

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 Bond</i>	✓	
<i>Councilmember Harinxma</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Rosenberg</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	

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

APPROVAL OF AGENDA

The agenda was moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

APPROVAL OF MINUTES

Minutes of the September 15, 2008 open session were moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved as submitted.

PRESENTATION

PARKING REGULATIONS IN MUNICIPAL LOTS

Former Mayor Scott Caster, member of the Parking Subcommittee, presented a report outlining the downtown parking situation and the committee's recommendations to Council. After the Borough's efforts to expand and improve parking, he said, there is now an overabundance of parking in our downtown lots. The two-hour time limit, however, does not provide sufficient time for shoppers and people wishing to do business downtown. The committee recommended that the time limit for parking in the Stockton and Main Street parking lots be increased to four hours. In addition, Mr. Caster said, there are not enough permit parking spaces for those in business or employed downtown, and the committee is recommending that 23 additional permit parking spaces be designated near the existing permit parking area. Lastly, the

committee recommends that a part-time Parking Enforcement Officer be hired to enforce parking regulations, which would free up the Borough's police officers for other duties. The committee recommended no change to existing regulations regarding on-street parking, and that all existing regulations continue to be enforced in the meantime.

Councilmember Bond noted that Chief Eufemia has requested that the Parking Enforcement Official be brought in on a six-month trial basis, and the committee is agreeable to this.

Chief Eufemia stated that the Borough's existing ordinances will need to be amended in order to effectuate these changes, and a revised site plan submitted to NJDOT. It was noted that recent statutory changes may alleviate the need for DOT approval. The new regulations, Chief Eufemia said, would be enforceable following their adoption and approval, if that is required, and installation of appropriate signage.

Mayor Patten asked if a Parking Enforcement Official could begin right away to enforce regulations. It was generally agreed that this could be put into effect right away. Councilmember Bond stated that the Committee envisioned that person working for five to six hours each week, with no benefits. Their duties would consist only of parking enforcement, and they would not carry a weapon.

Mr. Caster added that the committee is also recommending that handicapped spaces be added in the lower tier of the permit parking area. Councilmember Bond agreed that there is a need for this, and Ms. Roberts noted that three regular spaces could be converted to two handicapped spaces.

Council President Sikorski commended the subcommittee for their work on this matter, and Councilmember Schneider expressed support for changing the time limits, but questioned the need for a Parking Enforcement Official, which he feels might be unnecessary once the new time limits and additional permit spaces are established.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, stated that the committee's recommendations did not address parking for those residents who live above our downtown stores, or for employees of the Community Action Service Center who wish to park closer to their building in the evening. She asked during what hours the parking time limits are enforced, and said that she was pleased to read an article in the paper recently stating that "traffic control wins support." She envisioned rumble strips along Stockton Street, speed bumps, or signs saying "Slow Down."

George Serrano, 14 Westerlea Avenue, Apt. 2, stated that he has read negative remarks by some regarding Latinos and the Deerfield/Westerlea Apartments, which he manages. He invited the governing body to visit and see that the complex is clean and well-maintained, with a strong police presence. He performs background checks on all potential tenants, he said. "There is a lot of prejudice going on," he said, "but you give jobs to these Latinos. ... Get them out or help them." He said that Latinos cross the border because they are starving. "I am proud to be Latino," he said, adding that if he hears further negative comments he may organize a protest.

Nolan Hiers-Evans, 419 Stockton Street, stated that the Borough's new pedal boats have been tested and are safe. They are equipped with shade roofs. He encouraged all to attend the Community Fair, where they will be in use on the lake.

Christie Palmer, 121 Park Avenue, thanked the Mayor and Council for having the tree taken down at Grant Avenue Park which she had referenced at the last meeting.

Esther Velasquez, 178 Grant Avenue, stated that she is a U.S. Citizen, and highly educated, and the person who insinuated that Latinos are not educated is wrong. She said that it is the obligation of all to report overcrowding issues, because it is a danger. She said that she agrees that overcrowding is a problem, but added that she has lived in Hightstown for most of her life, and her family never rented out rooms, nor did our police department have to visit to investigate the property. When someone makes a negative comment about Latinos, she said, "shame on them," adding that if Mr. Serrano brought people here to protest, she would applaud him.

J. P. Gibbons, 602 North Main Street, suggested that, if the Borough does hire a Parking Enforcement Officer, that person have direct radio communication with the police department. "It gives them an extra set of eyes," he said. Regarding the recommendation for an increase in the time limit for downtown parking, Mr. Gibbons suggested that, even if DOT approval is necessary, it should be possible for the Borough to use its "discretionary ability" to begin now enforcing at four hours rather than two hours. Lastly, Mr. Gibbons encouraged the Mayor and Council to take action to reduce the COAH fee that would need to be paid by Michael Sheenan to one percent of the property's value.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTIONS

Ms. Roberts briefly reviewed each of the Resolutions listed under Engineer's Items. Those Resolutions, numbered 2008-226 through 2008-235, were then moved as a group by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-226 AUTHORIZING PAYMENT TO WHAM ENGINEERING SERVICES, INC. FOR TESTING AND DISPOSAL OF CONTAMINATED SOIL

WHEREAS, on November 28, 2007, during the course of performing the Streetscape Improvements project along North Main and Bank Streets, the Borough's electrical utility contractor inadvertently discovered and punctured an unknown underground storage tank in front of Borough Hall; and

WHEREAS, the tank appeared to have been there for many years, but its existence was previously unknown to the Borough; and

WHEREAS, Borough Hall was constructed during the 1960's, and prior to this a car dealership operated from said location; and

WHEREAS, the tank appeared to date from this time period; and

WHEREAS, on November 30, 2007, a second tank was found in the same general vicinity, and on December 3, 2007, a third tank was located; and

WHEREAS, at the time of discovery of the said tanks, a noticeable smell of gasoline was detected by those in the area; and

WHEREAS, the Borough was extremely concerned about the potential for contamination of the groundwater if removal of the tanks was not effectuated immediately; and

WHEREAS, the Borough therefore determined that this situation represented an emergency affecting the public health, safety and welfare which required the immediate delivery of services; and

WHEREAS, N.J.S.A. 40A:11-6 provides that any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety and welfare requires the immediate delivery of goods or the performance of services, provided that the procedure set forth in that statute is followed; and

WHEREAS, the Borough properly followed all of the procedures set forth in said statute and awarded a contract for the immediate performance of the necessary removal services to Wham Engineering Services, Inc. of Robbinsville, N.J. (the "contractor"); and

WHEREAS, the contractor performed all the necessary removal services under the direction and supervision of the Borough Engineer; and

WHEREAS, on April 7, 2008, payment to Wham Engineering for removal of the tanks was approved by the Borough Council in the amount of \$18,090.63; and

WHEREAS, on September 12, 2008 Wham Engineering submitted a request for payment in the amount of \$7,868.38 for testing and disposal of the contaminated soil surrounding these tanks, which invoice is attached hereto and made a part hereof; and

WHEREAS, the cost of these services is covered by the Small Cities grant received by the Borough of Hightstown for North Main Street and Bank Street Improvements; and

WHEREAS, the Borough Engineer is recommending that payment in the amount of \$7,868.38 be made to the contractor, subject to receipt of certified payroll forms;

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

1. That the Borough hereby authorizes payment to be made to Wham Engineering Services, Inc. of Robbinsville, N.J., for the work performed as specified above in the amount of \$7,868.38, subject to receipt of certified payroll forms.
2. That said payment is being made in accordance with N.J.S.A. 40A:11-6, as an emergency was determined to exist affecting the public health, safety and welfare which required the immediate performance of underground storage tank removal services.
3. That all relevant Borough officials and agents are hereby authorized and directed to perform such actions as are necessary in order to facilitate the intentions of this Resolution.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Wham Engineering Services, Inc.
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Larry Blake, Director of Borough Department of Public Works
 - f. Carmela Roberts, P.E., Borough Engineer
 - g. Frederick C. Raffetto, Esquire, Borough Attorney

RESOLUTION 2008-227 AUTHORIZING PAYMENT TO S. BROTHERS, INC. FOR MAPLE AVENUE WORK

WHEREAS, Resolution 2008-188 was adopted on August 4, 2008, authorizing an agreement with S. Brothers, Inc. of South River, New Jersey for Maple Avenue roadway repairs; and

WHEREAS, the work has been satisfactorily completed, and the Borough Engineer has recommended full payment to S. Brothers in the amount of \$8946.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that payment to S. Brothers, Inc. in the amount of \$8,946.00 for Maple Avenue roadway repairs is hereby approved, and the Treasurer is authorized to issue same.

RESOLUTION 2008-228 AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – BOBBIE INTERNATIONAL, LLC

WHEREAS, Bobbie International, LLC, posted funds in escrow with the Borough relative to their Planning Board application for Michael's Plaza; and

WHEREAS the firm will not be proceeding with the improvements and the Borough Engineer has recommended release of all remaining escrow held by the Borough on their behalf;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to return to Bobbie International, LLC any and all funds remaining in their escrow account as detailed herein, subject to payment of any outstanding fees.

RESOLUTION 2008-229 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND AMOUNTS REMAINING IN ESCROW, AND ACCEPTANCE OF REPLACEMENT BOND AND ESCROW FUNDS – GEORGE COSTANZO

WHEREAS, in 2007, George Costanzo posted a cash performance guarantee in the amount of \$17,724.00 with the Borough of Hightstown relative to his Planning Board application for a minor subdivision at 246 Sunset Avenue; and

WHEREAS, Mr. Costanzo posted escrow funds at that time as well, and the balance remaining in his escrow account is \$3,816.08; and

WHEREAS, the property is being sold, and Mr. Costanzo has requested the return of his performance guarantee and amounts remaining in escrow after receipt by the Borough of a replacement bond and escrow monies from the new owners, Ronald and Connie Williams; and

WHEREAS, the Borough Engineer has reviewed and approved Mr. Costanzo's request;

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

1. The Treasurer is hereby authorized and directed to return to George Costanzo, 3 Marlin Court, Jackson, New Jersey, 08527, the full amount of his cash performance bond, \$17,724.00, and all amounts remaining in his escrow account as set forth herein, plus any interest accumulated on either or both.
2. This authorization is subject to and contingent upon:
 - a. Posting with the Borough by Ronald and Connie Williams of a performance guarantee in the amount of \$17,724.00, ten percent of which must be in the form of cash.
 - b. Approval by the Borough Attorney of any non-cash performance guarantee posted.
 - c. Posting with the Borough by Ronald and Connie Williams of escrow funds in the amount of \$3,816.08.

RESOLUTION 2008-230 AWARDED CONTRACT FOR THE PROVISION OF SULFUR DIOXIDE – JONES CHEMICALS

WHEREAS, three (3) bids were received on September 25, 2008, for the provision of sulfur dioxide for the two-year period running from January 1, 2009, through December 31, 2010; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Jones Chemicals of Warwick, New York; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Jones Chemicals and has found them to be in order;

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

1. The contract for provision of sulfur dioxide for the two-year period running from January 1, 2009, through December 31, 2010 is hereby awarded to Jones Chemicals of Warwick, New York, for the unit price of \$0.75/pound and a total amount not to exceed Eleven Thousand Seven Hundred and Seventy-Five (\$11,775.00) Dollars.
2. The Mayor and Clerk are hereby authorized to execute an agreement with Jones Chemicals, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2009 and 2010.

RESOLUTION 2008-231 AWARDING CONTRACT FOR THE PROVISION OF MAGNESIUM HYDROXIDE – PREMIER CHEMICALS

WHEREAS, two (2) bids were received on September 25, 2008, for the provision of magnesium hydroxide for the two-year period running from January 1, 2009, through December 31, 2010; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Premier Chemicals of Pittsburgh, PA; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Premier Chemicals and has found them to be in order;

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

1. The contract for provision of magnesium hydroxide for the two-year period running from January 1, 2009, through December 31, 2010 is hereby awarded to Premier Chemicals of Pittsburgh, PA, for the unit price of \$449.62/dry ton and a total amount not to exceed Seventy Thousand One Hundred Forty Dollars and Seventy-Two Cents (\$70,140.72).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Premier Chemicals, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2009 and 2010.

RESOLUTION 2008-232 AWARDING CONTRACT FOR THE PROVISION OF ALUMINUM SULFATE – DELTA CHEMICAL CORPORATION

WHEREAS, one (1) bid was received on September 25, 2008, for the provision of aluminum sulfate for the two-year period running from January 1, 2009, through December 31, 2010; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Delta Chemical Corporation of Baltimore, MD; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Delta Chemical Corporation and has found them to be in order;

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

1. The contract for provision of aluminum sulfate for the two-year period running from January 1, 2009, through December 31, 2010 is hereby awarded to Delta Chemical Corporation of Baltimore, MD, for the unit price of \$1.134/gallon and a total amount not to exceed Sixty-Six Thousand Nine Hundred and Six Dollars (\$66,906.00).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Delta Chemical Corporation, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2009 and 2010.

RESOLUTION 2008-233**AWARDING CONTRACT FOR THE PROVISION OF VARIOUS CHEMICALS – UNIVAR USA**

WHEREAS, bids were received on September 25, 2008, for the provision of liquid chlorine, fluorosilicic acid (fluoride), sodium bicarbonate, calcium hypochlorite and sodium bisulfite for the two-year period running from January 1, 2009, through December 31, 2010; and

WHEREAS, the Borough Engineer has recommended the award of the contract for each of the above chemicals to the low bidder, Univar USA of Middletown, PA; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Univar USA and has found them to be in order;

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

1. The contracts for provision of various chemicals for the two-year period running from January 1, 2009, through December 31, 2010 are hereby awarded to Univar USA of Middletown, PA, as follows:

Chemical	Unit Price	Total not to exceed
Liquid chlorine	\$1.23/lb.	\$44,095.50
Fluorosilicic Acid (Fluoride)	\$8.47/gal.	\$17,659.95
Sodium bicarbonate	\$0.338/lb.	\$97,376.11
Calcium hypochlorite	\$2.14/lb.	\$6,420.00
Sodium bisulfite	\$1.80/lb.	\$2,376.00

2. The Mayor and Clerk are hereby authorized to execute agreements with Univar USA for provision of the above chemicals, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2009 and 2010.

RESOLUTION 2008-234**AWARDING CONTRACT FOR THE PROVISION OF CALCIUM HYDROXIDE (HYDRATED LIME) – GEORGE S. COYNE CHEMICAL COMPANY**

WHEREAS, two (2) bids were received on September 25, 2008, for the provision of calcium hydroxide (hydrated lime) for the two-year period running from January 1, 2009, through December 31, 2010; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, George S. Coyne Chemical Company of Croydon, PA; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by George S. Coyne Chemical Company and has found them to be in order;

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

1. The contract for provision of calcium hydroxide (hydrated lime) for the two-year period running from January 1, 2009, through December 31, 2010 is hereby awarded to George S. Coyne Chemical Company of Croydon, PA, for the unit price of \$0.1563/lb. and a total amount not to exceed Twenty-Eight Thousand Five Hundred Fifty-Six Dollars and One Cent (\$28,556.01).
2. The Mayor and Clerk are hereby authorized to execute an agreement with George S. Coyne Chemical Company, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2009 and 2010.

RESOLUTION 2008-235**REJECTING ALL BIDS RECEIVED FOR VARIOUS CHEMICALS AND AUTHORIZING REBID**

WHEREAS, bids were received on September 25, 2008, for the provision of various chemicals for the two-year period running from January 1, 2009, through December 31, 2010; and

WHEREAS, bid prices for Zeta Lyte 305CVH, Zeta Lyte 1A, and Mixed Oxidant Odor Control Chemical were much higher than anticipated, and the Borough Engineer has recommended that these bids be rejected and these chemicals rebid for a one-year period; and

WHEREAS, NJSA 40A:11-13.2 provides that a contracting unit may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services;

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

1. All bids received on September 25, 2008 for the provision of Zeta Lyte 305CVH, Zeta Lyte 1A, and Mixed Oxidant Odor Control Chemical for the two-year period running from January 1, 2009, through December 31, 2010 are hereby rejected.
2. The Borough Clerk is hereby directed to return to the bidders all bid bonds and consents of surety submitted by them in connection with this bid.
3. The Borough Engineer is hereby authorized to re-advertise for bids for the provision of Zeta Lyte 305CVH, Zeta Lyte 1A, and Mixed Oxidant Odor Control Chemical for the one-year period running from January 1, 2009, through December 31, 2009.
4. The Borough Clerk is hereby authorized to receive bids for these chemicals following advertisement for same in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*

STATUS OF TRICKLING FILTER REPAIRS

Ms. Roberts reported that, since the bond ordinance was adopted several months ago, the Borough has been investigating various methods to repair the trickling filters. There were two options, she said – installation of new plastic media (which is very expensive) or replacement of the stone media. With the assistance of Public Works, we have looked at what is there by excavating and televising the piping under the rocks. That piping is in “surprisingly” good condition, she said. The stone is six feet deep, and the top three feet of it was clogged with sediment. This appears to be a major component of the trouble we’re having, she said. We have removed the top three feet of stone at the center of the worst of the two filters (an area about 10 feet in diameter) and replaced it with larger stone. Right now, she said, this appears to be working well, but we would like to take time and observe it over the fall, winter and spring, as the weather changes. “The answer is not firm yet,” she said, “but we’re moving in a good direction.” Replacement of the rock media would be significantly less expensive than installing new plastic media. Mayor Patten noted that Mr. Searing would be happy to provide a tour to any members of the governing body who would like to visit the plant to view this first-hand.

SLUDGE DE-WATERING

Ms. Roberts noted that we have not yet awarded the contract for sludge transportation. Sludge is a large expense for the Borough, and costs for both transportation and disposal have increased. Disposal costs are now nearly twice as high as in the prior contract, and transportation costs have risen 40 percent. We are investigating other possible ways to remove the sludge from our plant. Right now it is taken out in liquid form, but we’re looking at equipment that would remove a lot of the water and transport the sludge in dry form, called “cake.” Taking “cake” to a landfill is less expensive than taking liquid sludge to a treatment plant. Now that bids for transportation and disposal of liquid sludge have been received, we can perform a cost analysis to determine if purchase of this equipment would be cost-effective.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2008-16,

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 stated that the Borough's original Redevelopment Plan was approved in September 2004, and included such provisions as a new municipal facility and a contribution to the Borough's recreation fund. It called for eight townhouses and 72 condominium units, and required the vacation of Mechanic Street and a minimum of 60,000 square feet of adaptive reuse. After many discussions with the property owner, the plan was amended in October of 2006, and the maximum number of units was increased from 80 to 130. This plan required 35,000 square feet of adaptive reuse rather than 60,000 square feet. Further discussions resulted in a proposal for additional revisions to the plan, including an option for the redeveloper to make a payment to the Borough in lieu of building a new municipal facility, capping the number of required affordable units at 14, a statement that the redeveloper would have the opportunity to apply for a PILOT (but also noting that further action by Council would be necessary in order to effectuate that), a reduction in the amount of commercial space to 20,000 square feet, a requirement that non-residential construction include a two-story building on Bank Street of at least 10,000 square feet, and a provision that Mechanic Street may (rather than shall) be vacated by the Borough. These changes were reviewed and recommended by the Planning Board in the fall of 2007, but the ordinance effectuating them was defeated by Council. Since that time, there is one new member on Council and litigation by Greystone has been commenced against the Borough, which remains pending. In an effort to move the redevelopment of the Mill forward, Mr. Raffetto said, the 2008 Council wishes now to consider the same ordinance that was last defeated. There is no guarantee, Mr. Raffetto said, that adoption of this ordinance will end the litigation or result in immediate construction. Also, he said, no PILOT is being considered for approval by Council as a part of this Ordinance. The revised plan, he said, would simply recite the fact that the redeveloper has the ability to request, by law, a PILOT. If the redeveloper were to do so, "that would be a topic for another day," and the public would be adequately notified and able to comment at that time.

Mayor Patten opened the public hearing on Ordinance 2008-16.

Chris Moraitis, 208 Stockton Street, asked Council to consider the local impact of what is happening to the economy at the national level. He said that there are many homes on the market here now that have been listed for quite some time, and that, although this problem exists everywhere, his perception is that Hightstown is "doing more poorly than surrounding towns." He predicted one of two scenarios: "They sit on it another 10 years until it's profitable to build, or they break ground next week." If the latter happened, he said, the combination of more supply and less demand would "drag down everyone's home value in this town." He said that, while conventional wisdom says that taxes can be lowered by developing, that "is not based on hard fact," and while it may beneficially impact the municipal tax rate, possibly through a PILOT, it would add to school taxes. He urged Council not to "make Patrick Thompson's time and contribution [as a Councilmember] irrelevant," and asked them to explain their reasoning and the facts behind their reconsideration of this Ordinance.

J. P. Gibbons, 602 North Main Street, said that he was "disillusioned" by the Planning Board's endorsement of this ordinance when it was last introduced, and "enthused" by Council's opting not to adopt it at that time. He said that there is a perception among the public "that residents don't know what the [Borough] government is doing at all times" and that this could be cured by transparency in government. Since this ordinance was last introduced, he said, there have been changes in the laws that could affect the legality of the proposed Plan, and a lawsuit has been filed against the Borough

by Greystone. Mr. Gibbons said that his understanding is that Greystone has since rented a portion of the property to a third party in a long-term lease.

Mr. Gibbons went on to say that, during this process, Mr. Raffetto was asked on several occasions whether the language in the proposed Plan regarding a PILOT program had a "positive bearing on the Borough," and Mr. Raffetto has stated that it does not and that it would not harm the Borough to remove that language. Mr. Gibbons strongly recommended that the reference to a PILOT be removed from this Ordinance and put instead into the Redeveloper's Agreement. That, he said, would "reestablish trust with the residents." Mr. Gibbons also objected to allowing a payment in lieu of construction of municipal building improvements. He noted that, last year, the Economic Development Committee stated that the Borough's "vision was lost" with respect to this project, and said that he did not see how it could have since been regained. "There is nothing positive in the last 12 months," he said, "that I can see that would prompt us to bring back the exact same ordinance a year later." He expressed concern that, once the ordinance is adopted, the new Plan would become the "new standard that a developer will play under," and that Greystone could sell it to another developer. Mr. Gibbons stated again that residents want more transparency in local government, and added that, in New England, all major issues are decided by the people at Town Hall meetings. He urged Council not to "rush to get things done," and to defeat this Ordinance. "I can't support it," he said, "if I don't know what you're trying to do and why." The PILOT provision should be removed, he said, because it "irritates East Windsor and the school district, and a lot of people in the Borough, because they believe there is a deal that has been cut and they don't know it." He urged Council to schedule a special meeting to hear more from the public on this before proceeding.

Michael Theokas, 142 Mill Run East, stated that, although he is a member of the Economic Development Committee, he was not speaking on their behalf. He questioned Mr. Moraitis' suggestion that Council respect the wishes of ex-Councilman Patrick Thompson, noting that "he hasn't shown up here" since leaving Council to participate in discussions regarding the issue. He also disagreed with Mr. Moraitis that things would go one of only two ways if the ordinance is adopted. "There is much more that needs to be done," he said, "and it probably will be some time before the shovel goes in. Who knows where the housing market is going? This is not the beginning of the end but the end of the beginning." Mr. Theokas also disagreed with suggestions that the process has not been transparent enough. There have been many public hearings and discussions at both Council and Planning Board meetings, and numerous articles in the press. The problem, he said, could be that the process may actually have been *too* transparent. "It is a farce," he said, "to say that there is a hidden agenda. This is the very first step in the process. It sets the framework, regardless of who the developer and owner is." He asked Council to adopt the ordinance "so that we can get moving on the process."

Christie Palmer, 121 Park Avenue, expressed disappointment that Council has resurrected this Ordinance and said that she feels that she "was not listened to eight or ten months ago. ... It's a slap in the face to everyone on both sides of the issue." She asked Council not to adopt the ordinance and to hold an open, less formal meeting on this topic "with a free exchange of ideas." She said that the Economic Development Committee should be asked once again if the Borough has lost its vision, and added, "Now is not the time that anyone will break ground."

Gail Doren, 201 Hutchinson Street, agreed with other speakers that this Ordinance should not be adopted. "It was wrong then and more wrong now," she said, "because economic indicators have gotten worse. We have time now, more than before, to do a good job on this." She said that she has heard little discussion by Council regarding what is going on with this development, and there has been no insight given into their reasoning here. "Reintroducing the same ordinance one year later," she said, "is an insult."

Eugene Sarafin, 600-628 South Main Street, asked the Borough Attorney if the ordinance must, by law, include the reference to a PILOT. Following a point of order by Councilmember Bond, Mayor Patten asked Mr. Sarafin to address his questions to him, and he would ask the staff to respond, if appropriate. Mr. Sarafin did so, and Mayor Patten asked Mr. Raffetto to reply. Mr. Raffetto stated that there is no PILOT being considered for approval as a part of this Ordinance, and that the language in the plan "merely recites the fact that the developer can apply [for a PILOT], which he can do by

law." Mr. Sarafin questioned why this then needs to be in the ordinance. He also noted that no one on Bank Street received notification of this public hearing. Mr. Raffetto stated that there is no legal requirement for mailed notices with respect to redevelopment plans. "You put the PILOT in there," Mr. Sarafin said, "because the developer wants it in there." He said that he requested under OPRA a copy of a new proposal by the developer that was provided to Councilmembers in July, but was denied access by Ms. Gallagher because there is litigation pending and ongoing negotiations. He then provided details of that new plan which he said that he had obtained, and said that the configuration would change. He estimated the value of the completed project at \$12 million and calculated that the Borough's share of tax revenues from that would be \$57,000 without a PILOT, which, he said, would pay for approximately five new students in the school system. "It's madness," he said. "We've gone from a \$40 million ratable to \$12 million, and at this rate, we'll get it down to \$5 million."

Arthur Lindeman, addressed Council as an attorney on behalf of North American Transportation Consultants and owners of property at 602 North Main Street. He said that he was asked to look at the proposed ordinance and redevelopment plan, as his client is concerned that "a lot of your plan under applicable law could be attacked laterally as being illegal exaction." He made specific reference to the opportunity in the proposed plan to allow the redeveloper to "buy out" of its obligation to improve the municipal facility, adding that the issue there is language that would allow the Borough, at its sole discretion, to use those funds to improve the municipal building or "for whatever other purpose it deems necessary or desirable." He said that courts have held in older cases that a board's imposition of a monetary contribution must be authorized by statute and implemented by ordinance, and should not be based on the members' "arbitrary sense of how much a developer should pay, regardless of any agreement or enthusiasm" by the parties. He said that he was asked by his client to "relate the fear expressed by many in town" that not enough is known and there is too much to be decided in the future. "The only way to obviate doubt among the residents that a deal has been made," he said, "is by transparency of process. ... The manner in which this has been presented is not open enough to warrant such a monumental undertaking without the active participation of all residents, and may be illegal if it violates outstanding case law in the State of New Jersey." He said that Council would be "inviting litigation" by adopting this ordinance.

Mr. Sarafin spoke again to say, "What the attorney just told you is that you can't put a \$350,000 donation into anything." He urged Council to amend the ordinance to remove that reference and the reference to a PILOT.

Martin Crabtree, 326 Franklin Street, said that he has followed this issue for years and "finally felt compelled to come here." He asked why Council would be reintroducing without changes something that was voted down a year ago. "Why not look at changing things?" he asked. He said that he would love to see progress on this, but does not want Council to "rush ahead."

Isabel McGinty, 152 Broad Street, asked Council to defeat this ordinance. She said that citizens are concerned and asked, "Why is this back?" A lot of work has been done on this over the years, she said, and that is commendable, but she does not understand what changed since this ordinance was last voted down, except for a change in membership and the filing of litigation against the Borough. "If it is litigation that is driving you to go forward," she said, "then you have to explain that." She urged Council to use this opportunity to address concerns expressed by the public in 2007 regarding the number of children, water and sewer services, parking, traffic and the environment, and noted that there has since been a change in the neighborhood – "Houses for sale on North Academy and Stockton Streets are not moving ... not only that, but they're starting to be empty." Ms. McGinty said that she visited Borough Hall to review files related to the redevelopment and "the numbers are based on projections of what sale prices would have been in 2006. It's a different market now.... No one will be able to get financing." It was to have been built in stages, where sales from one level would drive construction of the next. Now, she said, "buyers aren't out there. ... Why is this now up for a vote?" She said that she looked at the proposal and knows that the plan can't go forward, "and you have to know also." "If you're thinking of voting yes," she said, "don't do it tonight. Have a further hearing on it."

Frank Rivera, 110 Broad Street, asked Council to please let the public know what changed for them since the ordinance was defeated in 2007, and to "outline specifically what has caused you to change your mind."

Mr. Gibbons spoke again to express concern that receiving a \$350,000 contribution by the developer in lieu of reconstructing Borough Hall could impact the Borough's ability to receive Extraordinary Aid.

Phyllis Deal, 305 Stockton Street, asked for reassurance that "this is not knee-jerk reaction to a lawsuit. It has all the earmarks."

Ann Willis, 158 North Academy Street, said that this process has actually been going on for longer than she has lived here – 35 years. She said that she is "disturbed by the Borough's approach to the Master Plan and to the development of this property," and that it seemed to her that the Master Plan and ordinances were "revised to satisfy the developer without really addressing what is good for the town – not just tax base-wise, but our quality of life. ... Will more units make it better? Will that improve the quality of life in Hightstown?" She asked Council to look at "the philosophy of what we want this town to be."

No one else came forward and the floor was closed.

Motion: At this time, Council President Sikorski made a motion that Council enter into a brief **executive session**. Mr. Raffetto stated that this is acceptable and appropriate, as the issue is in litigation, and Council may enter into closed session to address with him any concerns they may have with respect to that litigation." Mr. Sikorski's motion was seconded by Councilmember Quattrone, and a roll call vote was taken.

Roll Call: Councilmembers Harinxma, Quattrone, Rosenberg, Schneider and Sikorski voted yes.
Councilmember Bond abstained.

Motion carried, 5-0.

The meeting was reconvened into open session a few minutes later, at 8:56 p.m.

Ordinance 2008-16 was then moved for adoption by Council President Sikorski and seconded by Councilmember Harinxma. Discussion ensued.

Council President Sikorski stated that he has been working on this for five years. At the beginning of the process, he said, he had "serious reservations," and the redevelopment was actually one of his reasons for running for office. Mayor Patten appointed him to the Redevelopment Subcommittee, and in that capacity he made "many trips Conshohocken," attended many meetings with John Wolfington and engaged in many discussions with professional engineers, attorneys, planners, traffic experts, and bond counsel. Professionals used by the Borough, he said, were paid over \$250,000 from funds posted by the developer "for us investigate his suppositions in the development of the project." "There is much talk of transparency," Mr. Sikorski went on to say, "but you can't have that when it comes to negotiations. However, we have no secret plans or secret agreement waiting to be signed. That does not exist." He went on to say that Mayor Patten "has been most cooperative and extended himself on many occasions. You cannot attribute the failure of the Mill redevelopment to Bob. He has been a cheerleader for Hightstown, and has picked me up on numerous occasions to go to Conshohocken. When things are not successful, people blame those doing all the work." He went on to say that these votes are not taken lightly, and displayed a weighty stack of documents, all of which, he said, he has read. He noted that Council made several changes as the process moved along, and that Council unanimously voted in October 2006 to increase the maximum number of units from 80 to 130. "We had an opportunity one night," he said, "... the developer was here and we were going to get 80 units. Greystone had a \$35,000 check with them for seed money, and the majority of Council voted against it." He noted that this is hardly a finished product, and that there is a large part of the process ahead of us. The next step, he said, is the Redeveloper's Agreement, "a 60-page document that will address the

parameters in this ordinance." If and when that agreement comes to fruition, he said, the project would then go to the Planning Board and be further studied by our professionals. "It is not our job as Council to design the actual project," he said. He noted that the initial presentation by Greystone was a conceptual plan and not submitted to the Planning Board.

Council President Sikorski went on to state that "no one knows what the economy will be. That is not a valid question." He said that he has listened carefully to public comments during the past five years, and listened to the objections. "You can't be revealing the dynamics of negotiations," he said. "It changes. The plan has been basically the same as by the Planning Board before I even started. Don't throw out the baby with the bathwater." Regarding the PILOT, Mr. Sikorski said that he does not know if that will work, "but that is for the technical experts to discuss" and to decide if it is doable or not. "Tonight is not the end of the process," he said, "but to succeed, we need a Redeveloper's Agreement. I don't know the outcome of each stage or that it will be a perfect, wonderful plan." He said that he remembers protests against the Wyckoff's Mill project because "it would destroy the character of Hightstown," yet now that may be the section of town that sees the greatest increase in assessment as a result of the revaluation. Mr. Sikorski said that the Borough's vision has *not* been lost, and noted that, right now, the tax on this property is about \$40,000, roughly half of which goes to the school and about a quarter of which comes to the Borough. "The potential is there," he said. "I have taken five hour-and-a-half tours of the site. There are remediation issues ... it won't be easy. It may not end up as Utopia, but it is a reasonable plan, and I urge Council to vote for it."

Councilmember Schneider said that he previously supported this Plan as being an improvement regarding quality of life issues, and he will support it again. He said that the state of the economy would only lead him to believe that the developer, in light of economic conditions today, would be looking for something *less* acceptable to the people of Hightstown. The property is not generating a lot of revenue now, but, he said, it is also a drain on the values of properties around it. "I don't consider anything here more objectionable than an abandoned factory," he said. "Maybe they can't do it in today's economic condition, but this is a better choice for Hightstown." Philips Lighting, he said, closed the factory in 1986, and work on this by the Planning Board through the Master Plan dates back that far. "I think it is right, and I hope we go forward," he said.

Councilmember Quattrone stated, "Last time, I voted no. I sat and listened to the public and changed my mind. Since then, I've talked to many people about the vision, where we're going and what they recommended, and no one has come up with any real vision change." He noted that concerns expressed are things that the Planning Board would cover, and said that it is important to begin the process and get this moving. He said that he would be voting yes on this ordinance.

Councilmember Rosenberg stated that Council has been flexible with this process. "I voted yes to go to 130 units," he said, "because I thought we'd be getting 'Class A' facilities in exchange for putting money in his pocket." These changes, he said, "would take away what I feel is beneficial to Hightstown."

Councilmember Bond said that he has been involved in this process, as either Councilman, subcommittee member, Planning Board member or Economic Development Committee member, for over six years. "It's a circus we've all had to endure," he said, "and we have to move this process off dead center. By doing this, we're telling the property owner that this is it. This is what was negotiated and approved -- now do something with it." He noted that there are many decisions yet to be made by the Planning Board and by Council as to how this will unfold.

Councilmember Harinxma stated that she remains opposed to this ordinance.

Mayor Patten stated, "We've spent a lot of time, some more than others. We have been looking at it, listening to the public, and have been very open." He noted that there have been many opportunities for public input, and that "we've done our research." He thanked Council and the public for participating in the process. "Hightstown has been recognized for its openness in government," he said, "and we continue to do that."

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

Ordinance adopted, 4-2.

ORDINANCE 2008-16 AN ORDINANCE AMENDING THE BOROUGH'S REDEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 2004-20 ON SEPTEMBER 7, 2004, AND AS AMENDED BY ORDINANCE NO. 2006-19 ON OCTOBER 2, 2006, RELATING TO SUB-AREA I (BANK STREET) WITHIN THE BOROUGH OF HIGHTSTOWN

WHEREAS, on September 7, 2004, the Hightstown Borough Council adopted Ordinance No. 2004-20, which approved and adopted a Redevelopment Plan (also referenced as the "Plan") for the Borough of Hightstown, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, the Plan divided the Redevelopment Area of the Borough into three (3) distinct Sub-Areas; and

WHEREAS, the Sub-Areas include the following: Sub-Area I (Bank Street); Sub-Area II (South Academy Street); and Sub-Area III (Route 33); and

WHEREAS, though the Plan identified these three (3) Sub-Areas as Redevelopment Areas within the Borough, the Plan only created land use and design criteria relating to Sub-Area I (Bank Street), with the understanding that the Borough Council would adopt additional measures in the future to establish such criteria relative to Sub-Areas II and III; and

WHEREAS, on October 2, 2006, the Borough Council adopted Ordinance No. 2006-19, which amended the Plan in certain respects relating to Sub-Area I (Bank Street); and

WHEREAS, subsequent to the adoption of Ordinance Nos. 2004-20 and 2006-19, the Borough has continued to diligently review the criteria relating to Sub-Area I (Bank Street), in an effort to ensure that the proposed redevelopment of this area is most beneficial to the Borough as well as feasible for proposed redevelopers; and

WHEREAS, the Borough has determined that it is necessary and appropriate to further amend the Plan in certain limited respects; and

WHEREAS, a copy of the proposed revised Plan, dated October 2007, is attached hereto and made a part hereof¹.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That the Borough Council hereby approves and adopts the attached amended Redevelopment Plan, dated October 2007, as the official Redevelopment Plan of the Borough.
2. That the attached Redevelopment Plan shall supersede any and all prior Redevelopment Plans within the Borough of Hightstown relating to Sub-Area I (Bank Street), Sub-Area II (Academy Street) and Sub-Area III (Route 33), as well as the land use development regulations governing the properties located in Sub-Area I (Bank Street). The Borough Council shall take further action in the future in order to create new land use development regulations governing the properties located in Sub-Areas II and III. Until such time, the existing land use development regulations that govern the properties located within Sub-Areas II and III shall control development of those Sub-Areas. To the extent that any inconsistencies exist between the Official Zoning Map and the attached Redevelopment Plan, then the Official Zoning Map shall be amended accordingly.

¹ The plan is included at the end of these 10/6/08 minutes.

3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
5. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-18,

AN ORDINANCE APPROPRIATING \$3,500 FROM THE CAPITAL IMPROVEMENT FUND BALANCE FOR THE PURCHASE OF CERTAIN POLICE RADAR AND RADIO EQUIPMENT

Ms. Gallagher and Chief Eufemia offered a brief review of Ordinance 2008-18, which would appropriate \$3,500 from the Borough's Capital Improvement Fund to purchase a new radar unit and 15 batteries for police radios.

The Ordinance was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-18 was scheduled for October 20, 2008.

INTRODUCTION AND FIRST READING: ORDINANCE 2008-19,

ORDINANCE CANCELING \$236,000 IN UNFUNDED AUTHORIZATIONS AND TO AMEND BOND ORDINANCE NUMBERED 2008-10 OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED JUNE 2, 2008, IN ORDER TO REDUCE THE APPROPRIATION AND AUTHORIZATION AMOUNTS, THE AGGREGATE SUM OF THE DOWN PAYMENTS AND TO AMEND THE AVERAGE USEFUL LIFE

Ms. Gallagher reviewed the provisions of Ordinance 2008-19, which would cancel \$236,000 of the \$384,000 in bonding originally appropriated with Ordinance 2008-10 for trickling filter repairs and the purchase of a truck. When that ordinance was initially adopted, it was noted that whatever portion was not needed would be cancelled, thereby reducing the Borough's debt. At this time, it appears likely that we can reduce the ordinance by \$236,000 and still have enough remaining to cover replacement of the rock media in the trickling filters, which, based on the investigation and work underway right now², may be the most cost-effective solution for the Borough. The Chief Financial Officer has made this recommendation, she said. If the ordinance is not reduced, she explained, it will be necessary to add funding to the 2008 water-sewer budget before the end of the year to provide for the downpayment that is required. She noted that, in the event that any additional funds are needed once we are ready to proceed with the work next year, it is likely that they could be taken from connection fees recently received from Presbyterian Homes at Meadow Lakes, which are currently being held in reserve.

The ordinance was moved for introduction by Council President Sikorski and seconded by Councilmember Bond.

² See Ms. Roberts' comments under "Engineer's Items" earlier in the meeting.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-19 was scheduled for October 20, 2008.

RESOLUTIONS

RESOLUTION 2008-236, A RESOLUTION AWARDED A LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT FIRST AVENUE, TO METRO PCS PENNSYLVANIA, LLC

Following a brief review by Ms. Gallagher, Resolution 2008-236 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2008-236 A RESOLUTION AWARDED A LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER AT FIRST AVENUE, TO METRO PCS PENNSYLVANIA, LLC.

WHEREAS, N.J.S.A. 40A:12-14 and N.J.S.A. 40A:12-24, require public bidding when a municipality has determined to lease any real property or personal property not otherwise needed for municipal public use; and

WHEREAS, by Resolution No. 2008-189, adopted on August 4, 2008, the Borough of Hightstown authorized and directed the Borough Clerk to publish advertisements for the receipt of sealed bids for a lease of space on and adjacent to the Borough's water tower located on First Avenue, subject to the terms and conditions set forth in that Resolution as well as subject to all terms and conditions set forth in the Borough's bid specifications and proposed contract; and

WHEREAS, the said advertisements were published in accordance with applicable law and indicated that sealed bids would be received from any and all interested applicants at 11:00 a.m., prevailing time, September 23, 2008, at the Hightstown Borough Hall; and

WHEREAS, on that date, the Borough received a timely submission from one (1) bidder, Metro PCS Pennsylvania, LLC; and

WHEREAS, the bid submitted by Metro PCS Pennsylvania, LLC proposes a rental fee in the amount of \$24,000.00 per year, representing \$2,000.00 per month for the initial five (5) year term, with the option of renewals for four (4) successive periods of five (5) years each, upon the same terms and conditions as those governing the initial term, except as to the rental rate, which shall increase at the rate of four percent (4%) each year after the initial term; and

WHEREAS, the financial amount offered by Metro PCS Pennsylvania, LLC is in accordance with the minimum dollar amount required in Resolution No. 2008-189; and

WHEREAS, the bid submitted by Metro PCS Pennsylvania, LLC has been reviewed and deemed acceptable by the Borough.

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

1. That the Borough hereby awards a contract to Metro PCS Pennsylvania, LLC, for a lease of space on and adjacent to the Borough's water tower, located on First Avenue, for a five (5) year term, in the amount of \$24,000.00 per year, representing \$2,000.00 per month for the initial five (5) year term, with the option of renewals for four (4) successive periods of five (5) years each, upon the same terms and conditions as those governing the initial term, except as to the rental rate, which shall increase at the rate of four percent (4%) each year after the initial term, and also subject to all of the terms and conditions set forth in Resolution No. 2008-189, as well as subject to all terms and conditions set forth in the Borough's bid specifications and proposed contract for this matter.
2. That the Mayor is authorized to execute and the Municipal Clerk to attest a Communications Site Lease Agreement in the form annexed³, or in a form which is substantially similar thereto and which is approved by the Borough Attorney, between the Borough of Hightstown and Metro PCS Pennsylvania, LLC.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - (a.) Metro PCS Pennsylvania, LLC
 - (b.) Frederick C. Raffetto, Borough Attorney
 - (c.) Candace Gallagher, Borough Clerk/Administrator

**RESOLUTION 2008-244, A RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AWARDING A BID FOR THE
LEASE OF A PORTION OF CERTAIN BOROUGH-OWNED PROPERTY LOCATED AT BLOCK 7,
LOT 41 (ROUTE 130) ON THE HIGHTSTOWN BOROUGH TAX MAP**

Following a brief review by Ms. Gallagher, Resolution 2008-244 was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

**RESOLUTION 2008-244 A RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AWARDING A BID FOR THE LEASE OF
A PORTION OF CERTAIN BOROUGH-OWNED PROPERTY LOCATED AT BLOCK 7, LOT 41
(ROUTE 130) ON THE HIGHTSTOWN BOROUGH TAX MAP**

WHEREAS, on April 21, 2008, the Borough Council adopted Resolution No. 2008-72, which authorized the Borough to solicit proposals through a publicly advertised bidding process for the lease of a portion of certain Borough-owned real property located at Block 7, Lot 41 on the Hightstown Borough Tax Map (referenced as the "property") to the highest bidder by open public auction in accordance with N.J.S.A. 40A:12-14(a); and

WHEREAS, the property is located near or adjacent to Route 130, and comprises a total of 5.75 acres; and

WHEREAS, the portion of the property which is intended to be leased by the Borough measures approximately 35,650 square feet (referenced as the "site"), and is depicted on a plan prepared by Menlo Engineering Associates, Inc., dated January 30, 2008, a copy of which is on file in the Borough Clerk's Office; and

WHEREAS, the site is not needed by the Borough for any public purposes of the Borough; and

WHEREAS, following the adoption of Resolution No. 2008-72, the Borough duly advertised for bids pursuant to the requirements prescribed by N.J.S.A. 40A:12-14(a); and

WHEREAS, the Borough received bids on June 5, 2008; and

³ Agreement is on file with the original Resolution in the office of the Borough Clerk.

WHEREAS, on that date, the Borough received one (1) bid from: Americana R.D., Inc., 359 Route 130 North, East Windsor, New Jersey 08520, in the amount of Two Thousand Dollars (\$2,000.00) per month for the first year of the proposed Lease, subject to an escalator of two and one-half percent (2-1/2%) per year thereafter, which was the minimum bid required by Resolution No. 2008-72; and

WHEREAS, the bid received is in compliance with the Borough's specifications; and

WHEREAS, the Borough now wishes to move forward to authorize the award of the bid to Americana R.D., Inc., subject to all of the requirements set forth in Resolution No. 2008-72, and to authorize the Mayor to execute and the Borough Clerk to attest a Lease Agreement relating thereto on behalf of the Borough.

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

1. That the Borough hereby authorizes the award of the above-referenced Lease to Americana R.D., Inc., 359 Route 130 North, East Windsor, New Jersey 08520, on its bid in the amount of Two Thousand Dollars (\$2,000.00) per month for the first year of the proposed Lease, subject to an escalator of two and one-half percent (2-1/2%) per year thereafter, subject to all of the requirements set forth in Resolution No. 2008-72.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest a Lease Agreement with Americana R.D., Inc., relating to the site. The Lease Agreement shall be in the form annexed⁴, or in a form which is substantially similar thereto and which meets with the approval of the Borough Attorney.
3. That the time for award of the bid as set forth in Paragraph 9 of Resolution No. 2008-72 is hereby extended through October 6, 2008.
4. That all relevant Borough officials are hereby authorized and directed to perform such actions as are necessary in order to facilitate the intentions of this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Americana R.D., Inc.
 - b. Kevin H. Morse, Esquire,
 - c. Slavin & Morse, 234 Main, Woodbridge, N.J. 07095
 - d. Arlene O'Rourke, Borough Treasurer
 - e. George Lang, Borough Chief Financial Officer
 - f. Candace B. Gallagher, Borough Administrator/Clerk
 - g. Larry Blake, Director of Borough Department of Public Works
 - h. Carmela Roberts, P.E., Borough Engineer
 - i. Frederick C. Raffetto, Esquire, Borough Attorney

UNFINISHED BUSINESS

COAH FEES FOR RESIDENTIAL DEVELOPMENTS

Ms. Gallagher stated that, following recent discussions about the COAH requirement for those wishing to build a single home in the Borough, Construction Official George Chin obtained information from COAH regarding contributions for residential construction. The Borough has options in crafting its ordinance, she said, that we may not have realized we had. She provided copies in the meeting packets of a sample ordinance from COAH that sets forth various options. The Borough can craft its ordinance to provide exemptions or reduced fees as it sees fit. She added that this, however, would not exempt the Borough from its own obligation; whatever portion is not paid by the property owner would still be the

⁴ Agreement is on file with the original Resolution in the office of the Borough Clerk.

Borough's responsibility to provide. Mr. Raffetto agreed that the Borough has options here, and said that it could exempt or reduce the amount of the fee (currently set at a flat \$21,750).

Council President Sikorski asked what the fees collected are used for. Mr. Raffetto stated that they are used toward the provision of affordable housing, in any number of ways that are set forth in COAH's rules. Mr. Sikorski asked if the ordinance could be crafted so that the exemption or reduction would apply only to properties that would be occupied by the owner or his/her family. He said that he would not want to see someone receive an exemption or discounted fee when building a home and then sell it. Mr. Raffetto stated that he would review with COAH any provisions that Council would wish to include in the ordinance.

Councilmember Bond asked how the current fee of \$21,750 was established, and if that is specific to Hightstown. Mr. Raffetto stated that this was based on calculations by former Borough Planner Randy Gottesman. The concept is not specific to Hightstown, he said, but the amount of the fee is. Mr. Bond asked if the fees for non-residential construction are mandated by the State. Mr. Raffetto stated that they are, and because we are currently under COAH, the Borough can retain those fees. Otherwise, they would go to the State. Councilmember Bond suggested that the Borough consider setting the fee for residential units at a percentage of the value rather than using a flat fee. It was generally agreed that a subcommittee would meet to give the Borough Attorney direction in crafting this ordinance, and that in the meantime, Mr. Raffetto would obtain information from COAH regarding what other towns are doing.

Councilmember Rosenberg asked if, when someone pays a reduced fee, the remaining burden would be spread among the Borough's taxpayers. Mr. Raffetto stated that, if the fund was short and the Borough had to comply, that is possible. Mayor Patten said that he serves on the Housing Committee for the League of Municipalities, and this is one of their major concerns. If a town cannot come up with enough money to satisfy their COAH obligation, they will have to tax their people. Councilmember Rosenberg asked if there is any benefit to the Borough at large in reducing the fee, or whether it would be simply a "favor" to the property owner. Councilmember Schneider stated that the advantage is that, without the burden of a high COAH fee, homes may be built that would bring in tax revenues we would not have otherwise. Especially with smaller homes, it will allow people in those circumstances to proceed with building. Councilmember Schneider stated again that he objects to the Borough's participation in COAH. "It's an optional program," he said, "and we're not rich. Others who have more than our residents would be coming in and would be subsidized by our taxpayers." He said that he would support reducing the fee charged for residential construction, and volunteered to work with the committee on this. He asked Mr. Raffetto if the ordinance could be retroactive and Mr. Raffetto stated that it could.

Council President Sikorski stated that it is important for the Borough to have the protection of COAH in light of the potential development of the Minute Maid and Mill properties. Without that protection, he said, the Borough would be at the mercy of developers "that would like to put in 340 units on Mercer Street." We would open ourselves to a developer's lawsuit, he said, which has taken place elsewhere.

CONSENT AGENDA

At Council President Sikorski's request, **Resolution 2008-242** was pulled from the consent agenda for discussion and separate consideration. **Resolutions 2008-237 through 2008-241 and Resolution 2008-243** were moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-237 AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEE

WHEREAS, MAK Construction Corp., 11 Highbridge Road, Trenton, New Jersey, submitted payment in the amount of \$74.00 to the Borough of Hightstown Construction Office for construction permit no. 20080166; and

WHEREAS, MAK Construction was not awarded the work anticipated and did not undertake any construction under this permit; and

WHEREAS, the Construction Official has requested that the fee be refunded to MAK Construction;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue a refund in the amount of \$74.00 to MAK Construction Corp., 11 Highbridge Road, Trenton, New Jersey, 08620-9632, representing a refund of the permit fee paid as detailed herein.

RESOLUTION 2008-238 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, due to the reassessment of their property on Mercer Street (the former Minute Maid property), the Mercer Street Warehouse has overpaid the Borough for first and second quarter 2008 property taxes; and

WHEREAS, the amount of their overpayment is \$54,207.63; and

WHEREAS, the Mercer Street Warehouse has requested a refund of said overpayment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$54,207.63 to Mercer Street Warehouse, c/o Victoria Classics, 2170 Route #27, Edison, New Jersey, 08817, Attn: DOV, representing their tax overpayment as set forth herein.

**RESOLUTION 2008-239 REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2008 BUDGET**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2008 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey Solid Waste Administration	\$5,384.82	Recycling Tonnage Grant	Recycling Tonnage Grant

RESOLUTION 2008-240 RATIFYING APPOINTMENT OF RICHARD SUCH AS ELECTRICAL SUBCODE OFFICIAL

WHEREAS, following the resignation of Robert Mahan as Electrical Subcode Official, the Construction Official arranged for Richard Such of Crosswicks, New Jersey, to serve in that capacity, effective July 16, 2007; and

WHEREAS, Mr. Such has been performing the duties of Electrical Subcode Official since that time; and

WHEREAS, Mr. Such is duly licensed by the State of New Jersey to perform that function, holding license #9441; and

WHEREAS, the Borough Administrator has recommended that this appointment be ratified by Resolution of the Borough Council in accordance with DCA requirements;

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

1. The appointment of Richard Such of Crosswicks, New Jersey as Electrical Subcode Official for the Borough of Hightstown for a four-year term effective July 16, 2007, is hereby ratified and confirmed.
2. A certified copy of this Resolution shall be submitted to the State of New Jersey Department of Community Affairs.

**RESOLUTION 2008-241 AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR
ADMINISTRATION OF SMALL CITIES CDBG PUBLIC FACILITIES GRANT**

WHEREAS, on November 5, 2007, the Borough Council awarded a contract in the amount of \$10,000.00 to Community Grants, Planning & Housing LLC ("CGP&H") of East Windsor, New Jersey, for consultant services to assist in the planning, administration and implementation of the Borough's 2005 Small Cities CDBG Public Facilities program (DCA Grant Agreement #05-2627-00); received for streetscape improvements on North Main Street and Bank Street; and

WHEREAS, during the duration of this contract, unanticipated items surfaced and the scope of the project was expanded, which required more detailed attention and work by CGP&H; and

WHEREAS, CGP&H has requested that the total amount of their contract be amended to provide that it will not exceed four percent (4%) of the Small Cities Public Facilities Grant, or \$13,400.00, in order to cover a portion of the additional work performed by them relative to this grant; and

WHEREAS, the DCA has informed CGP&H that up to four percent of the grant amount, (\$13,400.00 if fully utilized) could be accommodated by the Small Cities Grant for this project, representing no added cost to the Borough; and

WHEREAS, CGP&H has agreed to absorb all other additional costs incurred by them so as not to create a burden for Borough taxpayers;

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

1. The agreement with Community Grants Planning & Housing LLC for consultant services relative to the Borough's 2005 Small Cities CDBG Public Facilities program (DCA Grant Agreement #05-2627-00) is hereby amended to increase the total amount of the contract to up to four percent (4%) of the total Small Cities Public Facilities Grant, not to exceed \$13,400.00.
2. This amendment is approved subject to the additional \$3,400.00 being covered under the Small Cities grant funding received for the project, with no added cost to Borough taxpayers.
3. A copy of this Resolution shall be placed on file in the office of the Borough Clerk with the original agreement.
4. A certified copy of this Resolution shall be provided to:
 - a. Arlene O'Rourke, Treasurer
 - b. George Lang, Chief Financial Officer
 - c. Randall Gottesman, P.P., Community Grants, Planning & Housing, LLC
 - d. Bruce Benton, Department of Community Affairs
5. A notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2008-243 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 **\$1,248,912.81** from the following accounts:

Current	\$ 1,038,219.35
W/S Operating	112,126.58
General Capital	53,138.11
W/S Capital	20,798.56
Public Defender	150.00
Trust	12,923.35
Grant	2,048.86
RCA COAH	8,238.00
Law Enforcement Trust	<u>1,270.00</u>
Total	\$ <u>1,248,912.81</u>

Resolution 2008-242 was moved by Council President Sikorski and seconded by Councilmember Schneider.

Council President Sikorski noted a typographical error in the Resolution which was corrected. He stated that he would like to see a limit on the number of taxicabs licensed in the Borough. Mayor Patten said that the Borough's Latino Advisory Committee has submitted to him recommendations for revisions to the Borough's taxi ordinance that will set various standards. Councilmember Bond asked where USA Taxi would park their vehicles at the address they are operating from (200 Mercer Street). Mr. Raffetto noted that the license is for one vehicle only. Ms. Gallagher stated that applications for taxi firms that will operate out of offices within the Borough are reviewed by the Borough's zoning officer. In this instance, Mr. Schmeling indicated that parking could be a problem; however, if taxis are parked illegally in any location, police enforcement can take place, and has. She added that, historically, licenses have been issued for companies to operate out of any district that is not primarily residential in nature, and agreed that the taxi ordinance should be reviewed and revised. She also noted that this license is for the remainder of 2008 only.

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

Resolution adopted, 4-0.

RESOLUTION 2008-242 AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – USA TAXI

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a new taxicab owner's license for 2008 has been submitted by Mary Scirocco (USA Taxi) for a 1998 Dodge Grand Caravan, VIN #1B4GP54G7WB559442, License # HL9679, together with payment of the required fee; and

WHEREAS, the company will operate out of 200 Mercer Street, a district which is not primarily residential in nature; and

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a 2008 taxicab owner's license to USA Taxi, 200 Mercer Street, Hightstown, New Jersey for one vehicle as set forth herein; and

BE IT FURTHER RESOLVED that operation of USA Taxi shall be permitted ONLY from 200 Mercer Street, and that the license issued shall indicate same.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Jan Guthrie, 425 Stockton Street, noted, as a point of information for the COAH committee, that in Franklin Township recently, a house burned to the ground and the owner had to pay COAH fees when rebuilding it. The governing body allowed that to happen because, otherwise, the taxpayers would have had to make up the difference.

Tom Connor, Spruce Court, stated that, in 2003, then-Councilman Eugene Sarafin called his family "Catholic sh*t," and has recently issued more insulting statements. The incident that prompted his comment in 2003 occurred at a polling place, after he asked Mr. Connor's grandmother how she voted. Mr. Sarafin continues to be at the polling places, he said, and asked by whom he is appointed to work there. He feels that it is unsuitable for him to work at the polling place, as he has disrupted the peace there in the past. He asked how he could be removed from that post, and if Council would support that. Ms. Gallagher suggested that he call her the next day and she would explain the process for appointment of board workers.

Mark Byrne, 251 Exeter Road, spoke on behalf of his mother, a Stockton Street resident. Mr. Sarafin, he said, has "publicly harassed, defamed and slandered my mother," who is over 70 years old. In the last issue of the *Windsor Heights Herald*, he said, Mr. Sarafin "wrote and insinuated something really derogatory" about her. Mr. Byrne said that he has contacted the Board of Elections and will petition them to have Mr. Sarafin removed, and he requested Council's support should they be contacted by the Board.

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Bond reviewed the Police Report for September, and offered his congratulations to Chief Eufemia and the Borough's Parks and Recreation Commission for a great job on the Triathlon. He noted his attendance at the last meeting of the water and sewer committee.

Councilmember Rosenberg stated that the Environmental Commission will be doing some new things at this year's Community Fair, and will be bringing in a "Master Gardener." The Triathlon, he said, was very successful, and it gave him a sense of pride in showing others "how great our town is." The Downtown Hightstown committee, he said, is working with the Fair committee to encourage more of our downtown businesses to participate in this year's event. Lastly, Mr. Rosenberg encouraged all to visit www.downtownhightstown.org, where upcoming events are listed.

Council President Sikorski stated that the Historic Preservation Commission is continuing to review proposed ordinances for submission to the Planning Board and Council. He reminded the public to report any issues of overcrowding to the Borough's Construction Office, and they will be promptly investigated.

Councilmember Quattrone reported that the First Aid Squad is doing well, and the relationship with Robbinsville is strong. Funds from billing revenues have been coming in steadily, he said, and it's "moving in the right direction." Mr. Quattrone commended the Public Works department for a "fine job" with the Triathlon, and said that the solar energy project is moving forward and looking good. On a personal note, Mr. Quattrone thanked everyone for their help with the situation at his garage, where he was recently told by Getty Oil that they would no longer be delivering gasoline to him.

Ms. Gallagher reminded everyone that the voter registration deadline is October 14, and said that anyone who has not voted in the last two elections may have been marked as inactive and should check with the county to be sure that they are still registered.

Chief Eufemia reported that Main Street will, for the first time, be closed for the Community Fair. The 5K Race that day, he said, will begin at 8:30 a.m.

Mayor Patten said that this will be the Borough's sixth Community Fair, and we have 130 vendors this year (up from 70 last year). Five pedal boats have been purchased, and the event promises to be a "great day." He expressed appreciation to Councilmember Rosenberg for his recent letter to the newspaper emphasizing the good things that are happening in Hightstown, and noted that there will be a Halloween decorating contest this year for businesses and residents.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-225, authorizing a closed session for the purpose of discussing contract negotiations. The Resolution was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2008-225 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on October 6, 2008 at approximately 10:05 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 COAH Services)

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: January 6, 2009, 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, **Resolution 2008-245** was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 4-0.

RESOLUTION 2008-245 RESOLUTION AUTHORIZING AND APPROVING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND THE TOWNSHIP OF ROBBINSVILLE FOR THE SERVICES OF A MUNICIPAL HOUSING LIAISON

WHEREAS, current requirements of the New Jersey Council on Affordable Housing ("COAH") mandate that each municipality in the state under its jurisdiction designate a trained employee as a Municipal Housing Liaison; and

WHEREAS, COAH requirements state that the Municipal Housing Liaison must be a municipal employee and cannot be a consultant not directly employed by the municipality; and

WHEREAS, COAH allows municipalities to share trained personnel through a shared services agreement, as long as the employee(s) remain part of the permanent staff of at least one of the municipalities participating in the agreement; and

WHEREAS, the Borough of Hightstown ("Hightstown") desires to contract with the Township of Robbinsville to provide trained personnel to act as the Borough's Municipal Housing Liaison; and

WHEREAS, the Township of Robbinsville ("Robbinsville") has a trained staff member who currently serves as Robbinsville's Municipal Housing Liaison; and

WHEREAS, the execution of an such an agreement between Robbinsville and Hightstown will provide financial savings and other advantages both municipalities; and

WHEREAS, Robbinsville has agreed to provide services as outlined in the attached interlocal agreement, which agreement is made a part hereof and incorporated herein, at a rate of \$30 per hour, not to exceed \$5,000.00 during the remainder of 2008; and

WHEREAS, such agreements are authorized pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, the Chief Financial Officer has certified the extent to which funds for this expenditure are available in the 2008 budget;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and the State of New Jersey, that the attached interlocal agreement⁵ between the Borough of Hightstown and the Township of Robbinsville for the services of a Municipal Housing Liaison is authorized and accepted, and the proper officials of the Borough of Hightstown are authorized to execute said agreement; and

BE IT FURTHER RESOLVED that the agreement shall take effect upon the execution of the agreement by both parties in accordance with N.J.S.A. 40A:65-5(c) et seq.; and

BE IT FURTHER RESOLVED that a copy of this resolution and the agreement shall be forwarded to the Director of the Division of Local Government Services in accordance with N.J.S.A. 40A:65-4(3)b.

Resolution 2008-246 was moved by Council President Sikorski and seconded by Councilmember Bond.

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

Resolution adopted, 4-0.

RESOLUTION 2008-246 RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON

WHEREAS, the Governing Body of the Borough of Hightstown petitioned the Council on Affordable Housing (COAH) for substantive certification of a third round Housing Element and Fair Share Plan on December 20, 2005; and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Borough of Hightstown is required to appoint a Municipal Housing Liaison for the administration of the Borough of Hightstown's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, COAH requirements state that the Municipal Housing Liaison must be a municipal employee and cannot be a consultant not directly employed by the municipality; and

⁵ Agreement is on file with the original Resolution in the office of the Borough Clerk.

WHEREAS, COAH allows municipalities to share trained personnel through a shared services agreement, as long as the employee(s) remain part of the permanent staff of at least one of the municipalities participating in the agreement; and

WHEREAS, on October 6, 2008, the Borough Council approved an interlocal agreement with the Township of Robbinsville for the services of their Municipal Housing Liaison, Gail Pfister;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown in the County of Mercer, and the State of New Jersey that Gail Pfister is hereby appointed as the Municipal Housing Liaison for the administration of the affordable housing program in the Borough of Hightstown in accordance with the terms of the interlocal agreement referenced herein; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to:

1. Steve Misiura, Chair, Hightstown Planning Board
2. Tamara Lee, Borough Planner
3. Council on Affordable Housing
4. Mary Caffrey, Robbinsville Township Administrator
5. Gail Pfister, Municipal Housing Liaison

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved. The meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk