

OPEN SESSION

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

The flag salute was followed by the roll call.

ROLL CALL

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

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; George Lang, Chief Financial Officer; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Ordinances 2006-27 and 2006-28 (salary ordinances slated for introduction) were deleted from the agenda. The agenda was then moved by Council President Schneider, seconded by Councilmember Sikorski and unanimously approved as amended.

APPROVAL OF MINUTES

Minutes of the November 6, 2006 open and closed sessions were moved by Councilmember Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PRESENTATION

ROBERT SEDA-SCHREIBER, ART TEACHER, MELVIN H. KREPS MIDDLE SCHOOL

Mayor Patten introduced Robert Seda-Schreiber, art teacher at the Melvin H. Kreps Middle School. Mr. Schreiber spoke briefly to explain that he recently had the opportunity to travel to Japan under a Fulbright Memorial Scholarship. His trip was wonderful, he said, and he thanked Mayor Patten for his support. Mr. Schreiber said that he grew up and attended school here, and returned 13 years ago to teach here. He had been teaching at Berkeley at the time.

Mr. Schreiber presented to the Borough a painting he had done which was framed by a six-paneled, vintage window pane. Under each pane was a different painting based on memories of his trip. The title of the work is "Windows on Japan." Three other paintings are on display at the Kreps school.

Mayor Patten thanked Mr. Schreiber and presented him with a proclamation in his honor.

ORDINANCES I

Although listed later on the agenda under "Ordinances," the final reading of Ordinance 2006-24 was handled at this time because Mr. Lang was present for this purpose and had to leave the meeting soon for another commitment.

FINAL READING¹: ORDINANCE 2006-24,

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A GARBAGE TRUCK IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$187,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$178,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ms. Gallagher reviewed the provisions of Bond Ordinance 2006-24, which would fund the purchase of a rear-loading garbage truck. She stated that the Borough did solicit quotes for provision of the services that this truck will allow the Borough to continue to offer, and two of the three firms contacted declined to offer a proposal. The third proposal, from Central Jersey Waste, when combined with the disposal costs which the Borough would incur, represents a total annual cost of approximately \$127,000, compared to the cost of keeping these duties in-house, which was estimated at roughly \$39,000 annually, inclusive of disposal costs (and exclusive of vehicle costs).

Councilman Quattrone stated that he spoke with truck manufacturers at the recent League of Municipalities conference, and they do not offer leases except for lease purchases. The lowest rate he found for that was 4.2%.

Mr. Lang stated that a lease purchase through a manufacturer would not be beneficial to the Borough. Other costs are generally built in when leasing, he said, and timing is an issue. He said that he is exploring financing options with the MCIA that could be beneficial to the Borough, but that would not preclude the need to adopt this Ordinance.

Councilmember Thompson asked what the annual cost of bonding this truck would represent. Mr. Lang stated that, if the truck were bonded over its statutory useful life (five years), that cost could be calculated at \$40,000 per year over the next five years; however, typically bonds are issued to fund several bond ordinances at one time, and the ordinances funded are weighted and averaged. "You may not feel the impact of paying \$40,000 per year for that one item," he said, adding that, because debt is being retired as other debt is added, it can often be worked out so that the budgeted amount for debt service does not change significantly. "We'll have to sell bonds anyway," he said, "and the annual cost would be less than a lease. There may not be *any* impact."

Councilman Quattrone noted that the white garbage truck to be replaced by the new truck lasted 30 years. The other (green) garbage truck is a 1988 model. If we do not purchase this truck, he said, we will need to spend more money to repair the old white truck. He recommended the purchase of the new truck.

Councilmember Rosenberg asked if it would be possible to purchase a used garbage truck. Councilman Quattrone stated that most trucks are kept for around 20 years. Since the useful life for bonding is five years, he said, "I don't see a

¹ The public hearing on this Ordinance was held and closed on November 6, 2006.

reason to think about a used truck." Mr. Lang noted that it is doubtful that the Borough would be able to bond for a used vehicle.

Councilmember Rosenberg asked about the resale value of a new truck. "If we had to sell it," Councilman Quattrone stated, "I'm sure we could."

Council President Schneider asked if the new truck could be used for general duty trash pickup if we wanted to offer that service to another town. "Absolutely," Councilman Quattrone stated. Mr. Schneider said that, when the Borough privatized garbage collection, "we did not get the benefit we had hoped for. We reduced that service (from two times per week) and the savings were negligible. We were imagining that manpower could be cut, but that wasn't feasible. It may be a trend that private haulers now know that towns are not in this business, and will just pay the cost."

Councilman Quattrone noted that this truck is *not* being purchased in order to pick up our own garbage. "Should there be an occasion to share services, this truck is able to do that," he said. "The only thing this truck won't do is plow snow, because I recommended against that. It kills the life of the vehicle."

Councilmember Thompson asked if we could rent a truck from another town to use twice a week. Councilman Quattrone noted that "it would come with an operator." "I don't have that figure," he said, "but I know it would be high."

Ken Lewis, Assistant Superintendent of Public Works, was present and was asked to comment. "East Windsor," he said, "was asked to bid and didn't. Other towns don't want to loan equipment out because it can come back broken."

Councilman Quattrone again encouraged Council to purchase the new truck. "If our truck goes down," he said, "we're in trouble, and at the mercy of going to a lease and paying top dollar or contracting out and paying. This is a service we provide to our community and one they are used to. How are we going to take it away?"

Councilmember Thompson stated that it seems that the incremental budgetary impact of purchasing this truck will likely be minimal, and people do expect these services; however, "the services we provide may need to be revisited as things become more challenging."

Councilmember Rosenberg said that he would be hesitant to make a decision until we get an answer from East Windsor about providing these services. Councilman Quattrone stated, "I feel that the lack of a bid is a "no" answer."

Councilmember Sikorski asked if other towns were asked to bid. Ms. Gallagher stated that she does not believe other towns were contacted about providing this service to the Borough, but the Borough is in discussion with another town about providing services to *them*.

Ordinance 2006-24 was then moved for adoption by Councilmember Quattrone and seconded by Councilmember Thompson. Discussion continued.

Councilman Quattrone encouraged all to vote in favor of this, saying "This is the way to go."

Councilmember Thompson stated that the Borough should "try some new tactics at forming relationships and opening dialogues with East Windsor."

Council President Schneider asked about the current interest rate for bonding. "It's about 4 ½ percent," Mr. Lang said. Councilmember Sikorski asked which bank is used for bonding. Mr. Lang explained that bonds are bid and the Borough chooses the most advantageous financing offer. He was not certain what the Borough's current bond rating is, and said that "we haven't been rated in awhile."

At this time, the roll was called on Ordinance 2006-24.

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

Ordinance adopted 4-2.

ORDINANCE 2006-24 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A GARBAGE TRUCK IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$187,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$178,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$187,500, including the sum of \$9,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$178,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a garbage truck, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$178,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,700 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Torry Watkins, 68 Meadow drive, complimented the Mayor and Council "for a good discussion on the garbage truck." He said that diligent research was done, and added, "this is what you could have done the first time around."

Eugene Sarafin, 600-628 South Main Street, stated that "Mayors talk to Mayors about sharing services. No one sat down with Janice and said 'give me in writing whether you want to do it or not.'" He said that he was tired of dealing with "Republican s**t" and asked Council to take action to say to the President that we don't want to be in Iraq. "It has to start from the bottom," he said. "Why don't you do something?"

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

SAFE ROUTES TO SCHOOLS GRANT

Ms. Roberts reported that the DOT has notified municipalities of the availability of "Safe Routes to Schools" grants that utilize Federal funding. The application deadline is December 29. This, she said, is a "much bigger effort than typical DOT grants. It will require a cooperative effort with the school district and possibly the County, depending on the roads.

You can request funding for planning, design and construction or, if you choose, for things like bike rodeos. The work will need to be done within the right-of-way and you would have to accept maintenance responsibility for the next 20 years." Ms. Roberts said that the school district *is* interested, as there are areas where it is not safe enough to allow children to walk to school, so busing is provided instead. Summit Street is an example of this, and portions of Harron Avenue, Morrison Avenue, North Main Street (where sidewalks are "spotty"), Mechanic Street and Mercer Street are also areas of concern. She asked Council if they would like for her to pursue this and prepare an application, or to focus on just a few of these streets.

Councilman Quattrone asked if matching funds would be required from the Borough. "No," Ms. Roberts said. "I'm very interested!" Mr. Quattrone said, and asked about her fee to prepare the applications. She said that, depending on how many streets are included in the application, her fee would be between \$3,000 and \$4,000. Mayor Patten expressed support for this effort, noting that the safety of our children is very important. Councilman Quattrone pointed out that eliminating some bus routes would save taxpayers money.

Ms. Roberts was asked if the school district would fund the application. She said that she asked about this and it was recommended that she or Mayor Patten speak with the school district's liaison to the Borough. Council President Schneider pointed out that "most of the money saved from eliminating bus routes would be by the residents of East Windsor. It is to the advantage of both towns, and the way to share that is to have the district pick up the cost."

All were in favor of proceeding with this application.

RESOLUTION 2006-241, AUTHORIZING PAYMENT NO. 4 AND FINAL – S. BROTHERS, INC. (WILSON AVENUE ROADWAY IMPROVEMENTS)

Ms. Roberts reviewed this Resolution, noting that the work came in "slightly under contract." Councilman Quattrone expressed his appreciation to Ms. Roberts for "working with residents there regarding trees, sidewalks, drainage, etc." The Resolution was moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-241 AUTHORIZING PAYMENT NO. 4 AND FINAL – S. BROTHERS, INC. (WILSON AVENUE ROADWAY IMPROVEMENTS)

WHEREAS, on November 21, 2005 the Borough Council awarded a contract for the reconstruction of Wyckoff's Mill Road to S. Brothers General Contractors, Inc. of South River, New Jersey in the total amount of One Hundred and Seventy-Four Thousand Five Hundred and Eighty-Five (\$174,585.00) Dollars; and

WHEREAS two change orders to the contract were subsequently approved in the net total amount of NEGATIVE Ninety Dollars and Ninety-Six Cents (-\$90.96), bringing the total contract price to One Hundred and Seventy-Four Thousand Four Hundred and Ninety-Four Dollars and Four Cents (\$174,494.04); and

WHEREAS, the contractor has submitted Payment Request No. 4 and Final in the amount of \$3,489.88 along with the required maintenance bond and other closeout documents; and

WHEREAS, the Borough Engineer has recommended that Payment Request No. 4 and Final be approved; and

WHEREAS, the Borough Attorney has reviewed the closeout documents submitted by S. Brothers, Inc. for this project, 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. Payment No. 4 and Final to S. Brothers General Contractors, Inc. in the amount of \$3,489.88 is hereby approved, and the Borough Treasurer is authorized to issue same.
2. The Wyckoff's Mill Road Reconstruction project is hereby accepted.
3. The Borough Clerk is authorized and directed to release the Contractor's performance guarantee in the amount of \$174,585.00.

ORDINANCES II

INTRODUCTION AND FIRST READING: ORDINANCE 2006-26,

AN ORDINANCE AMENDING SECTION 7-37.1(M) OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* REGARDING QUALIFICATIONS FOR OBTAINING PARKING PERMITS

Following a brief review by Ms. Gallagher, Ordinance 2006-26 was moved for introduction by Councilmember Quattrone and seconded by Councilmember Thompson.

The Ordinance would allow owners and employees of businesses located in Block 54 to obtain parking permits that would be valid only in the leased parking area near Wachovia Bank. Councilman Quattrone expressed support for the Ordinance, stating, "this is a great way to move some of the all day parking away from downtown."

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

Ordinance introduced, 6-0.

RESOLUTIONS

RESOLUTION 2006-230, AWARDING CONTRACT FOR THE ACQUISITION OF A GARBAGE TRUCK

Resolution 2006-230 was amended to reflect the proper date of adoption of Ordinance 2006-24. The Resolution was moved as amended by Councilmember Quattrone and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-230 AWARDING CONTRACT FOR THE ACQUISITION OF A GARBAGE TRUCK

WHEREAS, two (2) bids were received by the Borough of Hightstown on October 12, 2006, for the purchase of garbage trucks and containers; and

WHEREAS, the bid specifications included four separate items, as follows:

1. One (1) 2006 Labrie Expert Helping Hand or equal side loading refuse truck with a 33-cubic yard capacity body
2. 1,700 Universal bar Containers (95 Gallon)
3. 150 Universal bar Containers (65 Gallon)
4. One (1) NEW WAY or equal rear loading refuse collection truck with a 32-cubic yard capacity body

; and

WHEREAS the bid specifications specifically reserved the Borough's right to award a separate contract for each item, or to reject bids for any item, regardless of whether or not a contract is awarded for the other item(s); and

WHEREAS the Superintendent of Public Works and the Borough Administrator have recommended that a contract for ITEM #4, a rear loading refuse collection truck with a 32-yard capacity body, be awarded at this time, and that the contract be awarded to the sole bidder for that item, Cambria Automotive Companies of Edison, New Jersey, for their bid price of \$184,800.00; and

WHEREAS a determination regarding whether to award or reject the bids received for items #1, #2 and #3 will be made by the Borough following further recommendations by the Borough Administrator and Superintendent of Public Works; and

WHEREAS the Borough Attorney has reviewed the bids and has determined that the bid submitted by Cambria Automotive Companies, Inc. is in order with respect to legal compliance; and

WHEREAS, funding for this expenditure was provided in Bond Ordinance 2006-24, which ordinance was finally adopted on November 20, 2006, and was published in the *Trenton Times* on November 23, 2006; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase;

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

1. The contract for the purchase of a rear loading refuse collection truck with a 32-yard capacity body is hereby awarded to Cambria Automotive Companies of Edison, New Jersey in the amount of One Hundred and Eighty-Four Thousand and Eight Hundred (\$184,800.00) Dollars.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Cambria Automotive Companies, subject to approval of the Borough Attorney.
3. This Resolution shall take effect 20 days after the publication of Bond Ordinance 2006-24, provided that no protest against the incurring of indebtedness authorized therein has been filed with the Borough Clerk in accordance with the provisions of *N.J.S.A. 40:49-27*.

RESOLUTION 2006-242, A RESOLUTION AMENDING THE CAPITAL BUDGET

Following a brief review by Ms. Gallagher, Resolution 2006-242 (amending the capital budget to reflect the actual amount included for the new garbage truck) was moved by Councilmember Thompson and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-242 A RESOLUTION AMENDING THE CAPITAL BUDGET
(included at end of these 11/20/2006 minutes)

RESOLUTION 2006-244, AWARDING CONTRACT FOR THE ACQUISITION OF A LOADER AND BACKHOE FOR USE AT THE BOROUGH'S ADVANCED WASTEWATER TREATMENT PLANT

Following a brief review by Ms. Gallagher, Resolution 2006-244 was moved by Councilmember Quattrone and seconded by Council President Schneider.

Councilman Quattrone stated that the new loader will do more than the old equipment we are replacing, and will lessen the chance of someone being hurt. He recommended its purchase. Council President Schneider asked if this will count toward the Borough's bonded indebtedness for water-sewer when calculating connection fees. Ms. Gallagher stated that it would.

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

Resolution adopted, 5-1.

**RESOLUTION 2006-244 AWARDING CONTRACT FOR THE ACQUISITION OF A LOADER AND BACKHOE FOR USE AT
THE BOROUGH'S ADVANCED WASTEWATER TREATMENT PLANT**

WHEREAS, one bid was received on October 25, 2006 for the purchase of a Kubota R520S four-wheel drive loader or equivalent with a side shift backhoe for use at the Borough's Advanced Wastewater Treatment Plant; and

WHEREAS, the Superintendent of the Advanced Wastewater Treatment Plant has reviewed the bid submitted and has recommended the award of a contract to the only bidder, Harter Equipment Company of Englishtown, New Jersey, for their bid price of \$58,490.00; and

WHEREAS, the Borough Attorney has reviewed the bid submitted by Harter Equipment and has determined that it is in order with respect to legal compliance; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this expenditure;

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

1. The contract for the purchase of a loader and backhoe as outlined herein is hereby awarded to Harter Equipment Company of Englishtown, New Jersey in the amount of \$58,490.00.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Harter Equipment subject to approval of the Borough Attorney.

**RESOLUTION 2006-245, RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER
NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

Following a brief review by Ms. Gallagher, Resolution 2006-245 was moved by Councilmember Quattrone and seconded by Councilmember Sikorski.

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

Resolution adopted, 6-0.

**RESOLUTION 2006-245 RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR
PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Borough of Hightstown has determined that certain property is no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.; and

WHEREAS, the Borough owns the following property and desires to sell it online:

1990 John Deere 210C Loader

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

1. The Borough Clerk/Administrator is hereby authorized to post an offer to sell the items listed herein on an auction website as follows:

Online auction site:	Ebay
Length of Auction:	10 days
Account:	hightstownnj
Auction fees:	As per Ebay fee schedule, attached
Method of Payment:	Borough Check or, if necessary, personal credit card of Candace Gallagher, Borough Clerk/Administrator
Shipping:	n/a
Possession:	Upon full payment by cash or certified check
Minimum Bid:	\$8,500

2. The Borough Clerk/Administrator is hereby directed to take all steps necessary to advertise this sale as required by law.
3. The Borough Clerk/Administrator is hereby authorized to effect the transfer of the herein listed property to the winning bidder upon full payment as detailed herein, without any further action by Council.

RESOLUTION 2006-246, APPOINTING JAMES M. NEWMAN AS MUNICIPAL COURT JUDGE

Following a brief review by Ms. Gallagher, Resolution 2006-246 was moved by Councilmember Thompson and seconded by Councilmember Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2006-246 APPOINTING JAMES M. NEWMAN AS MUNICIPAL COURT JUDGE

WHEREAS, Judge Marvin Van Hise currently serves as Municipal Court Judge, and his term will expire on April 3, 2007; and

WHEREAS, Judge Van Hise has resigned his position as Municipal Court Judge effective December 1, 2006, leaving a vacancy in said position; and

WHEREAS, several candidates have applied to fill this vacancy, and their qualifications have been reviewed by a committee appointed by Mayor Robert Patten for this purpose; and

WHEREAS, it is the committee's recommendation that James M. Newman of Freehold, New Jersey, be appointed to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that James M. Newman of Freehold, New Jersey, is hereby appointed to the position of Municipal Court Judge to fill the unexpired term ending April 3, 2007, and that this appointment shall be effective as of December 1, 2006.

RESOLUTION 2006-247, AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF ALCOHOLIC BEVERAGE LICENSE NO. #1104-44-002-009 - EVERGREEN WINES AND LIQUORS, INC. TO FAMILY WINES AND LIQUORS, LLC

Following a brief review by Ms. Gallagher, Resolution 2006-247 was moved by Councilmember Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

**RESOLUTION 2006-247 AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF ALCOHOLIC BEVERAGE LICENSE
NO. #1104-44-002-009 - EVERGREEN WINES AND LIQUORS, INC. TO FAMILY WINES AND
LIQUORS, LLC**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Distribution License #1104-44-002-009, heretofore issued to Evergreen Wines and Liquors, Inc. for premises located at 107 Stockton Street; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statute, regulations promulgated thereunder and pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Applicant has disclosed and the Borough has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

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

1. The Borough Council does hereby approve, effective November 27, 2006, the transfer of the aforesaid Plenary Retail Distribution License to Family Wines and Liquors, LLC.
2. The license number for this license shall be incremented to reflect this transfer of ownership, becoming license #1104-44-002-010, and shall be noted as such by the Municipal Clerk on the existing license.
3. The Municipal Clerk is hereby directed to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Family Wines and Liquors, LLC effective November 27, 2006."

CONSENT AGENDA

Resolutions 2006-248 and 249 were moved by Councilmember Sikorski and seconded by Councilmember Harinxma.

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

Resolutions adopted, 6-0.

RESOLUTIONS 2006-248 AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments has been received by the Borough as follows:

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
Stephen J. Boguszewski 122 Gilman Place Hightstown, New Jersey 08520 (Overpayment as result of Veteran's Deduction)	250.00	Block 49.02, Lot 28	122 Gilman Place
Attention: Tax Refunds First American Real Estate Tax Service 1 First American Way Mail Code DFW 1-3 Westlake, TX 76262	1,406.79	Block 12, Lot 12	401-403 N. Main Street
	1,679.31	Block 27, Lot 11.01	207 N. Main Street
	1,433.70	Block 26, Lot 6	112-114 Monmouth Street

LandAmerica 200 North Warner Road Suite 110 King of Prussia, PA 19406	1,079.39	Block 2.01, Lot 1 C0167	184 Mill Run East
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; and

WHEREAS, the Tax Collector has requested permission to refund the overpayments;

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 refund the tax overpayments set forth herein.

RESOLUTION 2006-249 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 **\$325,169.25** from the following accounts:

Current	\$ 144,119.43
W/S Operating	76,126.23
General Capital	5,193.38
W/S Capital	52,950.00
Animal Control	480.96
Trust	3,440.79
Grant	1,025.48
Public Defender	300.00
Escrow-Subdivision & Site Plan (First Washington Bank)	41,533.25
Total	<u>\$325,169.25</u>

UNFINISHED BUSINESS

SIGNAGE FOR BRIDGE ABUTMENT

Ms. Gallagher noted receipt of a letter from the Greater Hightstown Improvement Project requesting a written response from the Mayor and Council regarding "their specific issues and concerns about the proposed gateway signage." Discussion ensued.

Councilmember Sikorski stated that the question is whether Council wishes to accept or reject GHEWIP's offered gift of the signage, or if they would prefer to focus on something "more aesthetically pleasing." Councilmember Harinxma said that it was not an issue of whether or not to place a sign there, but rather of the concept which was presented. "They came back and presented the same sign," she said. "That's what stopped the process." Councilman Quattrone stated that signage there would be a "great improvement," and that Council "may not agree with exactly what they have presented. We may want to see something a little different." Mayor Patten asked what Council would like to see there. Councilmember Thompson stated that Councilmember Rosenberg had prepared a mockup which they liked. Councilmember Rosenberg noted that his design was "much more expensive than what GHEWIP offered," and Councilmember Harinxma noted that she was not comfortable with what GHEWIP had offered, "even if it's free." Council President Schneider stated that the signage which was presented "is not really the right choice," and noted that he does not object to the banners which are placed there now. "They are a big advantage to the community groups that use them," he said, "and I've only questioned two requests over the years."

Mayor Patten stated that "this topic deserves input from more than just the seven of us. This is something that the community can benefit from." He recommended that the chairs of the Borough's various Commissions, Boards and organizations be informed of the concept and invited to comment, and offered to prepare a letter to them. Councilman Quattrone stated, "I'd hate to say a word against GHEWIP. They're the greatest thing ever to happen to this town. Their goal is to make Hightstown better. Maybe the sign needs a little bit of change. What they presented was sort of commercial, and I'd like something in an older style." Councilmember Thompson suggested that GHEWIP come back to present other options.

NEW BUSINESS

REQUEST BY ST. ANTHONY OF PADUA ROMAN CATHOLIC CHURCH FOR RELIEF FROM THE BOROUGH'S ADOPTED AFFORDABLE HOUSING REQUIREMENTS

Mayor Patten referenced a letter from James Collins, attorney for St. Anthony of Padua Roman Catholic Church, which stated that the COAH fees required under Borough ordinance to be paid in connection with their recent expansion were paid by them under protest, based upon the fact that they are a recognized religious community that is a qualified nonprofit charitable corporation and should not be held responsible for payment of those fees. He introduced Father Pat McDonnell of St. Anthony's, whom he had invited to address Council in this regard.

Father McDonnell addressed the governing body to express hope that they will recognize that St. Anthony's "is giving back to the community substantially more than what the Borough would receive with this tax." He spoke of the services they provide, including an ESL (English as a Second Language) program six times per week and an alliance with the Community Action Service Center in distributing food to needy residents through their food pantry. In addition to offering an accessible space for that purpose, the Church allocated \$6,000 this year to the Center that will go toward medications for the elderly, infant formula, and things of that nature. "The parish has tried to do things to alleviate the stress of families," he said, "especially the poor. Our parish is complex and we are struggling." He said that to be relieved of the obligation to pay the COAH fees (amounting to over \$25,000) would allow them to continue this work, and noted that there are "many ways the parish is helping the community, while we have a pretty big mortgage on our church right now." He asked for the "benevolence of Council to forego this fee or help us with it."

Mr. Raffetto suggested that, if Council is considering this, they might consider "changing the ordinance in a more generic way rather than specific to this organization." He said that the Borough could amend its ordinance to specifically define "development" and to exclude nonprofits in general, provided that their development is not creating jobs or the need for additional affordable housing. "That is the intention of this fee," he said. "If non-residential development is creating new jobs, you have to provide living accommodations."

Councilmember Sikorski asked Mr. Raffetto to research this issue to find if it has been addressed in other towns. He noted that Peddie School is a nonprofit organization "which makes no substantial contribution to our property taxes." Regarding the Church, Mr. Sikorski addressed Father McDonnell to say that "affordable housing is something that is a social good that we as Council have worked towards. It is not as if the money generated by this fee goes to the general fund of the Borough. It goes for a socially desirable end." He added that the Church "has been in the forefront of organizing meetings on affordable housing at the church itself."

Councilmember Thompson asked what improvements were made at the Church and for what purpose. Father McDonnell stated that an annex with restrooms and a gathering area was built, and renovations and internal improvements made. Mr. Thompson asked if these areas are used only for parishioners. "When you have a place of worship the size of St. Anthony's," Father McDonnell responded, "it should be available to the community on occasions when it is needed, just as the annex. We have always been there for extra parking when needed and have always shared." Mayor Patten noted

that the Church has hosted meetings of the Central Jersey Regional Equity Coalition, with representatives from five counties, and thanked Father McDonnell for that.

Council President Schneider asked if the addition created any increase in seating capacity. "No," Father McDonnell replied. "It is part of the worship space." Mr. Schneider asked if St. Anthony's is one of the Borough's official centers for emergency services. "Yes," said Father McDonnell. He added that the Church has "complied with every request from the Borough. We spent over \$20,000 to recondition the surface of our parking lot, walkways for public safety, drainage improvements, etc. We have followed every directive on your part." He added that, last year alone, prior to their association with the Community Action Service Center, St. Anthony's "gave out over \$15,000 to the community for food, clothing, rent etc."

It was noted that the Princeton Alliance Church in West Windsor received an exemption of this nature.

Mayor Patten stated that, if Council wishes to proceed, we would need to make sure that the Ordinance remains consistent with our approved COAH plan, and that the amendment would need to be retroactive to cover fees already paid by St. Anthony's.

It was generally agreed that Mr. Raffetto will look into this and bring something back to Council at the December 4 meeting.

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, said that the Borough should not charge churches and nonprofits for COAH fees, and that it would be against the law to single out just churches.

Torry Watkins, 68 Meadow Drive, stated that there is one nonprofit that *does* create jobs, and that is Meadow Lakes. "They do expand periodically," he said, "and such an exemption would be wrong." He urged the Borough Attorney to "split hairs carefully" when crafting the Ordinance.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

Ms. Gallagher read aloud **Resolution 2006-240**, authorizing a closed session for the purpose of discussing personnel, contract negotiations and litigation. The Resolution was moved by Councilmember Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 6-0.

RESOLUTION 2006-240 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 November 20, 2006 at approximately 9:10 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Personnel
Contract Negotiations – Local 32; Emergency Medical Services
Litigation – State of New Jersey vs. Harry Wetterskog

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: February 20, 2007 or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, adjournment was moved by Councilmember Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk