning Board, provided that it was justified by a traffic analysis and market study. "We didn't receive any new information to make a new decision," Mr. Misiura said. Regarding the Borough Hall component, the Board was concerned with the amount to be paid in lieu of construction, compared to what it would cost to build 15,000 square feet. "We are reluctant to remove this component," he said.

Councilmember Quattrone asked Mr. Misiura what he, personally, would recommend regarding Borough Hall. "It was a stretch," Mr. Misiura replied, "to ask a developer to fully build and fit out Borough Hall.... We would just like to see the developer make a case before we grant him relief on that, as to what we are going to get in return. 15,000 square feet at a cost of \$150 per square foot comes to a lot more than \$350,000." He added that, the first time the Plan was referred back to the Planning Board, a lot of new information was provided, including a market analysis. This time, he said, there was no new information offered.

Councilmember Harinxma asked where the Planning Board stands regarding rental units at the site. "That wasn't part of our discussion," Mr. Misiura replied. Council President Sikorski noted that the existing Redevelopment Plan prohibits rentals on site.

The Mayor and Council thanked Mr. Misiura for his report. Discussion ensued.

Councilmember Schneider stated that he made a presentation at the June 11 Planning Board meeting. The Board, he said, was advised that it is up to Council to negotiate financial arrangements related to the project, and Planner Tamara Lee stated that retail at the front of this municipal building had never been contemplated in the Master Plan. "We need to be naming a Redeveloper," he said, "and as the Redevelopment Agency we need to work on Redeveloper's Agreement." He noted that the subcommittee will be meeting with Greystone during the next week and said that Council should introduce an ordinance to amend the Redevelopment Plan to provide for the possibility of accepting monetary consideration in lieu of the developer having to build municipal space. "As far as naming Greystone as redeveloper," Mr. Schneider said, "they've become the property owner, and changing that is somewhat difficult. We could do an RFP and see what we get back, but besides running the risk of spending money for that, there is no guarantee of what would come back. As far as parking and traffic studies, I believe they are fraudulent." He reiterated that he would like flexibility in the Plan to encompass more possibilities, and added that it need not preclude retail. That should be a negotiable item, he said. "The retail at the front of Borough Hall was suggested by the developers," he said, "not by anyone in Hightstown. I believe that is a poor choice for a retail location as shown."

"We need to get arguments out there with key certified people," Mayor Patten said. "We're not the experts."

Councilmember Harinxma stated that the plan has been changed several times and the number of units has increased from 80 to 130. "That might be an argument," she said, "for saying, 'Yes, retail would work,' and would be driven by the population moving in. I don't want flexibility to reduce the retail to zero. If we're increasing the number of units, we need to have retail."

Councilmember Quattrone suggested that Council "name Greystone as Redeveloper right here and now" so that they can then come up with plans. Council President Sikorski recommended meeting with them one more time before that takes place. Mr. Raffetto suggested that, if Council is going to consider naming Greystone as Redeveloper at this time, a caveat be included providing that the designation is subject to the successful negotiation and execution of a Redeveloper's Agreement within a specified period of time.

Councilmember Rosenberg noted that Greystone has said that they can't build the project with the municipal component included. "Why would we name them as Redeveloper with the same plan?" he asked. Mayor Patten recommended that we "start from scratch" and ask Greystone what they can do.

Council President Sikorski noted that a process has been followed, and that various people "came on board at different stops on the train ride." "The perception," he said, "is that the Borough has made concessions to Greystone, but they modified a lot of what was originally brought in. We're getting so specific. We had renderings, which were treated as site plans. All that is required is a certain amount of square feet of retail. It doesn't have to be *here*. That is a Planning Board issue."

Mr. Raffetto noted that a "substantial" Redeveloper's Agreement is being prepared right now by the attorneys for both parties. Council President Sikorski asked if there is a timeline included in that agreement. "Yes," Mr. Raffetto replied. "Timeframes are set forth." Mr. Raffetto stated that Council may want to wait until after next week's meeting with Greystone to make a final determination. He noted that the Planning Board did not feel that the dollar amount to be paid in lieu of constructing a municipal facility was within their jurisdiction to decide. Right now, he said, the Plan is specific and provides three ways for the developer to meet the requirement for municipal space. "Council may want to consider," he said, "making one change to provide the municipality with more flexibility with respect to that and add a fourth possibility – a dollar amount to be negotiated as a part of the Redeveloper's Agreement with the municipality. Right now, there is no ability in the plan for that and the developer has indicated a preference to do that."

Councilmember Schneider asked, "After we have named the developer and we are doing the Redeveloper's Agreement, is it not typical for a town to hold up the developer for years while working out the details?" "Not for 'years,'" Mr. Raffetto replied. "We're already pretty well into preparing the agreement, and it shouldn't take too long to finalize."

Councilmember Rosenberg again suggested that Council wait until after next week's meeting with Greystone to take any action.

"If we change the ordinance to accommodate the removal of Borough Hall," Councilmember Schneider said, "we have another option. I don't see options as being negative. The right thing to do as of tonight's meeting is to introduce an ordinance with an additional option, and name Greystone as actual redeveloper. Going another route to find someone else has enormous reasons against it."

Mr. Raffetto noted that Greystone, not the Borough, had requested the upcoming subcommittee meeting, and added that he expects to have a draft of the Redeveloper's Agreement prior to the August 6 meeting.

NEXT MEETING DATE

It was discussed and agreed that the next regular meeting would take place on August 6, 2007. The meeting scheduled for July 16 will be canceled.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Harinxma reported that the next free outdoor concert will take place on July 18. Councilmember Schneider recommended that the Parks Commission provide more publicity regarding these events. Ms. Harinxma agreed and said that there had been a problem with that this year.

Council President Sikorski stated that our Code Enforcement Officials are doing a great deal of work on property maintenance issues, but there is a lot to do in that regard during the summer months.

Councilmember Schneider noted receipt of the Police Report for June, which included 1,390 calls, 305 summonses issued, 73 investigations and 24,470 radio transmission and phone conversations.

Councilmember Quattrone reported regarding several issues:

- Our volunteer First Aid Squad is still covering three nights per week and doing well. Our ambulance is back in service, but has chronic problems.
- The fire company's ladder truck is also back in service. He thanked those who helped cover for us while it was out for repair.
- He thanked the fire company for their assistance with the concerts in the park. "They produce the electricity," he said, "and keep it running."
- He apologized for inadvertently leaving Tom Ward's name out of his letter to the *Windsor Hights Herald* thanking the members of the parade committee.
- The Public Works department is running well, and that day, the Mayor provided a luncheon for a longtime employee who retired after 27 years of service to the Borough.
- He is having a notification letter printed up about recycling, and if he or anyone on the recycling committee notices someone not recycling properly, we will put the letter on their door saying that it must be corrected. "It costs money to dispose of garbage," he said, "and we *get* money for recyclables."

Ms. Gallagher noted receipt of a second Resolution from the General Assembly commending the Borough for its inclusion in the Rutgers report on open government, and for its website.

Chief Eufemia reported that the Police Department, in conjunction with Hightstown Engine Co. No. 1 and the First Aid Squad, will host *National Night Out* on August 7 between 5:30 p.m. and 9:00 p.m. It will take place in the area between the firehouse and the municipal building. He thanked the Mayor and Council for their support, and said that the community response has been great.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, said, "Be careful about word 'bias.' In Lakewood, the Hassidic rabbis control it. They give public land to corporations owned by the rabbis. I don't understand why they're not locked up." He stated that we are starting to lose our national identity in "so many ways." Mr. Sarafin also stated that he found it "interesting" that Mayor Mironov attended the Borough's last Planning Board meeting. "It is best to plan with East Windsor, no matter what it is," he said. "She is a tough negotiator and will get what she wants from them."

J. P. Gibbons, 602 North Main Street, recalled that, when the Mill project was originally conceived, the feeling was "thank God someone will take it." He recalled that the Borough at one time had the opportunity to take it but didn't. Then, he said, the economic boom happened, then busted. "Developers were promising anything to get approvals and get out." "We're now in 2007," he said, "and talking about 2008 and beyond. I suggest going back to them and saying, 'You have a piece of property. What can you do with it in today's environment?' I also suggest you put as much leeway in the negotiations as possible. This is not the place for retail space. Let them find a piece of property to put it on. Give them the flexibility to use their resources ... give them a big box to play with. Take the footprint of this building that you need and say the rest is negotiable. Let them come back with a clean slate and tell us what is economically feasible, then go back to the Planning Board. We're dealing with something over five years old and economics have changed drastically."

John Archer, Fire Chief, thanked the Mayor and Council for their vote to purchase the new fire truck, which is currently under production. He said that the actual truck can be viewed on a webcam at www.ferrarafire.com. Chief Archer went on to say that, traditionally, the fire company uses its own funds to purchase the support vehicles, such as the Chief's truck, special services unit and rescue truck. They currently have a 1969 special services unit which "sometimes doesn't work," and they are engaged in a fund raising effort to purchase a new one. They will be raffling off a 1979 Triumph Spitfire which was donated by a resident, and on July 28 will be going into the street to solicit funds. He invited the Mayor and Council members to join them in that effort. The solicitation will take place from 10 a.m. to 4 p.m. "You don't have to stay the whole time," he said. "Just give an hour. It helps. It takes a lot of people, it's a good cause, and it is a direct reduction in our taxes."

Kathy Patten, 135 South Street, said that she attended a "very moving" graduation ceremony at the library that evening for about 30 ESL (English as a Second Language) students. To graduate, they attend 10 classes a week, six days a week.

Torry Watkins, 68 Meadow Drive, commended Councilmember Quattrone for "deciding we need to get more proactive about enforcing our recycling regulations." He said that he helped usher in recycling when he served on Council 24 years ago, and Hightstown was the first town in Mercer County to have mandatory recycling. He suggested that, when distributing the letter to offenders, we include a hard copy of our recycling regulations so that all are aware of them. Mr. Watkins also offered to assist in this effort.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud **Resolution 2007-171**, authorizing a closed session for the purpose of discussing contract negotiations, possible litigation and personnel. The Resolution was moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolution adopted, 5-0.

RESOLUTION 2007-171 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 July 10, 2007 at approximately 10:00 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Personnel
Contract Negotiations – Old York Road sewer connections
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: October 10, 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, adjournment was moved by Council President Sikorski, seconded by Councilmember Rosenberg and unanimously approved. The meeting was adjourned at approximately 10:30 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk