

## SPECIAL MEETING - OPEN SESSION

Mayor Robert Patten called the meeting to order at 5:30 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 Sackowitz</i>		✓
<i>Councilmember Laudenberger</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>	✓ @ 5:32	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Thompson</i>	✓ @ 5:36	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Ryan Rosenberg, Councilmember-Elect; and George Lang, Chief Financial Officer.

### APPROVAL OF AGENDA

The agenda was moved by Councilman Sikorski, seconded by Councilwoman Laudenberger and unanimously approved as submitted.

### APPROVAL OF MINUTES

The minutes of the December 19, 2005 open and closed sessions were moved by Councilman Sikorski, seconded by Councilman Quattrone and unanimously approved as submitted.

## PUBLIC COMMENT

Mayor Patten opened the floor for public comment.

**Curtis Crowell**, 152 Broad Street, recalled that, in July 2002, the Hightstown First Aid Squad told Council that they were having a severe problem covering calls. In the interim, we have drawn upon mutual aid from other area squads, East Windsor's paid service and the service offered by St. Francis Medical Center. MONOC's proposal for 2006 EMS services, Mr. Crowell said, reflects a great deal of input from the Borough and our First Aid Squad, and will serve the long-term needs of both entities.

No one else came forward and the floor was closed.

## NEW BUSINESS

### JANUARY 3, 2006 COUNCIL MEETING

At the recommendation of Ms. Gallagher, it was agreed that the January 3 Council meeting would be cancelled.

## RESOLUTIONS

At the request of Councilman Quattrone, **Resolution 2005-271** was pulled for separate consideration.

**Resolutions 2005-266, 267, 268, 269, 270, 272, and 273** were moved by Councilman Sikorski and seconded by Councilman Quattrone.

**Roll Call:** Councilmembers Laudenberger, Quattrone, Sikorski and Schneider voted yes. Councilmembers Sackowitz and Thompson were absent.

**Resolutions adopted, 4-2.**

### RESOLUTIONS 2005-266      RESOLUTION CANCELING WATER/SEWER CAPITAL IMPROVEMENT APPROPRIATION BALANCES

**WHEREAS**, certain Water/Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Capital Fund Balances and unused debt authorizations may be canceled;

**NOW, THEREFORE, BE IT RESOLVED**, by the council of the Borough of Hightstown, that the following unexpended and dedicated balances of Water/Sewer Capital Appropriations be canceled:

<u>Ord. No.</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
1996-13 1997-12	04/24/97	Paint Removal/Driveway Water Plant	\$ -	\$ 24,117.14
2005-30	08/15/05	Vehicle Purchase - AWWTP	\$ 2,259.00	\$ -

### RESOLUTION 2005-267      AUTHORIZING REDUCTION IN AMOUNT OF MAINTENANCE GUARANTEE – GRANT PRESERVE

**WHEREAS** in November 2003, D. M. Properties posted a cash maintenance guarantee in the amount of \$30,991.53 relative to their Grant Avenue subdivision (Grant Preserve, R&R File No. HPB0321); and

**WHEREAS** D. M. Properties has requested a reduction in the amount of the posted guarantee;

**WHEREAS** the Borough Engineer has inspected the improvements and has determined that it would be appropriate for the Borough to release all but \$7,500.00 of the posted maintenance bond at this time; and

**WHEREAS** the balance remaining in said maintenance bond, including interest accrued thereon, is \$31,219.73;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to release to D. M. Properties, 10 Gumani Court, Freehold, New Jersey the amount of \$23,719.73; and

**BE IT FURTHER RESOLVED** that the balance remaining of \$7,500.00 be retained by the Borough as a maintenance guarantee for this project until such time as its release is recommended by the Borough Engineer and approved by further Resolution of Council.

**RESOLUTION 2005-268      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 **\$370,075.81** from the following accounts:

Current	\$ 164,496.32
W/S Operating	71,467.05
General Capital	14,298.88
W/S Capital	23,043.86
Animal Control	180.16
Trust	29,955.00
RCA COAH – Escrow	11,041.00
Grant	1,054.44
Public Defender	641.51
Escrow – Subdivision & Site Plan (First Washington Bank)	51,326.65
Lien Trust	2,570.94
<b>Total</b>	<b>\$ <u>370,075.81</u></b>

**RESOLUTION 2005-269      AUTHORIZING A TRANSFER OF FUNDS IN THE 2005 BUDGET**

**WHEREAS**, N.J.S.A 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2005 budget are hereby authorized:

	<b>From:</b>	<b>To:</b>
<b>CURRENT BUDGET:</b>		
Financial Administration – Salaries	1,006.00	
Data Processing/Info Tech – Salaries		15.00
Police Department – Other Expenses	1,640.00	
Uniform Fire Safety Act – Salaries		122.00
Street & Road Maintenance – Other Expenses	3,000.00	
Sanitation – Other Expenses	1,020.00	
Maintenance of Parks – Other Expenses		2,000.00
Postage, Shipping & Express – Other Expenses	2,070.00	
Street Lighting – Other Expenses		5,473.00
Gasoline – Other Expenses		3,660.00
Landfill Solid Waste Disposal – Other Expenses	3,403.00	
State Uniform Construction Code – Salaries		467.00
Housing Code Enforcement – Salaries		402.00
<b>TOTAL:</b>	<b>12,139.00</b>	<b>12,139.00</b>

**A RESOLUTION AUTHORIZING THE PROFESSIONAL SERVICES OF RETIRED JUDGE JAMES M. HAVEY TO SERVE AS AN INDEPENDENT HEARING EXAMINER IN A POLICE DISCIPLINARY ACTION**

**WHEREAS**, there is a need for the Borough of Hightstown to retain the services of an independent hearing examiner in a police disciplinary action which is currently pending before the Mayor and Borough Council; and

**WHEREAS**, the Borough's Labor Counsel has recommended the services of Retired Judge James M. Havey to serve in this capacity; and

**WHEREAS**, Retired Judge Havey has previously served as a Judge of the Superior Court of New Jersey, Appellate Division, and has had prior experience in reviewing and determining police disciplinary matters; and

**WHEREAS**, Retired Judge Havey is generally viewed in very high regard and esteem in the legal community; and

**WHEREAS**, Retired Judge Havey is willing to serve as the Borough's independent hearing examiner in the matter currently before the Mayor and Council, and has submitted a proposal to the Borough dated December 20, 2005 to provide the necessary services, at the rate(s) specified therein; and

**WHEREAS**, a copy of this proposal is attached hereto and made a part hereof; and

**WHEREAS**, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, because the services are qualitative in nature and are performed by an individual who is a member of a licensed profession; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional service contract to Retired Judge James M. Havey, to serve in the capacity as an independent hearing examiner for this matter.

**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 Mayor is authorized to execute and the Borough Clerk to attest an Agreement, in a form acceptable to the Borough Attorney, between the Borough of Hightstown and retired Judge James M. Havey, regarding the above-referenced hearing examiner services.
2. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. That there shall be a cap as to expenditure in the amount of \$7,500.00 without further authorization from the Borough Council.
4. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
6. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Retired Judge James M. Havey
  - b. Police Chief James M. Eufemia
  - c. Arlene O'Rourke, Borough Treasurer

- d. George Lang, Borough Chief Financial Officer
- e. Candace Gallagher, Borough Administrator/Clerk
- f. Frederick C. Raffetto, Esquire, Borough Attorney
- g. Richard J. Shaklee, Esquire, Borough Labor Counsel

#### **RESOLUTION 2005-272      AUTHORIZING RENEWAL OF TAXI OWNER'S LICENSES**

**WHEREAS** in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for renewal of taxicab owner's licenses for 2006 have been submitted by:

Owner/Business Name	Vehicle Description/Plate #	VIN #
Demetrios J. Klapsogeorge (Johnny's Taxi Service)	2001 Ford Windstar Plate # OXX3967	2FMZA51401BB46770
Cesar Guzhnay (Mega Taxi)	1996 Ford Crown Victoria Plate # OXX6228	22FALP71W5TX967924
	2000 Ford Crown Victoria Plate # OXY2780	12FAFP71W1YX110253

together with payment of the required fee; and

**WHEREAS** the applications have been reviewed by the Hightstown Police Department and the companies 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 2006 taxicab owner's licenses as set forth herein, subject to final approval by the Chief of Police.

#### **RESOLUTION 2005-273      AUTHORIZING RENEWAL OF TAXI DRIVER'S LICENSES**

**WHEREAS** in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for renewal of taxicab owner's licenses for 2006 have been submitted by:

Name	Address	Driving for
Demetrios J. Klapsogeorge	515 N. Main Street, Hightstown, NJ	Johnny's Taxi
Cesar Guzhnay	204 Maxwell Avenue, Hightstown, NJ	Mega Taxi
Jaime Mora	118 Manlove Avenue, Hightstown, NJ	
Rosa Mora	118 Manlove Avenue, Hightstown, NJ	
Luis Sanchez	916 Jamestown Road, East Windsor, NJ	
Milton Tapia	118 Manlove Avenue, Hightstown, NJ	
Teofilo Mora	175 Mechanic Street, Hightstown, NJ	

together with payment of the required fee; and

**WHEREAS** the applications have been reviewed by the Hightstown Police Department and the drivers 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 2006 taxicab driver's licenses as set forth herein, subject to final approval by the Chief of Police.

**Resolution 2005-271** was moved by Councilman Quattrone and seconded by Councilwoman Laudemberger.

Mr. Quattrone stated, for the record, that St. Francis Medical Center "came here in good faith and did an excellent job" when they were here. However, after reviewing the proposals submitted by St. Francis and MONOC, and given MONOC's presence in this area, we have determined that it would be most beneficial to Borough to go with MONOC. He asked that a letter of thanks and appreciation be sent to St. Francis.

**Roll Call:** Councilmembers Quattrone, Laudenberger, Schneider, Sikorski and Thomspson voted yes.  
Councilman Sackowitz was absent.

**Resolution adopted, 5-1.**

**RESOLUTION 2005-271      A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO MONMOUTH OCEAN HOSPITAL SERVICE CORPORATION ("MONOC") FOR EMERGENCY MEDICAL SERVICES**

**WHEREAS**, there is a need for the Borough of Hightstown to retain the services of a contractor to provide professional emergency medical services (EMS) on a continuous basis (twenty-four hours per day, seven days per week) in order to protect the health, safety and welfare of the Borough's residents and the general public; and

**WHEREAS**, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically, at N.J.S.A. 40A:11-5), because the services are qualitative and medical in nature, and shall be performed by an entity and individuals who are licensed and regulated by the State of New Jersey; and

**WHEREAS**, the services to be provided also require medical knowledge of an advanced type in a field of learning acquired through a prolonged formal course of specialized instruction, and those who are involved in this field must submit to continuing education and training in order to maintain their licenses; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, the Borough has determined and certified in writing that the value of this contract will exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law; and

**WHEREAS**, notwithstanding the fact that "professional service" contracts are exempt from the requirement of public bidding under the Local Public Contracts Law, and the fact that the Borough intends to award this contract as a permitted "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law, the Borough has nevertheless obtained informal quotes for the services to be rendered; and

**WHEREAS**, Monmouth Ocean Hospital Service Corporation ("MONOC") has submitted a proposal to provide the necessary professional emergency medical services to the Borough for a one (1) year period, for the annual sum of \$139,000.00, payable on a monthly basis, subject to the terms and conditions set forth in the attached proposed Agreement (which is attached hereto and made a part hereof); and

**WHEREAS**, MONOC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), which certifies that MONOC has not made any reportable contributions to a political or candidate committee in the Borough of Hightstown in the previous one year, and that the contract will prohibit MONOC from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional emergency medical services contract to MONOC.

**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 Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and MONOC regarding the above-referenced professional emergency medical services.
2. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons who are authorized and licensed by law to provide medical services, and it is not possible to obtain bids for such needed qualitative services.
3. That there shall be a cap as to the total expenditure related to this contract in the amount of \$139,000.00 without further authorization from the Borough Council.
4. That this contract is subject to and contingent upon the provision of adequate funding in the Borough's 2006 budget to cover the necessary services. When applicable, the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
6. That this contract is also being awarded in accordance with the Local Unit Pay-to-Play Law, and the Business Disclosure Entity Certification and the Determination of Value required pursuant to said Law shall be placed on file with this Resolution.
7. That a certified copy of this Resolution shall be provided to each of the following:
  - a. MONOC (Attn: Vincent Robbins, President and CEO)
  - b. Margaret Keavney, Esq. (MONOC General Counsel)
  - c. Arlene O'Rourke, Borough Treasurer
  - d. George Lang, Borough Chief Financial Officer
  - e. James Eufemia, Borough Police Chief
  - f. Candace Gallagher, Borough Administrator/Clerk
  - g. Frederick C. Raffetto, Esquire, Borough Attorney

## **EXECUTIVE SESSION**

The Borough Clerk read aloud **Resolution 2005-265**, authorizing a closed session for the purpose of discussing personnel. The Resolution was moved by Councilman Sikorski and seconded by Councilwoman Laudenberger.

**Roll Call:** Councilmembers Quattrone, Laudenberger, Schneider, Sikorski and Thompson voted yes.  
Councilman Sackowitz was absent.

**Resolution adopted, 5-1.**

### **RESOLUTION 2005-265      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 December 29, 2005 at approximately 5:36 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**

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: March 29, 2006 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 Councilman Quattrone, seconded by Councilwoman Laudenberger and unanimously approved. The meeting was adjourned at 5:42 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC  
Borough Clerk