

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 and Frederick Raffetto, Esq., Borough Attorney. George Lang, Chief Financial Officer, arrived during the discussion regarding Ordinance 2006-29.

APPROVAL OF AGENDA

Resolutions 2006-268 and 269 were added to the agenda. Resolution 2006-267, which would approve a Memorandum of Understanding with Greystone Capital Partners NJ LLC, was removed from the agenda. Provided at the meeting were Ordinance 2006-29 (listed on the agenda for introduction but not previously included in the meeting packets) and an amended version of Resolution 2006-252. Councilmember Sikorski asked if the Ordinance provided at this meeting was for information only. Ms. Gallagher responded that it was included on the agenda for introduction and provided at this time. The agenda was then moved by Councilmember Sikorski, seconded by Council President Schneider and approved by all.

APPROVAL OF MINUTES

Minutes of the November 20, 2006 open and closed sessions were moved by Councilmember Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

George Serrano, 14 Westerlea Avenue, stated that traffic on Grape Run Road is very heavy during football games, and he would like to see a police presence there at that time. He suggested that a light may be needed at the intersection of Grape Run Road and Mercer Street. He commended the Borough's police department. "I see them all over town," he said. "The officers are doing a great job." Lastly, he said that he picks up a lot of garbage in the street near the Westerlea apartments. "I don't mind," he said, "but I need help. Kids still don't find the garbage cans."

J. P. Gibbons, 602 N. Main Street, stated that having Borough Hall located on the second floor "above a dance studio or a nail parlor" does not fit with Hightstown's historic image. He said that "almost every eating establishment in the Borough is for sale," and that the Borough should be looking to promote a historic downtown, including Borough Hall. He asked what would happen to Borough Hall if it were located on the second floor of a building that the Borough does not own, and the owners default or go into bankruptcy. "The Mill project is a great idea," he said, "but we should revisit some core issues." He commented that the proposed MOU with Greystone "looked very good. It gave the Borough flexibility without commitment."

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTIONS

Several Resolutions were included under "Engineer's Items," and they were handled in groups.

Following a brief review by Ms. Roberts, **Resolutions 2006-252 and 2006-268**, authorizing Payments No. 2 and No. 3, respectively, to Jonico, Inc. for their work on Cole Avenue and Clinton Street, were moved by Councilmember Thompson and seconded by Councilmember Harinxma.

Councilman Quattrone asked if it is possible to identify payments to contractors as "number x of x." Ms. Roberts explained that we do not know how many payments will be issued until the end of the project. This project, for example, was originally slated to be complete by Thanksgiving, but, due to the water main problem, it will not be finished until spring. "We never know," she said.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-252 AUTHORIZING PAYMENT NO. 2 – JONICO, INC. (RECONSTRUCTION OF COLE AVENUE AND CLINTON STREET)

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

WHEREAS, the Borough Council subsequently approved Change Order No. 1 to this contract in the net amount of \$82,436.29, bringing the total contract price to \$377,569.29; and

WHEREAS, the Contractor has submitted Payment Request No. 2 for this project in the total amount of \$86,251.99 (which includes \$82,502.51 for water- and sewer-related construction and \$3,749.48 for general roadway construction), and the Borough Engineer has recommended that this payment be approved, subject to receipt of the required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 2 by Jonico, Inc. in the amount of \$86,251.99 is hereby approved and the Treasurer is authorized to issue payment for same, subject to receipt of the required certified payrolls.

RESOLUTION 2006-268**AUTHORIZING PAYMENT NO. 3 – JONICO, INC.
(RECONSTRUCTION OF COLE AVENUE AND CLINTON STREET)**

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

WHEREAS, the Borough Council subsequently approved Change Order No. 1 to this contract in the net amount of \$82,436.29, bringing the total contract price to \$377,569.29; and

WHEREAS, the Contractor has submitted Payment Request No. 3 for this project in the total amount of \$35,444.01 (which includes \$19,352.41 for water- and sewer-related construction and \$16,091.60 for general roadway construction), and the Borough Engineer has recommended that this payment be approved, subject to receipt of the required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 3 by Jonico, Inc. in the amount of \$35,444.01 is hereby approved and the Treasurer is authorized to issue payment for same, subject to receipt of the required certified payrolls.

Following a brief review by Ms. Roberts, **Resolution 2006-253** was moved by Councilmember Rosenberg and seconded by Councilmember Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2006-253**AUTHORIZING CHANGE ORDER NO. 4 AND FINAL AND PAYMENT NO. 5 – JONICO, INC.
(GREENWAYS, PHASE II PROJECT)**

WHEREAS, on March 20, 2006 the Borough Council awarded a contract for the Greenways, Phase II project to Jonico, Inc. of Lambertville, NJ in the amount of Two Hundred and One Thousand Five Hundred Thirty-Three (\$201,533.00) Dollars; and

WHEREAS, Change Orders No. 1, No. 2 and No. 3 to this contract in the cumulative amount of \$30,867.91 have been subsequently approved by Council, bringing the total contract price to Two Hundred and Thirty Two Thousand Four Hundred Dollars and Ninety One Cents (\$232,400.91); and

WHEREAS the contractor has submitted Change Order No. 4 and Final to this contract in the net amount of \$4,560.00, as detailed on the attached listings; and

WHEREAS, the contractor has also submitted Payment Request No. 5 for work done in the total amount of \$7,674.57, together with the required certified payrolls; and

WHEREAS, the Borough Engineer has recommended approval of Change Order No. 4 and Final and Payment Request No. 5; and

WHEREAS the Chief Financial Officer has certified that funds are available for the additional expenditure represented by Change Order No. 4 and Final;

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

1. Change Order No. 4 and Final to the contract with Jonico, Inc. of Lambertville, New Jersey, in the net amount of \$4,560.00 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 4, the revised contract price is Two Hundred and Thirty Six Thousand Nine Hundred and Sixty Dollars and Ninety-One Cents (\$236,960.91).

3. Payment Request No. 5 by Jonico, Inc. in the amount of \$7,674.57 is hereby approved, and the Treasurer is authorized to issue same.

Following a brief review by Ms. Roberts, **Resolution 2006-254** 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 2006-254 AUTHORIZING CHANGE ORDER NO. 1 AND FINAL AND PAYMENT NO. 2 – JONICO, INC.
(GRANT AVENUE DRAINAGE IMPROVEMENTS)**

WHEREAS, on September 18, 2006 the Borough Council awarded a contract for Grant Avenue drainage improvements to Jonico, Inc. of Lambertville, NJ in the amount of Twenty Thousand Eight Hundred and Fifty (\$20,850.00) Dollars; and

WHEREAS, the contractor has submitted Change Order No. 1 and Final to this contract in the net amount of NEGATIVE \$720.00, as detailed on the attached listings; and

WHEREAS, the contractor has also submitted Payment Request No. 2 for work done in the total amount of \$7,979.65; and

WHEREAS, the Borough Engineer has recommended approval of Change Order No. 1 and Final and Payment Request No. 2, subject to receipt of the required certified payrolls;

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

1. Change Order No. 1 and Final to the contract with Jonico, Inc. of Lambertville, New Jersey, for Grant Avenue Drainage Improvements in the net amount of NEGATIVE \$720.00 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1 and Final, the revised contract price is Twenty Thousand One Hundred and Thirty (\$20,130.00) Dollars.
3. Payment Request No. 2 by Jonico, Inc. in the amount of \$7,979.65 is hereby approved, and the Treasurer is authorized to issue same.

Following a brief review by Ms. Roberts, **Resolution 2006-255** 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 2006-255 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND AMOUNTS
REMAINING IN ESCROW – SIECK-WRIGHT FLORAL PRODUCTS, INC.**

WHEREAS in May 2004 Sieck-Wright Floral Products, Inc. posted a maintenance bond in the amount of \$19,534.00 as a maintenance guarantee for improvements on Monmouth Street, as well as funds in an escrow account relative to same; and

WHEREAS the Borough Engineer has inspected the improvements and has found that all improvements installed have remained in satisfactory condition, and has recommended release of this maintenance bond and all amounts remaining in escrow, after payment of any outstanding bills;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized and directed to return to Sieck-Wright Floral Products their maintenance bond in the amount of \$19,534.00, and that the Treasurer is hereby authorized to release to Sieck-Wright Floral Products all amounts remaining in their escrow account, subject to payment of any outstanding bills, as detailed herein.

Following a brief review by Ms. Roberts, **Resolution 2006-256** 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 2006-256 AUTHORIZING REDUCTION IN PERFORMANCE GUARANTEE – D. M. PROPERTIES, INC.
(NORTH PRESERVE)**

WHEREAS in March 2004, D. M. Properties, Inc. posted a performance guarantee in the amount of \$88,166.34 relative to their Planning Board application for North 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 \$13,224.95 of the posted bond at this time, as follows:

	Amount of original bond	Amount to be released	Amount to be retained by Borough
Bond portion	\$79,349.71	\$67,447.25	\$11,902.46
Cash portion	\$8,816.63	\$7,494.14	\$1,322.49
TOTAL	\$88,166.34	\$74,941.39	\$13,224.95

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 release to D. M. Properties, Inc. the amount of \$7,494.14 representing a portion of the cash portion of their performance guarantee as detailed herein.
2. The Borough Clerk is authorized and directed to take all necessary steps to reduce the balance of the bond portion of the performance bond held on behalf of D. M. Properties to \$11,902.46, or to effect the replacement of said bond with a new bond in the reduced amount.
3. The balance remaining of \$13,224.95, as detailed herein, shall be retained by the Borough as the performance guarantee for this project until such time as its release is recommended by the Borough Engineer and approved by further Resolution of Council.

Following a brief review by Ms. Roberts, **Resolution 2006-257** was moved by Councilmember Quattrone and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-257**AWARDING CONTRACT FOR THE REMOVAL OF LIQUID SLUDGE AT AWWTP
(APPLIED WATER MANAGEMENT)**

WHEREAS, three (3) bids were received on November 21, 2006, for removal of an estimated 2.72 million gallons of liquid sludge at the Advanced Wastewater Treatment Plant for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Applied Water Management of Hillsborough, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Applied Water Management 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 sludge removal at the Advanced Wastewater Treatment Plant for the two-year period running from January 1, 2007, through December 31, 2008, is hereby awarded to Applied Water Management of Hillsborough, New Jersey, for the unit price of \$0.034/gallon and a total amount not to exceed Ninety-Two Thousand Four Hundred and Eighty Dollars (\$92,480.00).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Applied Water Management, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

Following a brief review by Ms. Roberts, **Resolutions 2006-258, 259, 260, 261, 262, 263 and 264** were moved by Councilmember Quattrone and seconded by Councilmember Thompson.

Council President Schneider asked if any chemical supplier could supply all of the chemicals we need and possibly give us a better price as a result. Ms. Roberts stated that, when bid specifications for chemicals are prepared, all 12 items are included in one bid package. Bidders have the option of bidding on all or any of them. No one supplier, she said, bids on all of them, as some are specialty products. Councilman Quattrone asked whether she oversees the contracts. Ms. Roberts said that she keeps track of pricing, and Mr. Searing and Mr. McGuire provide projected usage over the next two years, which she uses in preparing the bid specs. The Borough is not obligated to pay the total amount of the contract if it does not use as much as anticipated, since the bid is at unit prices. If more chemicals are needed, the law allows us to increase a contract by up to 20 percent.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-258**AWARDING CONTRACT FOR THE PROVISION OF LIQUID CHLORINE (UNIVAR USA)**

WHEREAS, one (1) bid was received on November 21, 2006, for the provision of liquid chlorine for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the only bidder, Univar USA, Inc. of Middleton, Pennsylvania; 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 contract for provision of liquid chlorine for the two-year period running from January 1, 2007, through December 31, 2008, is hereby awarded to Univar USA, Inc. of Middleton, Pennsylvania, for the unit price of \$1.148/pound and a total amount not to exceed Forty One Thousand Seven Hundred and Eighty Seven Dollars and Twenty Cents (\$41,787.20).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Univar USA, Inc., subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

RESOLUTION 2006-259

AWARDING CONTRACT FOR THE PROVISION OF SULFUR DIOXIDE (UNIVAR USA)

WHEREAS, two (2) bids were received on November 21, 2006, for the provision of sulfur dioxide for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Univar USA, Inc. of Middleton, Pennsylvania; 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 contract for provision of sulfur dioxide for the two-year period running from January 1, 2007, through December 31, 2008, is hereby awarded to Univar USA, Inc. of Middleton, Pennsylvania, for the unit price of \$0.594/pound and a total amount not to exceed Nine Thousand Four Hundred and Forty-Four Dollars and Sixty Cents (\$9,444.60).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Univar USA, Inc., subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

RESOLUTION 2006-260

AWARDING CONTRACT FOR THE PROVISION OF SODIUM BICARBONATE (UNIVAR USA)

WHEREAS, two (2) bids were received on November 21, 2006, for the provision of sodium bicarbonate for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Univar USA, Inc. of Middleton, Pennsylvania; 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 contract for provision of sodium bicarbonate for the two-year period running from January 1, 2007, through December 31, 2008, is hereby awarded to Univar USA, Inc. of Middleton, Pennsylvania, for the unit price of \$0.238/pound and a total amount not to exceed Sixty-Nine Thousand Four Hundred and Ninety-Six Dollars (\$69,496.00).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Univar USA, Inc., subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

RESOLUTION 2006-261**AWARDING CONTRACT FOR THE PROVISION OF ZETA LYTE 305CVH
(CUSTOM ENVIRONMENTAL TECHNOLOGY)**

WHEREAS, two (2) bids were received on November 21, 2006, for the provision of Zeta Lyte 305CVH for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Custom Environmental Technology of Collegeville, Pennsylvania; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Custom Environmental Technology 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 Zeta Lyte 305CVH for the two-year period running from January 1, 2007, through December 31, 2008, is hereby awarded to Custom Environmental Technology of Collegeville, Pennsylvania, for the unit price of \$12.19/gallon and a total amount not to exceed Forty-Five Thousand Five Hundred and Ninety Dollars and Sixty Cents (\$45,590.60).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Custom Environmental Technology, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

RESOLUTION 2006-262**AWARDING CONTRACT FOR THE PROVISION OF FLUOROSILICIC ACID
(HIBRETT PURATEX)**

WHEREAS, three (3) bids were received on November 21, 2006, for the provision of Fluorosilicic Acid for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Hibrett Puratex of Pennsauken, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Hibrett Puratex 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 Fluorosilicic Acid for the two-year period running from January 1, 2007, through December 31, 2008, is hereby awarded to Hibrett Puratex of Pennsauken, New Jersey, for the unit price of \$3.79/gallon and a total amount not to exceed Seven Thousand Five Hundred and Eighty Dollars (\$7,580.00).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Hibrett Puratex, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

RESOLUTION 2006-263**AWARDING CONTRACT FOR THE PROVISION OF CALCIUM HYDROXIDE
(HYDRATED LIME) (HIBRETT PURATEX)**

WHEREAS, three (3) bids were received on November 21, 2006, for the provision of calcium hydroxide (hydrated lime) for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Hibrett Puratex of Pennsauken, New Jersey; and

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Hibrett Puratex 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, 2007, through December 31, 2008, is hereby awarded to Hibrett Puratex of Pennsauken, New Jersey, for the unit price of \$0.1325/pound and a total amount not to exceed Twenty-one Thousand Nine Hundred and Ninety-Five Dollars (\$21,995.00).
2. The Mayor and Clerk are hereby authorized to execute an agreement with Hibrett Puratex, subject to approval of the Borough Attorney.
3. This contract is contingent upon provision of adequate funds in the budgets for the years 2007 and 2008.

RESOLUTION 2006-264 AWARDING CONTRACT FOR ALUMINUM SULFATE (DELTA CHEMICAL CORPORATION)

WHEREAS, one (1) bid was received on November 21, 2006, for the provision of aluminum sulfate for the two-year period running from January 1, 2007, through December 31, 2008; and

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

WHEREAS, the Borough Attorney has reviewed the bid documents submitted by Delta Chemical 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, 2007, through December 31, 2008, is hereby awarded to Delta Chemical Corporation of Baltimore, Maryland, for the unit price of \$0.577/gal. and a total amount not to exceed Forty-Six Thousand One Hundred and Sixty Dollars (\$46,160.00).
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 2007 and 2008.

Ms. Roberts reviewed **Resolution 2006-265**, rejecting all bids received for magnesium hydroxide and authorizing rebid. She explained that it is necessary to rebid in order to assure that we are being as efficient as possible with the Borough's money. The same is true regarding **Resolution 2006-266**, rejecting all bids received and authorizing rebid for Zeta Lyte 1A.

Resolutions 2006-265 and 266 were moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

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

Resolutions adopted, 6-0.

**RESOLUTION 2006-265 REJECTING ALL BIDS RECEIVED FOR MAGNESIUM HYDROXIDE
AND AUTHORIZING REBID**

WHEREAS two (2) bids were received on November 21, 2006, for the provision of magnesium hydroxide for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS the low bidder did not submit all required bid documents and was deemed by the Borough Attorney to be non-responsive; and

WHEREAS the second low bidder submitted a much higher bid which was substantially higher than the Borough Engineer's estimated cost for this chemical; 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; and

WHEREAS the Borough Engineer has recommended that these bids be rejected and the chemical rebid;

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

1. All bids received on November 21, 2006 for the provision of magnesium hydroxide for the two-year period running from January 1, 2007, through December 31, 2008 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 magnesium hydroxide for the two-year period running from January 1, 2007, through December 31, 2008.
4. The Borough Clerk is hereby authorized to receive bids for magnesium hydroxide following advertisement for same in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*

RESOLUTION 2006-266 REJECTING ALL BIDS RECEIVED FOR ZETA LYTE 1A AND AUTHORIZING REBID

WHEREAS three (3) bids were received on November 21, 2006, for the provision of Zeta Lyte 1A for the two-year period running from January 1, 2007, through December 31, 2008; and

WHEREAS the low bidder did not submit all required bid documents and was deemed by the Borough Attorney to be non-responsive; and

WHEREAS the second low bidder submitted a much higher bid which was substantially higher than the Borough Engineer's estimated cost for this chemical; 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; and

WHEREAS the Borough Engineer has recommended that these bids be rejected and the chemical rebid;

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

1. All bids received on November 21, 2006 for the provision of Zeta Lyte 1A for the two-year period running from January 1, 2007, through December 31, 2008 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 1A for the two-year period running from January 1, 2007, through December 31, 2008.
4. The Borough Clerk is hereby authorized to receive bids for Zeta Lyte 1A following advertisement for same in accordance with the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*

Councilman Quattrone thanked Ms. Roberts for her efforts on the Borough's behalf.

DISCONTINUANCE OF GREASE ACCEPTANCE

Ms. Roberts stated that, approximately a year ago, the Borough began accepting grease at the Advanced Wastewater Treatment Plant to see if it might be a good way to bring in additional revenue. "We are finding that it is not a sustainable process," she said. "It requires a lot of maintenance, and there is a potential risk from bringing it in." She also noted problems with excessive noise and odors that have resulted, and said that, for all of those reasons, it is best to suspend the acceptance of grease indefinitely.

ORDINANCES

PUBLIC HEARING AND FINAL 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, Mayor Patten opened the public hearing on Ordinance 2006-26.

Eugene Sarafin, 600-628 South Main Street, spoke in favor of the ordinance..

J. P. Gibbons, 602 N. Main Street, stated that First Constitution Bank is buying Wachovia, and asked how that would affect the Borough's lease of the space for parking. Mayor Patten noted that First Constitution is buying Sun Bank and not Wachovia, so it would not affect this.

No one else came forward and the hearing was closed.

Ordinance 2006-26 was moved for adoption by Councilmember Quattrone and seconded by Councilmember Schneider.

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

Ordinance adopted, 6-0.

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

WHEREAS, the intention of Section 7-37.1 of the *Revised General Ordinances of the Borough of Hightstown* is to provide the opportunity for certain residents, business owners and employees in the downtown area to obtain parking permits which will allow them to park in designated areas for longer than two hours; and

WHEREAS, it is the desire of the Mayor and Council to amend this Section of the Code in order to allow owners and employees of businesses located in Block 54 to obtain said parking permits;

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

Section 1. Section 7-37.1(m)(1) of the *Revised General Ordinances of the Borough of Hightstown*, regarding qualification for issuance of parking permits, is hereby amended as follows (deletions in ~~strikeout text~~, additions underlined):

1. Qualification. Permits shall be issued only to:
 - a. Residents of Block 33 and residents of those lots situated in Block 23 which border Main Street.
 - b. Owners of businesses located in Block 33 and in those lots situated in Block 23 which border Main Street.
 - c. Employees of businesses located in Block 33 and in those lots situated in Block 23 which border Main Street.

- d. Owners of businesses located in Block 21.01 which have no onsite parking.
- e. Employees of businesses located in Block 21.01 which have no onsite parking.
- f. Residents of Block 21.01 which have no onsite parking.
- g. Owners of businesses located in Block 54.
- h. Employees of businesses located in Block 54.

Proof of eligibility shall be provided at the time of application, and shall consist of: for residents, a valid New Jersey driver's license showing address of residence; and for business owners or employees, a notarized statement by the business owner, on forms supplied by the Borough Clerk, attesting to eligibility of applicant. Owners and employees of industrial businesses shall not be eligible to obtain parking permits under this subsection.

Permits issued to owners or employees of businesses located in Block 54 shall be valid only in the permit parking area leased by the Borough, located at 105 South Main Street, and shall not be valid in the Stockton Street municipal parking lot.

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

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

INTRODUCTION AND FIRST READING: ORDINANCE 2006-27,

AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN AMENDING AND SUPPLEMENTING SUBSECTION 26-10-5, ENTITLED "EXEMPTIONS," OF SECTION 26-10, "MANDATORY DEVELOPMENT FEES," OF CHAPTER 26, "LAND USE PROCEDURES," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, NEW JERSEY," IN ORDER TO PROVIDE AN EXEMPTION FROM THE PAYMENT OF DEVELOPMENT FEES TO CHURCHES AND OTHER HOUSES OF WORSHIP FOR CERTAIN CONSTRUCTION

Mr. Raffetto reviewed the provisions of Ordinance 2006-27, which was put together following a request by St. Anthony of Padua Church at the last meeting for a waiver of the requirement to pay a development fee in connection with their expansion. During the course of discussion at that meeting, he said, he had recommended exempting non-profits generally, rather than an exemption specific to religious use. However, he has since reviewed this with Planner Tamara Lee, who informed him that COAH already has a regulation in place that allows churches and houses of worship to be exempted from the fee. Concerns about a more general exemption were raised at the last meeting, Mr. Raffetto said, and this Ordinance as written would exempt only churches and houses of worship, provided that they do not create any new residential units. The ordinance would be retroactive, and would allow the Borough to refund to St. Anthony's the fees already paid by them.

Discussion ensued. Councilmember Sikorski asked if a church operating a daycare center would generate a COAH requirement. Mr. Raffetto stated, "Whatever we do has to be approved by COAH. If it were interpreted by COAH to create new residential units or jobs, then they would not be exempt from the development fee requirement." Councilmember Sikorski asked who did the research on the original ordinance and if the regulation cited by Ms. Lee was in existence at the time the Borough adopted the Development Fee ordinance. "I believe it was in existence then," Mr. Raffetto said, "although not all towns provide the exemption. At the time, our prior planner hadn't brought that forward for consideration, and the Borough, ever mindful of its COAH obligation, moved to adopt that Ordinance and the Growth Share ordinance which followed. The first instance where it became an issue was St. Anthony's, who paid the fees under protest. Now that it has been brought to our attention, we are rectifying it."

Mayor Patten noted the importance of this information getting to the Planning Board so that applicants are aware of it.

Councilmember Sikorski asked Mr. Raffetto to confirm that individuals who construct a home on a buildable lot that requires no variances would be obligated to pay a fee of \$21,750 to be used toward fulfilling the Borough's COAH obligation. Mr. Raffetto confirmed this.

Councilman Quattrone asked if any towns have provided a partial exemption of the development fee, and said that he would like to know what other towns are doing before he votes on anything. Mayor Patten asked that Council consider introducing this Ordinance now. Mr. Raffetto was consulted and stated that changing the exemption from a full to a partial exemption after introduction of the Ordinance would constitute a substantive change, and would require readvertisement. Discussion continued.

Council President Schneider noted that St. Anthony's expansion did not add to the number of parishioners. If it had expanded their seating capacity, he said, he would take a different view. He asked if certain caveats could be incorporated into the Ordinance. "I am imagining seating for 100 going to seating for 1000," he said. "This didn't happen there, making a strong case for the fee being unfair." Mr. Raffetto stated that COAH's premise is based on whether or not the use increases the number of jobs. Mayor Patten noted that expanding seating capacity "does not apply to what COAH is saying." Mr. Raffetto explained that COAH would be the ultimate arbiter of whether or not a use created jobs. If it did, it would not be exempt under the terms of this Ordinance. Council President Schneider noted that an increase in size increases the church's ability to take in money, and Mayor Patten again stated that this "has nothing to do with it. The need for housing is the factor, not the revenue or the cost of the project." Councilman Thompson asked if, in granting an exemption, the Borough waives its right to collect the fees later if COAH determines that the use created an obligation on the Borough's part. Mr. Raffetto stated that the Borough would not be waiving its right to collect the fee. Mr. Thompson stated that the intent of this modification is to provide that, if there is no risk of the Borough's assuming additional COAH obligations, there is no reason for us to collect fees.

Mr. Raffetto suggested that Tamara Lee be asked to attend the public hearing on this Ordinance in order to answer any additional questions by Council.

Ordinance 2006-27 was moved for introduction by Councilmember Thompson and seconded by Councilmember Harinxma.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2006-27 was set for December 18, 2006.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-28,

AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 26, ENTITLED "LAND USE PROCEDURES," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, NEW JERSEY," IN ORDER TO REVISE VARIOUS PROVISIONS RELATING TO LAND USE APPLICATION AND APPEAL

Ms. Roberts reviewed the provisions of Ordinance 2006-28, which, she said, originated when a new part-time Planning Board Secretary was hired recently. The ordinance amends the time for submission of applications, increases application fees and escrow requirements and modifies checklists in order to require submission of the contribution disclosure statement. (The latter change would be made verbally at this meeting.)

Ms. Roberts went on to explain that the new Planning Board secretary works one morning and one afternoon each week. This ordinance would create a "submission week" for applications, and modifies the deadline from "21 days prior" to the hearing date to between 35 and 31 days prior. This will allow all plans and applications to come in, get processed and be provided to the Boards and professionals. Mayor Patten asked if this is permitted under the land use laws, and Ms. Roberts stated that it is, and that she has reviewed it with Mr. Rosensweig. The ordinance will also increase the number of applications which must be submitted from 16 to 18, which will provide a copy for the Historic Preservation Commission and a spare copy for the office. Application fees under this ordinance will increase, as will escrow fees. "I made modifications across the board," Ms. Roberts said.

Mayor Patten expressed his support, and asked where the language to be inserted at this meeting amending the checklists to require contribution disclosure statements would be inserted. Ms. Roberts stated that there are a number of checklists to be modified in that way, and added that minor subdivisions are not subject to that requirement. Mr. Raffetto noted a typographical error on page 3, subsection A, which was corrected at that time.

Councilmember Sikorski asked if there is a clear procedure itemized for submitting copies of the applications to the Historic Preservation Commission and Environmental Commission. Ms. Roberts stated that all copies go to the Planning Board Secretary, who distributes them to the Board members, Engineer, Planning Board Attorney, Police, Fire, Environmental Commission and, now, the Historic Preservation Commission. "That is the Planning Board Secretary's duty," she said, "not the applicant's."

Ordinance 2006-28 was moved by Councilmember Quattrone and seconded by Councilmember Rosenberg. Discussion continued.

Councilmember Rosenberg asked, "Are we raising fees because our costs went up, or because we are behind.?" "A little of both," Ms. Roberts replied.

Council President Schneider noted that some fees increase more than others and Ms. Roberts explained her reasoning. Concept plans, she said, don't come in that often, and that is a simpler process than others. Mr. Schneider asked about the time frames, and why an applicant would not be permitted to submit the application sooner than 35 days beforehand. After some discussion, it was agreed that the ordinance could be modified to simply require that applications be submitted "no less than 31 calendar days" prior to the date set for the hearing.

Motion: Council President Schneider moved that the ordinance be modified prior to the vote to delete the phrase "and no more than thirty-five (35) calendar days." His motion was seconded by Councilman Thompson and unanimously approved.

The roll was then called on Ordinance 2006-28, as just modified.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2006-28 was set for December 18, 2006.

Mr. Raffetto noted that both Ordinances 2006-27 and 2006-28 must now be referred to the Planning Board.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-29,
AN ORDINANCE TO AMEND SECTION 19-2.2, "WATER CHARGES" AND SECTION 19-2.3,
"SEWER CHARGES," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF*
HIGHTSTOWN

Ms. Gallagher provided an in-depth review of the provisions of Ordinance 2006-29, and explained the need at this time to increase water and sewer rates. She provided a chart showing a steady decline in utility revenues since 2002, despite an increase in water base rates which was put into place immediately after Minute Maid ceased its operations in Hightstown. In 2002, water rents totaled \$2,097,000. The Chief Financial Officer has projected that 2007 revenues will come in at \$1,913,500, a decrease over the past five years of \$183,500. Other factors creating the need now to increase rates include an anticipated lack of surplus to utilize in 2007 (compared to a total of \$108,000 in utility and capital surplus utilized in 2006) and a decline in miscellaneous revenues created primarily by the need to discontinue acceptance of grease at the wastewater treatment plant. In addition, costs have steadily increased, and connection fees received from Enchantment during 2006 were lower than anticipated. She noted that, except for the adjustment to water base rates made when Minute Maid departed, the Borough has not increased utility rates since 2002.

The Ordinance proposed by Ms. Gallagher would call for a \$3 quarterly increase in the water base rate to \$35, a \$7 quarterly increase in the sewer base rate to \$41, and increases in the water and sewer usage rates (to \$2.15 per 100 cu. ft. and \$4.60 per 100 cu. ft., respectively). Based on the total number of billing accounts, the average increase per account would be \$31.39 per quarter. She noted that she based the increases on the rate adjustment which was accomplished in 2002, and attempted to increase rates proportionally to that increase.

Ms. Gallagher further noted that, in order for the new rates to be effective for the first quarter of 2007, this ordinance would need to be adopted prior to January 1.

Ordinance 2006-29 was moved for introduction by Council President Schneider and seconded by Councilmember Quattrone. Discussion continued.

Council President Schneider asked if the Borough could increase its intake of gray water and septic waste now that grease acceptance has been discontinued. "No," Ms. Roberts said. She explained that we are at our limits in that regard.

Councilmember Sikorski said that it was his understanding that, because this Ordinance was provided at this meeting, no action would be taken on it. "I didn't see this until now," he said, and objected to having received it so late. Ms. Gallagher apologized for submitting the Ordinance itself to Council just prior to the meeting, and noted that she had emailed Council during the prior week to provide the information contained within it, but felt it best to continue to gather information and fine tune the Ordinance for as long as possible before presenting it officially.

Councilmember Sikorski asked if the Borough has looked into selling its water. Ms. Roberts stated that this would require DEP approval, and the Borough has approaching commitments that will use thousands of gallons of water per day. "You have only so much [water] surplus of your own," she said. "You need to assure that it is here when you need it."

George Lang, Chief Financial Officer, arrived at the meeting at this time. He explained that water rents cannot be anticipated in the budget beyond what was received in the prior year. He also explained that at this time, it appears that the Borough will not have utility surplus to carry forward into the 2007 utility budget.

Councilman Quattrone stated that he would like information regarding the actual consumption, rather than revenues. "We have to teach our residents to drink our water rather than bottled water," he said.

At this time, the roll was called on the introduction of Ordinance 2006-29.

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

Ordinance NOT introduced (4-2 against).

It was agreed that a special meeting would be held to revisit this in order to provide the opportunity to increase rates prior to January 1.

Councilman Thompson stated that "It is up to Council to establish budget ranges and the criteria we are anticipating," he said, "and up to our professionals, employees and administrator to work within that budget and within those constraints."

Mayor Patten added that it is important to "respect our professionals when they give us advice and recommendations."

RESOLUTIONS

RESOLUTION 2006-243, AWARDING CONTRACT FOR SOLID WASTE COLLECTION SERVICES

Ms. Gallagher reviewed the provisions of Resolution 2006-243, noting that the possibility of using our own crew to collect garbage from the dumpsters had been discussed at the last meeting. A review of the costs involved, she said, indicated that it is more economical to award the full contract to Central Jersey Waste. The tipping fees which the Borough would incur could alone exceed the cost of the dumpster portion of this contract. Under the terms of the contract, Central Jersey will be responsible for tipping fees associated with the dumpster garbage.

Councilmember Rosenberg recalled that the ability to utilize the new garbage truck to collect the dumpster garbage was a factor in the approval of that purchase. Ms. Gallagher pointed out that this was a possibility that came up during discussion, but that the purchase of the truck proved beneficial to the Borough without that consideration.

Resolution 2006-243 was moved by Councilmember Quattrone and seconded by Council President Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2006-243 AWARDING CONTRACT FOR SOLID WASTE COLLECTION SERVICES

WHEREAS, two (2) bids were received on October 23, 2006, for solid waste collection services for the three-year period running from January 1, 2007 through December 31, 2009; and

WHEREAS, bids were received as follows:

Option #		Carnivale Disposal Company	Central Jersey Waste & Recycling
1	Automated collection 1x week on Mondays	No bid	No bid
2	Manual collection 1x week on Mondays	No bid	No bid
3	Automated collection 1x week on Tuesdays	No bid	No bid
4	Manual collection 1x week on Tuesdays	No bid	No bid
5	Automated collection 1x week on Thursdays	No bid	No bid
6	Manual collection 1x week on Thursdays	No bid	\$297,000
7	Collection from dumpsters within Borough	\$112,170	\$93,750

; and

WHEREAS the bids have been reviewed by the Borough Attorney and were found to be in order with respect to legal compliance; and

WHEREAS it is the desire of the Mayor and Council to enter into a contract for Options No. 6 and No. 7 with the low bidder for those options, Central Jersey Waste & Recycling of Ewing, New Jersey, at a total cost of \$390,750.00 (\$130,250.00 per year), as outlined above; and

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

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

1. The contract for the collection of solid waste for the period January 1, 2007 through December 31, 2009, as outlined herein, is hereby awarded to Central Jersey Waste & Recycling of Ewing, New Jersey, in the total amount of \$390,750.00.
2. This contract is awarded with the provision, as included in the bid specifications, that the contract may be terminated by the Borough for any reason effective December 31, 2007 or December 31, 2008, provided that 90 days written notice has been provided to the contractor.
3. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Central Jersey Waste & Recycling, subject to approval of the Borough Attorney.
4. This contract is contingent upon provision of adequate funds in the budgets for each year of the contract.

RESOLUTION 2006-251, A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO INITIATE THE COMPETITIVE CONTRACTING PROCESS IN ORDER TO RETAIN THE SERVICES OF AN EMERGENCY MEDICAL SERVICES (EMS) PROVIDER FOR THE YEAR 2007

Following a brief review by Ms. Gallagher, Resolution 2006-251 was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2006-251 A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO INITIATE THE COMPETITIVE CONTRACTING PROCESS IN ORDER TO RETAIN THE SERVICES OF AN EMERGENCY MEDICAL SERVICES (EMS) PROVIDER FOR THE YEAR 2007

WHEREAS, there is a need for the Borough of Hightstown to retain the services of a contractor to provide emergency medical services (EMS) during the year 2007 (for up to 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, it is anticipated that the cost of these services shall exceed the bid threshold for the year 2007; and

WHEREAS, in view of the fact that the desired services are specialized and qualitative in nature, requiring licensure and medical knowledge of an advanced type, the Borough may retain the services of the contractor through the use of the "competitive contracting" process as authorized under the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-4.1, et seq., rather than through the public bidding process; and

WHEREAS, N.J.S.A. 40A:11-4.1(f) specifically permits the use of the "competitive contracting" process for the procurement of emergency medical services (EMS), the cost of which exceeds the bid threshold, in lieu of public bidding; and

WHEREAS, the “competitive contracting” process is more advantageous to the Borough than the public bidding process, as the Borough is afforded more discretion and may develop its own evaluation and ranking criteria to be utilized in reviewing the proposals submitted from interested contractors rather than being restricted to awarding the contract based solely upon the financial amount of the bids submitted; and

WHEREAS, in order to initiate the “competitive contracting” process, the governing body of the Borough is required to adopt a Resolution authorizing the use of same, pursuant to N.J.S.A. 40A:11-4.3.

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 is hereby authorized to initiate the “competitive contracting” process, pursuant to N.J.S.A. 40A:11-4.1, et seq., for the procurement of emergency medical services (EMS) for the year 2007.
2. That the Borough Administrator and Borough Attorney are hereby designated as the officials who shall administer the “competitive contracting” process, including but not limited to the drafting of a request for proposals (RFP) and the creation of satisfactory criteria and methodology for awarding the contract, pursuant to and in accordance with N.J.S.A. 40A:11-4.1, et seq.
3. That the Borough Administrator and Borough Attorney are hereby authorized and directed to perform all matters that are necessary or appropriate to pursue the “competitive contracting” process for the desired services, commencing immediately.
4. That the Borough Administrator and Borough Attorney shall at all times adhere to the requirements associated with the “competitive contracting” process as set forth in N.J.S.A. 40A:11-4.1, et seq., during the procurement of the desired services.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a.) N.J. Department of Community Affairs, Division of Local Government Services
 - (b.) George Lang, Borough Chief Financial Officers
 - (c.) Arlene O'Rourke, Borough Treasurer
 - (d.) Candace Gallagher, Business Administrator
 - (e.) Frederick C. Raffetto, Esq., Borough Attorney

CONSENT AGENDA

Resolution 2006-250 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 2006-250 AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$489,910.51** from the following accounts:

Current	\$ 279,555.98
W/S Operating	133,824.04
General Capital	36,135.47
W/S Capital	19,467.41

Trust	12,622.41
Grant	224.95
Escrow-Subdivision & Site Plan (First Washington Bank)	8,080.25
Total	<u>\$489,910.51</u>

NEW BUSINESS

SAFE ROUTES TO SCHOOLS PROGRAM

Although not listed on the agenda, Ms. Roberts requested and received Council's permission to discuss with them at this time the Safe Routes to Schools funding program. She reported that she met over past week with East Windsor Regional School District officials to review several roads that might be candidates for this funding. The State has a total of \$3.2 million to distribute in 2007. Possible locations include Summit Street from the Greenway to Stockton Street, Mechanic Street, the east side of Dutch Neck Road from Harron Avenue to the Borough line and Lincoln Avenue.

Discussion ensued regarding how many and which streets to apply for. The general consensus was to apply for funds for Summit and Mechanic Street, as those are the streets that "we can make the best case for."

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilman Thompson stated, "I'm not sure we're being fair to our Borough professionals and employees with the message we send them. I'm not sure there is a consensus. The message is 'do all you can to generate money and to save money, but if that doesn't add up we're willing to raise taxes and raise rates to make up the difference.' ... We want them to cut costs and find ways to increase revenues."

Councilmember Sikorski reported that he recently visited Mill Hill, and said that he would hope that the Borough would expedite in 2007 the recognition of our own Stockton Street Historic District.

Ms. Gallagher assured Councilman Thompson that she and the Borough's department heads are very clear about the need to cut costs and find ways to increase revenues. "It's what we work toward all the time," she said.

Mayor Patten encouraged Councilmembers to reach out to the Borough's department heads. "You're not limited to just one department," he said. "Make the rounds....Lots of questions and concerns can be answered by interacting with them. It is incumbent on you to do that, and it hasn't been done as much as I would like. Department heads have been telling me that. You've got to get out there." The Mayor said that he is still learning a lot after eight years (as Councilman and then as Mayor) and added, "Our people are doing an excellent job, above and beyond the call of duty, and beyond their salary levels."

PUBLIC COMMENT II

Mayor Patten opened the floor for public comment.

Torry Watkins, 68 Meadow Drive, stated that "we all appreciate the hard work that department heads and all do to reduce the Borough's expenses, but anything you do in that area ... you're nibbling at the margins. You have to really go into the belly of the beast and change the way that the Borough does business." On another topic, Mr. Watkins thanked Mr. Raffetto and Tamara Lee for their "wonderful excursion into the world of COAH," and said that their findings are enlightening. He noted that the State's own exception for religious organizations (as opposed to non-profits in general) is "grossly unfair" to other nonprofits, and "the State is violating or close to violating the anti-establishment clause of the

Constitution. Just because the State permits the Borough to do it is not a good reason to go along with it." He urged Council to reconsider Ordinance 2006-27 before its adoption, and to remove the exception for religious organizations on the basis of "fairness and the Constitution."

Eugene Sarafin, 600-628 South Main Street, congratulated those four Councilmembers who voted against introducing an ordinance to increase the water and sewer rates, and compared the cost of water in sewer in Hightstown to that in East Windsor. "Why have a water and sewer plant?" he asked. "Shut it down. Don't raise the rates."

EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2006-269**, authorizing a closed session for the purpose of discussing contract negotiations. 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 2006-269 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 4, 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:

Contract Negotiations – Greystone Capital Partners NJ LLC; Professional Legal, Engineering, Auditing and Planning 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: March 4, 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 Councilman Thompson, seconded by Councilmember Sikorski and unanimously approved. The meeting was adjourned at approximately 10:00 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk