

OPEN SESSION

Mayor Robert Patten called the meeting to order at 7:05 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; James M. Eufemia, Chief of Police; William Antonides, Jr., Borough Auditor; George Lang, Chief Financial Officer; Edward J. McManimon, Bond Counsel; Gary Rosensweig, Planning Board Attorney; Randall Gottesman of Community Grants & Planning; and Frederick Raffetto, Esq., Borough Attorney.

As this meeting had been advertised as a joint meeting of several boards and commissions (for the purpose of hearing the revised proposal for the Mill redevelopment later in the meeting), it was noted that the following persons were present: from the Planning Board, Jim Jurgens, Matt Cuddy, and Chris Emigholz; from the Board of Health, Dylan Ross; from the Environmental Commission, Roger Cook, Sue Bottino and Gary Grubb; from the Economic Development Committee, Vince Traylor, Jeff Bond, Eugene O'Connor and Mike Vanderbeck; and from the Parks and Recreation Commission, Gary Grubb (noted above) and Sandy Bontempo.

APPROVAL OF AGENDA

Deleted from the agenda was a report by Peter Sockler regarding the feasibility of the Borough's Redevelopment Plan. The agenda was moved as amended by Councilmember Sikorski, seconded by Council President Schneider and unanimously approved.

APPROVAL OF MINUTES

Minutes of the **December 29, 2005** special meeting, open and closed sessions, were moved by Councilmember Sikorski, seconded by Councilmember Thompson and approved by all but Councilmembers Rosenberg and Harinxma, who abstained.

Minutes of the **January 1, 2006** Reorganization meeting were moved by Councilmember Sikorski, seconded by Councilmember Thompson and unanimously approved.

RESOLUTION 2006-22, APPOINTING POLICE OFFICER

Mayor Patten administered the oath of office to Christopher Flores, who would be appointed as police officer. Mr. Flores was accompanied by several family members for the event, and many officers of the Hightstown Police Department were in attendance to welcome him to their ranks.

Resolution 2006-22 was then moved by Councilmember Quattrone and seconded by Council President Schneider.

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

Resolution adopted, 5-0-1.

RESOLUTION 2006-22 APPOINTING CHRISTOPHER B. FLORES AS POLICE OFFICER

WHEREAS, Section 2-19.7 of the *Revised General Ordinances of the Borough of Hightstown* provides for the appointment of Police Officers; and

WHEREAS, applications were received by the Borough and interviews have been conducted by the Chief of Police, and it is his recommendation that Christopher B. Flores of Toms River, New Jersey be appointed as a Patrolman with the Hightstown Police Department effective this date, January 17, 2006; and

WHEREAS the Mayor and Council concur with the Police Chief's recommendation and wish to appoint Mr. Flores to this post;

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

1. Christopher B. Flores of Toms River, New Jersey is hereby appointed as Patrolman for the Borough of Hightstown, said appointment to become effective this date, January 17, 2006.
2. This appointment shall be probationary for a period of one year, pursuant to Section 2-19.7(c) of the *Revised General Ordinances of the Borough of Hightstown*.
3. Mr. Flores shall receive a salary during his first year of employment at the rate established by Borough Ordinance for a probationary patrolman.

PROCLAMATION

Mayor Patten read aloud a proclamation honoring Lt. Brian Rossi, who retired recently after approximately 18 years of service with the Hightstown Police Department. Although Lt. Rossi was not able to be present to accept the honor, the proclamation was met with applause from those in attendance.

Honoring Brian Rossi

Whereas, *Brian Rossi served the Borough of Hightstown as a member of the Hightstown Police Department from January 14, 1988 through December 31, 2005; and*

Whereas, *prior to his service with the Borough, Mr. Rossi served as an officer and Sergeant with the Allentown Police Department, giving him a total of 26 years of police service; and*

Whereas, *during his nearly 18 years with the Hightstown Police Department, Brian Rossi served as Patrolman, Detective, Sergeant (September 21, 1998 – July 31, 2005) and Lieutenant (August 1, 2005 – December 31, 2005); and*

Whereas, *he earned several commendations during his service here, including a departmental commendation in 1988 for his work on a commercial burglary; Patrolman of the Year (1991) Award from the Knights of Columbus; and a departmental commendation in 1994 for his work on a homicide investigation that resulted in convictions of all involved; and*

Whereas, he has also received numerous notes and letters from elected officials and members of the public thanking him for his service under all types of circumstances; and

Whereas, Brian Rossi's professionalism and unselfish dedication to the safety and well-being of Borough residents has set a shining example for all police officers, and Hightstown is a better place for having had him among our ranks;

Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that we hereby recognize and honor Brian Rossi for nearly 18 years of distinguished service with the Hightstown Police Department, and we wish him the best of luck in his future endeavors.

2004 AUDIT

PRESENTATION OF 2004 AUDIT

William E. Antonides, Jr., Borough Auditor, reviewed the Borough's 2004 audit, recently completed by his firm. He explained each item listed in the audit's "comments and recommendations" section (included in its entirety at the end of these minutes) and also noted certain items included in the firm's management letter, including the requirement to go out to bid for telephone service and a recommendation to utilize pre-numbered license forms.

Council President Schneider asked, regarding the reference in the audit's comments to the need to raise funds in the budget to clear up balances remaining in old, unfunded ordinances, if it would be possible to include in the 2006 budget only part, rather than all, of the remaining amount. (One-half of this amount was raised in the 2005 budget, leaving the other half to be raised in 2006.) Mr. Antonides stated that it would, but the funds would need to be raised eventually.

RESOLUTION 2006-24, RESOLUTION OF COMPLIANCE REGARDING THE 2004 AUDIT

Resolution 2006-24 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 2006-24 RESOLUTION OF COMPLIANCE REGARDING THE 2004 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the audit entitled:

General Comments Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Hightstown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION 2006-25, RESOLUTION APPROVING THE 2004 ANNUAL AUDIT CORRECTIVE ACTION PLAN
AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT
SERVICES**

Resolution 2006-25 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 2006-25 RESOLUTION APPROVING THE 2004 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND
AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT
SERVICES**

WHEREAS, the Borough of Hightstown is required, pursuant to the Single Audit Act Amendments of 1996, to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2004; and

WHEREAS, the Borough is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Borough Clerk; and

WHEREAS, the Borough Council has received the 2004 Annual Audit – Corrective Action Plan.

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

1. That the 2004 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference¹, is hereby approved.

¹ See end of these 1/1/06 minutes.

2. That the proper Borough officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy in the Borough Clerk's office.

REDEVELOPMENT OF THE MILL PROPERTY

Satish Mehta of ITN, Inc. addressed the Mayor, Council and public in attendance regarding a new proposal for the redevelopment of the Mill. John Wolfington of Greystone ("The Wolfington Companies") was expected to join Mr. Mehta in the presentation, but never arrived to do so. Present from Greystone were Richard Olmquist, Charles Reid and Rick Redding.

Mr. Mehta provided a handout and reviewed the revised plans, which include:

- 8 duplex townhouses, approximately 2,484 sq. feet each, with 3 or 4 bedrooms, 2 ½ baths, full basement and detached garage.
- 80 market rate two-bedroom condominiums (15 would be 1,600 sq. ft., 15 would be 1,575 sq. ft., and 50 would be 1,200 sq. feet), each with 100 sq. ft. of dedicated storage space in the basement.
- 10 COAH affordable condominiums, each 1,200 sq. ft. COAH advises a mix of one-, two- and three-bedroom units; therefore, the plan includes two 1 BR units, six 2 BR units and two 3 BR units. Each would have 100 sq. ft. of dedicated storage space in the basement.
- 13,900 sq. ft. of office space.
- A fitness center, restaurant, residents' club room, on-site parking, courtyard and walkways.
- An optional retail/office building adjacent to Borough Hall. 6,300 sq. ft. of office space on the second floor of the building would be offered to the Borough for its use at no charge. The space would be a "shell" and the Borough would be responsible for improvements to that space; however, the developer would contribute \$50,000 toward that purpose. The ground floor of the building would be sold or rented as retail condominiums.

The proposal presented called for a PILOT tax abatement program of at least five years.

Following the presentation, Mayor Patten opened the floor to questions from the governing body, boards, commissions and public. In responding to various questions, Mr. Mehta stated that:

- Solar power will be optional. Previously, it was standard, but adding the COAH units changes things somewhat. He said that they originally understood that they would be able to sell the COAH units for \$175,000, but Mr. Redding has informed them that their price cannot exceed \$79,000. In order to recoup that cost, some things that were previously standard were made optional, such as solar power and granite countertops.
- The average price of the market rate condominiums will be "around \$295,000." Price may vary depending on location within the development. Townhouses would be priced in the \$400,000 range. The strategy will be to offer upscale units with just a few options.
- COAH units may have some slight differences in interior details, but would otherwise be comparable to the market rate units. The Borough could opt to have the COAH units built off-site; however, the 2005 Council agreed that on-site units would be preferable for the Borough.

- The Borough would determine whether or not to have retail frontage on North Main Street with second floor municipal office space.
- Timeline to completion is “around two years.” Local contractors would be invited to bid on the work, and qualifications and cost will be key factors in their selection. The eight townhouses would be completed first, followed by the 15 first floor condominiums. The next phase would include the office building and second and third floor condominium units. It is possible that the Main Street retail/municipal office space, if approved, would be completed during the second phase of the project. Phasing, Mr. Mehta said, would be dependent on cash flow; one phase will fund the next.
- Although this plan still includes more units than specified in the Borough’s adopted redevelopment plan, the overall density has been reduced. What was previously allocated as office space is now slated to become residential instead, which will result in less traffic and require less parking area. It opens the possibility for a courtyard. Ms. Roberts estimated that the office space which was eliminated would have required a maximum of about 135 parking spaces. By comparison, the 18 additional residences (above the 80 specified in the adopted redevelopment plan) will require about 36 spaces, reducing the overall parking requirement by about 100 spaces. She said that it may be possible under the new plan to include some green spaces. In total, 27,800 square feet of office space was eliminated.
- It will be up to the Borough and its professionals to determine whether the project would utilize the exit onto Stockton Street. Ms. Roberts stated that this may not be necessary given the new design, and Councilman Quattrone said that he would prefer it be used for emergency purposes only.
- Under the Third Round Rules, COAH unit owners would pay the same association fee as other owners; however, that would be taken into consideration when pricing those units. The price and resulting mortgage payment would be reduced sufficiently to accommodate the association fee.
- To visualize how the renovated Mill will look, one can view the Toll Brothers project in Hoboken where a paper mill was renovated to housing. (This project did not involve ITN or Greystone.)
- Greystone is still the lead developer for this project, and is requesting to be named as Redeveloper. ITN has an agreement with Greystone that could result in a joint venture to do either the entire complex or a part of it.
- Age-restricted COAH units could not be incorporated into the development unless the entire development was age-restricted.
- The proposed five-year tax abatement is necessary to the success of the project, and benefits the developer, homeowners and the Borough. Edward McManimon, Bond Counsel for the Borough, explained that, in the short term, all tax revenue would be retained by the Borough. At the end of the abatement period, the property would be fully taxed. This arrangement enables buyers to pay less in taxes for the first few years, and the Borough to receive more. At present, he said, the Borough receives \$11,000 per year in tax revenue from this property. Under the PILOT, the Borough’s annual revenue would jump to an estimated \$470,000, about \$250,000 more than under full taxation at the end of the period. During the abatement period, the schools would receive no more or no less than they are currently getting, unless the Borough opted to enter into an agreement with the Board of Education to share the PILOT revenues. The tax abatement stays with the property itself, and transfers with it in the event of a change in ownership. The PILOT applies to improvements only. Land would remain fully taxed. Mr. Mehta estimated the total equalized value of the project at \$30 million.

- The developer maintains its commitment to including the Borough's Greenway in its plans.
- There is no retention basin included in the plans, as that facility will be primarily underground.
- Mr. McManimon pointed out that Greystone owns this property or an interest in it. In order to seek another developer, the Borough would have to acquire the property from Greystone through either negotiation or the process of eminent domain.
- A plan has been submitted to NJDEP for environmental clean up and all DEP requirements will be met.
- The \$50,000 contribution to the Borough for renovations to the second floor office space was "generated from discussions with the Borough" and is "negotiable." Mayor Patten noted that some of the additional tax revenues received by the Borough during the PILOT period could be used for this purpose.

Resident Susan Bottino noted that the impact on the school district must take into consideration not only the population of the proposed new homes (which, in itself, may have a minimal impact) but also the population that could be moving into homes within the Borough which may be vacated if those owners move to the new units.

Mike Theokas of Theo's Lakeside Tavern strongly urged the Mayor and Council to "get going on this project," noting that this developer is willing to do the project and has invested substantial time, money and resources in it, and "no one else has stepped up to the plate." Right now, he said, "what we have is an empty building."

Eugene Sarafin said that he "loves the plan," and asked if the developer would consider putting in a parking garage if the Borough participated in that. Mr. Mehta could not respond on Greystone's behalf.

Phyllis Deal asked why the new or redeveloped municipal facility included in our redevelopment plan is not included in this proposal. Mr. McManimon stated that there have been many months of negotiation and discussions with this developer, and it became clear that this would not be possible unless 120 units could be built. That number of units was unacceptable to the Borough. COAH units were a priority with the Borough, he said, and in balancing it all, this is where we ended up. "You come up against the reality of doing a real project," he said. "... You can't get 10 COAH units and 80 market rate units and a build out of this site. The economics just don't work."

Rose Colon of the *Trenton Times* asked who would own the renovated municipal building (where the bottom floor would be retail space and municipal offices would occupy the second floor). Although the developers' handout stated that "Borough subdivides and transfers title to the Developer for no charge," Mr. Mehta said that this process would be guided by the Borough's professionals. Mr. McManimon stated that the Borough would retain ownership of the property, and for one dollar, the developer would obtain a long term leasehold interest. In that event, the leased area could be taxable to the leaseholder. This would need to be worked out with our Tax Assessor.

Mayor Patten stated that this process has involved many Borough officials and professionals. Now, he said, the redevelopment subcommittee will "look at all this data and see where we go from here." At this time, he declared a brief recess.

Upon reconvening:

Motion: Councilman Sikorski moved that the agenda be amended to include consideration of **Resolution 2006-39**, which would authorize execution of an agreement with Greystone Mill, L.L.C., relating to the posting of funds in connection with a Small Cities Block Grant received by the Borough from the State of New Jersey

Department of Community Affairs. That motion was seconded by Council President Schneider and **unanimously approved.**

**RESOLUTION 2006-39, A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO EXECUTE AN AGREEMENT WITH GREYSTONE MILL, L.L.C., RELATING TO THE POSTING OF FUNDS IN CONNECTION WITH A SMALL CITIES BLOCK GRANT FROM THE STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS**

Mr. Raffetto explained that this agreement would memorialize an understanding with the developer regarding their provision of the \$35,000 matching funds requirement for the Small Cities grant received by the Borough for streetscape improvements in the redevelopment area (Bank Street and North Main Street). The work funded by this grant will facilitate and benefit whomever is ultimately designated as redeveloper, he said, and Greystone has come forward with a check to the Borough in this amount in their possession. This agreement would require that, if Greystone is not designated as redeveloper by March 20, 2006, the Borough would return these funds and then seek them from whomever is ultimately designated. In the meantime, they would be placed in escrow and not used until a designation is made. He added that the Borough has adopted a bond ordinance which provides for the \$35,000 in matching funds, so our obligation with respect to the State has been met; however, this funding from Greystone, if accepted, will assist in paying down those amounts.

The agreement presented for approval was as follows:

AGREEMENT

This Agreement is made this 17th day of January, 2006 by and between the Borough of Hightstown, a municipal corporation of the State of New Jersey, having its offices at 148 North Main Street, Hightstown, New Jersey (the "Borough") and Greystone Mill, L.L.C., a limited liability company organized under the laws of the State of New Jersey, having its offices located at 920 Matsonford Road, West Conshohocken, Pennsylvania 19428 ("Greystone"), regarding the Bank Street Redevelopment Project.

WITNESSETH

WHEREAS, in anticipation that the Borough will select Greystone as the redeveloper of the Bank Street Redevelopment Project (the "Project"), Greystone has deposited the sum of thirty-five thousand dollars (\$35,000.00) with the Borough, which is intended to be used as the Borough's required "matching" amount toward a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs under its Small Cities PF Streetscape grant program; and

WHEREAS, the parties recognize that the Borough is under no obligation to select Greystone as the redeveloper of Project, and that the Borough is still undertaking its due diligence in anticipation of naming a redeveloper for the Project, which may or may not be Greystone.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties hereto do hereby covenant and agree with each other that, in the event that the Borough does not select Greystone as the redeveloper for the Project on or before March 20, 2006, the Borough shall reimburse Greystone for the thirty-five thousand dollar (\$35,000.00) "matching" amount. Such reimbursement shall be made as soon as reasonably practicable by the Borough following said determination, with action to be taken by the Borough Council to authorize said reimbursement at the next regularly scheduled Borough Council meeting following such determination.

Discussion ensued.

Councilman Quattrone stated that he finds it hard to make a decision without first seeing the feasibility study commissioned from Peter Sockler.

Councilman Sikorski stated that it would be to the Borough's advantage to proceed with this. "Greystone has paid the taxes and interest on this property," he said, "and a \$10,000 contribution to the escrow fund to continue our meetings to review this." He noted that the Borough still has the option *not* to name them as redeveloper, in which case the funds would be returned to them.

Chief Financial Officer George Lang agreed that it would be in the Borough's best interest to accept the funding at this time. "Right now," he said, "the Borough's share is just 'debt authorized.' There is no cash behind that."

Mayor Patten stated, "We're the ones who would benefit. If they're not designated, they get their money back and we're back to where we are right now."

Council President Schneider pointed out that Greystone arrived with this \$35,000 check in hand because the Borough (and he specifically) requested it. "We asked that every dollar that they *might* owe us be in our hands before continuing our discussions. At our request, they showed up with \$35,000 towards our matching grant. Our other option is to send them back with their money. That doesn't increase my personal comfort level." The \$35,000, he said, would be deposited now as opposed to later. "We don't want any outstanding dollars coming from Greystone," he said. "We want it now."

Councilman Thompson stated that there seems to be nothing gained or lost either way and that he would be more interested in accepting only what is contractually owed to us at this point.

Councilman Sikorski pointed out that, other than the Mayor, he is the only member of the governing body who has attended all of the subcommittee meetings. He expressed agreement with Council President Schneider's comments and said, "In the process of negotiation, there is a give and take. It is not always clear cut and easy, and the public sometimes gets impatient and wants a clear cut decision. ... The presentation tonight was met with very little opposition from the public." Mr. Sikorski said that, as a sign of good faith, the developer is willing to provide that \$35,000 provided that they have some assurance that it would be returned to them if they were not designated as redeveloper. He estimated that Greystone has paid, through its escrow, close to \$167,000 to Borough professionals for their work to date, as well as paying their own professionals. "I would advocate approving this, even on short notice," he said. "It protects the Borough's interest and gives us until the 20th of March to reach some kind of understanding. I think we'd be ready to take final action by then."

Following a final review by Mr. Raffetto of the terms of the Resolution (which would be considered as a verbal Resolution and reduced later to writing), Resolution 2006-39 was moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolution DEFEATED, 4-2.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, stated that he is angered by the fact that a new tax map has not yet been submitted relative to revaluation. He stated that the Borough's water-sewer rate is twice that of East Windsor's and that we can't afford our sewer plant. He claimed that \$800,000 of the water-sewer budget is a "flush tax" and said that there

should be a minimum water/sewer bill of \$150.00 to cover fixed costs. He accused the Borough of having "hidden agendas," and asked why we are not revaluing.

No one else came forward and the floor was closed.

ENGINEERING ITEMS

RESOLUTION 2006-23, AUTHORIZING PAYMENT NO. 5, CHANGE ORDER NO. 2 AND FINAL – CROSSROAD CONSTRUCTION, INC. (SECOND AVENUE RECONSTRUCTION)

Ms. Roberts reviewed the provisions of Resolution 2006-23, noting that it calls for a negative change order, and for final payment to be made in two checks, one to the contractor and the second to a subcontractor. All parties have agreed to this, she said, and she recommended approval of the Resolution. Mr. Raffetto noted that the contractor and subcontractor will be signing a release that will protect the Borough against any further claims.

Councilman Quattrone noted that he visited the site to check on ponding at the corner of Second Avenue and Center Street, and that problem seems to have been resolved. He thanked Ms. Roberts for her work on that.

Resolution 2006-23 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 2006-23 AUTHORIZING PAYMENT NO. 5 AND FINAL AND CHANGE ORDER NO. 2 AND FINAL - CROSS ROAD CONSTRUCTION, INC. (RECONSTRUCTION OF SECOND AVENUE, R&R FILE NO. H1725)

WHEREAS, in December 2003, the Borough Council awarded a contract for the reconstruction of Second Avenue to Cross Road Construction of Newark, New Jersey, in the amount of Three Hundred Nine Thousand Seven Hundred Eighty Five (\$309,785.00) Dollars, and has approved one change order thereto in the amount of \$2,306.95, bringing the total contract price to Three Hundred and Twelve Thousand Ninety-One Dollars and Ninety-Five Cents (\$312,091.95); and

WHEREAS the contractor has submitted Change Order No. 2 and Final to this contract in the amount of NEGATIVE Seven Thousand Two Hundred Eighty Dollars and Ninety Cents (-\$7,280.90) as detailed on the attached documentation; and

WHEREAS, the contractor has also submitted Payment Request No. 5 and Final in the amount of \$19,859.68, along with the required certified payrolls, maintenance bond and other closeout documents; and

WHEREAS, the Borough Engineer has recommended that Change Order No. 2 and Final and Payment Request No. 5 and Final be approved; and

WHEREAS, because one subcontractor on this project has not yet been paid, it is the further recommendation of the Borough Engineer that the final payment be made in the amount of \$1,813.84 to Selecto-Flash Safety and \$18,045.84 to Cross Road Construction; and

WHEREAS the Borough Attorney and Cross Road Construction are agreeable to this form of final payment;

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

1. Payment No. 5 and Final to Cross Road Construction in the amount of \$19,859.68 is hereby approved, to be paid in the amount of \$1,813.84 to Selecto-Flash Safety and \$18,045.84 to Cross Road Construction as outlined herein, and the Borough Treasurer is authorized to issue same.

2. Change Order No. 2 and Final to the contract with Cross Road Construction for the reconstruction of Second Avenue, R&R File No. H1725, in the amount of NEGATIVE Seven Thousand Two Hundred Eighty Dollars and Ninety Cents (-\$7,280.90) is hereby approved, and the Mayor is authorized to execute same.
3. By virtue of the approval of Change Order No. 2 and Final, the revised and final contract price is Three Hundred and Four Thousand Eight Hundred and Eleven Dollars and Five Cents (\$304,811.05).
4. The Second Avenue Reconstruction project is hereby accepted.
5. The Borough Clerk is authorized and directed to release the Contractor's performance guarantee in the amount of \$309,785.00.

**RESOLUTION 2006-37, AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES-
ROBERTS & REYMANN ENGINEERING, L.L.C. (STREETSCAPE IMPROVEMENTS, NORTH MAIN STREET
AND BANK STREET)**

Ms. Roberts explained that this Resolution will authorize her preparation of plans and specs for the work funded by the Borough's Small Cities Block Grant for Bank Street and North Main Street. It also includes construction inspection and administration. Discussion ensued.

Council President Schneider asked if the grant would be in jeopardy if this agreement were not approved until the following meeting. Ms. Roberts said that it would depend on the deadline to award a contract for the work itself. If we are approaching that deadline, she said, we should request an extension.

Mayor Patten asked, if the area was not being redeveloped, would the Borough want to make these improvements anyway? Ms. Roberts stated that this project would be worthwhile even without redevelopment.

Council President Schneider stated that, since there is some question as to the nature of the streetscape in front of Borough Hall, he will vote "no" on this right now, as he would not want to be budgeting money for "a sidewalk in front of a building that may no longer exist."

Ms. Gallagher noted that funds to cover this agreement were provided for in a bond ordinance adopted in 2005 for this project.

Councilman Thompson asked when the streetscape work would take place. Ms. Roberts stated that we would attempt to coordinate it with the mill's redevelopment, at least with respect to locating the driveways, etc. Approving this agreement, she said, will allow us to get the plans and specifications ready for advertisement.

Resolution 2006-37 was moved by Councilmember Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 5-1.

**RESOLUTION 2006-37 AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES -
ROBERTS & REYMANN ENGINEERING, LLC
(STREETSCAPE IMPROVEMENTS, NORTH MAIN STREET AND BANK STREET)**

WHEREAS there exists a need for construction administration services for the Borough of Hightstown relative to planned streetscape improvements to North Main Street and Bank Street, which project has been funded in part by a Small Cities grant from the State of New Jersey; and

WHEREAS Roberts & Reymann Engineering, LLC has offered to perform such services as set forth in the attached proposal dated October 4, 2005 for a total cost not to exceed \$36,800.00; and

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

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

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

WHEREAS, Roberts & Reymann, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that they are in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*); and

WHEREAS the Chief Financial Officer has certified that funding for this expenditure is available in adopted Bond Ordinance 2005-34;

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement² (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and Roberts & Reymann, LLC regarding the above-referenced professional engineering services, subject to approval of the New Jersey Department of Community Affairs.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Roberts & Reymann, LLC is a firm whose engineers are authorized by law to practice a recognized profession.
3. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
4. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Carmela Roberts, P.E., Borough Engineer
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney
6. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
7. That a notice of this action shall be printed once in the official newspaper as required by law.

² Agreement is on permanent file with the original Resolution in the office of the Borough Clerk.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2006-01,

AN ORDINANCE AUTHORIZING THE VACATION OF SHAPIRO AVENUE AND A PORTION OF WYCKOFF'S MILL ROAD WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

Mr. Raffetto reviewed the provisions of Ordinance 2006-01, and distributed maps showing the location of the area to be vacated. He noted that Bob Geiger of Robertson Douglas Group was present at the meeting to answer any questions.

Councilman Quattrone asked why this Ordinance wasn't enacted previously. Mr. Raffetto stated that, since this vacation was part of the plan approved by the Planning Board, we did not anticipate any opposition to it and we could not introduce an ordinance that would have spanned the year end.

Ordinance 2006-01 was moved for introduction by Councilmember Sikorski and seconded by Council President Schneider.

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

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-02,

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACCEPT THE RIGHT-OF-WAY DEDICATION OF WYCKOFF'S MILL ROAD, AND ASCERTAINING, ESTABLISHING AND LAYING OUT THE BOUNDARIES OF SAID RIGHT-OF-WAY AREA WITHIN THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY

Mr. Raffetto reviewed the provisions of Ordinance 2006-02 and provided maps depicting the area of the dedication.

Council President Schneider asked if this will provide the frontage needed in order to control the speed limit on Wyckoff's Mill Road. Ms. Roberts stated that, during the Planning Board process, we found that, if we performed a traffic survey, the Borough would be obligated to post the speed limit of 85th percentile of traffic traveling on that road. That could well be closer to 40 or 50 mph. Without DOT approval, the speed limit could be set at 35 mph, and that is how it is currently posted. To change it would require a traffic survey, and we'd have to live with the result. Chief Eufemia stated that he "reluctantly agreed" to the 35 mph limit because of the alternative. He added that, in order to post a roadway at 25 mph, there must be 300 feet of residential frontage for every 600 feet of roadway. We still won't have that because these homes do not front on Wyckoff's Mill Road.

Ordinance 2006-02 was then moved for introduction by Councilmember Quattrone, seconded by Councilmember Sikorski.

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

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-03,

AN ORDINANCE PROHIBITING PARKING ALONG A PORTION OF ROGERS AVENUE IN THE BOROUGH OF HIGHTSTOWN, AND AMENDING SECTION 7-13.1 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* ACCORDINGLY

Ms. Gallagher reviewed the provisions of Ordinance 2006-03, which would prohibit parking at all times on Rogers Avenue between Stockton Street and Railroad Avenue. Currently, parking is prohibited in that area between 8 a.m. and 6

p.m. The ordinance will also correct an error in our existing Code. Chief Eufemia stated that this Ordinance was prompted by safety concerns regarding traffic forced into the oncoming lane when steering around parked cars.

Ordinance 2006-03 was moved for introduction by Councilmember Quattrone and seconded by Councilmember Sikorski.

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

Ordinance introduced, 6-0.

INTRODUCTION AND FIRST READING: ORDINANCE 2006-04,

AN ORDINANCE AMENDING SECTION 7-37.1 OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN* TO MAKE VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE STOCKTON STREET MUNICIPAL PARKING LOT AND DRIVEWAYS THEREIN, AND REGULATING THE USE OF SAID DRIVEWAYS AND PARKING LOT BY MOTOR VEHICLES

Ms. Gallagher reviewed the provisions of Ordinance 2006-04, which would re-establish parking regulations in the Stockton Street municipal parking lot following its redesign. The Ordinance includes regulations regarding time limit parking, permit parking and handicapped parking, and establishes loading zones, mid-block crosswalks and a 15 mph. speed limit within the lot.

Ordinance 2006-04 was moved for introduction by Councilmember Sikorski and seconded by Councilmember Harinxma

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

Ordinance introduced, 6-0.

CONSENT AGENDA

Resolutions 2006-26, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 38 were moved by Councilmember Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions adopted, 6-0.

RESOLUTION 2006-26 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – MCMANIMON & SCOTLAND, L.L.C.

WHEREAS, there exists the need for specialized legal services relative to bonding, financial and redevelopment matters; and

WHEREAS, the firm of McManimon & Scotland, L.L.C. of Newark, New Jersey, has offered to perform these services as set forth in the agreement which is attached hereto and made a part hereof, and was appointed as Bond Counsel by resolution adopted by the Borough Council on January 1, 2006; and

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

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

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

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

WHEREAS, McManimon & Scotland, L.L.C. has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that they are in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement³ (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and McManimon & Scotland, LLC regarding the above-referenced professional legal services.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because McManimon & Scotland, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2006 budget, adopted bond ordinances and/or other available sources, including escrow funds.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Edward J. McManimon, Esq., McManimon & Scotland, LLC
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. That a notice of this action shall be printed once in the official newspaper as required by law.

**RESOLUTION 2006-28 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
MCLAUGHLIN GELSON, LLC**

WHEREAS, there exists the need for specialized municipal legal services for 2006 pertaining to labor, personnel and union matters; and

WHEREAS, Richard J. Shaklee, Esq., of the firm McLaughlin Gelson, LLC of Wall Township, New Jersey, has offered to perform such services at the rate of \$110.00 per hour, and was appointed Special Labor Counsel by resolution adopted by the Borough Council on January 1, 2006; and

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

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

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

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

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

WHEREAS, McLaughlin Gelson, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement⁴ between the Borough of Hightstown and McLaughlin Gelson, LLC regarding the above-referenced professional legal services.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because McLaughlin Gelson, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That expenditures under this Resolution shall not exceed \$15,000 without further authorization from Council.
4. That this contract is subject to and contingent upon adequate funding in the Borough's 2006 budget and/or other available sources, including escrow funds.
5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
6. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the Revised General Ordinances of the Borough of Hightstown, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Richard J. Shaklee, Esquire, Labor Counsel
 - b. Frederick C. Raffetto, Esquire, Borough Attorney
 - c. Arlene O'Rourke, Borough Treasurer
 - d. George Lang, Borough Chief Financial Officer
 - e. Candace Gallagher, Borough Administrator/Clerk
8. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
9. That a notice of this action shall be printed once in the official newspaper as required by law.

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

WHEREAS there exists a need for various professional engineering services for the Borough of Hightstown for 2006; and

WHEREAS Roberts & Reymann Engineering, LLC has offered to perform such services at the rates set forth on the attached Hourly Fee Schedule, and Carmela Roberts, P.E., was appointed Borough Engineer by resolution adopted by the Borough Council on January 1, 2006; and

WHEREAS it is anticipated that maximum engineering costs to the Borough during 2006 will be as follows:

Attendance at Borough Council meetings	\$ 4,200.00
General engineering (Planning Board)	2,000.00
Miscellaneous requests for information and data	4,500.00
Miscellaneous road and drainage issues	3,500.00
Utility operations – water	10,000.00
Utility operations – sewer	12,000.00

WHEREAS tax map maintenance and other work not specifically referenced herein will be billed as performed in accordance with the attached proposal and per diem schedule; and

WHEREAS engineering fee estimates for specific capital projects with a defined scope will be submitted for review and approval prior to performance of any service related to the project; and

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

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

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

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

WHEREAS, Roberts & Reymann, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that they are in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement⁵ (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and Roberts & Reymann, LLC regarding the above-referenced professional engineering services.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Roberts & Reymann, LLC is a firm whose engineers are authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough’s 2006 budget, adopted bond ordinances and/or other available sources, including escrow funds.

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

4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the Revised General Ordinances of the Borough of Hightstown, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Carmela Roberts, P.E., Borough Engineer
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. That a notice of this action shall be printed once in the official newspaper as required by law.

**RESOLUTION 2006-30 AUTHORIZING AGREEMENT FOR PROFESSIONAL AUDITING SERVICES -
WILLIAM E. ANTONIDES AND COMPANY**

WHEREAS, there exists a need for municipal auditing services during 2006 pertaining to the 2005 financial records of the Borough of Hightstown; and

WHEREAS, William E. Antonides, C.P.A., of the firm William E. Antonides and Company, Wall, New Jersey, has offered to perform such services, and was appointed as Borough Auditor by resolution adopted by the Borough Council on January 1, 2006; and

WHEREAS, the maximum cost for the proposed services will be \$28,000.00, as outlined in the firm's proposal dated December 14, 2005, which is attached hereto and made a part hereof; and

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

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

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

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

WHEREAS, William E. Antonides and Company has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that they are in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement⁶ (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and William E. Antonides and Company regarding the above-referenced professional auditing services.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because William E. Antonides and Company is a firm whose auditors are authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2006 budget.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. William E. Antonides, C.P.A., R.M.A., Borough Auditor
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. That a notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2006-31 AUTHORIZING A TRANSFER OF FUNDS IN THE 2005 BUDGET

WHEREAS, N.J.S.A 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the succeeding fiscal year;

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

		FROM:	TO:
Recycling	Other Expenses	1,769.00	
Maintenance of Parks	Other Expenses	300.00	
Public Buildings & Grounds	Other Expenses		2,069.00
TOTAL		2,069.00	2,069.00

**RESOLUTION 2006-32 AUTHORIZING AGREEMENT FOR RANDOM CDL ALCOHOL AND DRUG TESTING PROGRAM –
COMMERCE RISK CONTROL SERVICES**

WHEREAS, there exists a need for an alcohol and controlled substances program for CDL drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40 for the year 2006; and

WHEREAS, it is the desire of the Mayor and Council to retain Commerce Risk Control Services to perform this service at the cost of \$61.25 per CDL holder or other participant, plus any applicable other costs as outlined in the Agreement which is attached hereto and made a part hereof;

⁶ Agreement is on permanent file with the original Resolution in the office of the Borough Clerk.

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

1. The agreement with Commerce Risk Control Services for provision of a CDL Alcohol and Controlled Substances Program for the period January 1, 2006 through December 31, 2006, which agreement is attached hereto and made a part hereof⁷, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. Performance under this contract is subject to the availability of sufficient funds in the 2006 budget.

**RESOLUTION 2006-33 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-159 TO
HIGHTSTOWN–EAST WINDSOR LIONS CLUB**

WHEREAS, the Hightstown–East Windsor Lions Club wishes to hold an off-premise 50/50 raffle at the Hightstown Fire House on June 4, 2006; and

WHEREAS, the group has submitted application number RA-159 for this raffle, together with the required fees; and

WHEREAS the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-8-12827, which registration expires on December 31, 2007; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-159 to the Hightstown–East Windsor Lions Club for their raffle to be held on June 4, 2006.

**RESOLUTION 2006-34 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-160 TO
LADIES AUXILIARY, HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, the Ladies Auxiliary of Hightstown Engine Co. No. 1 wishes to hold an on-premise 50/50 raffle at the Hightstown Firehouse on March 3, 2006; and

WHEREAS, the group has submitted application number RA-160 for this raffle; and

WHEREAS no fee is due because the anticipated proceeds from the raffle are less than \$400.00; and

WHEREAS the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-9-27140, which registration expires on December 31, 2007; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-160 to the Hightstown Engine Co. No. 1 Ladies Auxiliary for their raffle to be held on March 3, 2006.

RESOLUTION 2006-35 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS duplicate payments were received by the Borough for taxes on property located at 149 Lincoln Avenue (Block 9, Lot 77) resulting in an overpayment on the account of \$1,149.36; and

WHEREAS the Tax Collector has requested permission to refund the amount of the overpayment to LSI Tax Services, 3100 New York Drive, Suite 100, Pasadena, CA, 91107;

⁷ Agreement is on permanent file with the original Resolution in the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Treasurer is hereby authorized to refund to LSI Tax Services the amount of \$1,149.36 as set forth herein.

RESOLUTION 2006-36 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 **\$380,313.69** from the following accounts:

Current	\$ 175,526.33
W/S Operating	63,914.37
General Capital	110,305.83
W/S Capital	2,375.27
Animal Control	85.84
Trust	2,762.16
Public Defender	247.73
Tax Collector Lien Trust	17,587.24
Grant	365.73
Escrow-Subdivision & Site Plan (First Washington Bank)	6,080.43
Unemployment Trust	41.72
General Capital Investment	1,021.04
Total	<u>\$ 380,313.69</u>

RESOLUTION 2006-38 AUTHORIZING LICENSING OF ADDITIONAL VEHICLES – MEGA TAXI

WHEREAS on December 29, 2005, a Taxicab Owner's License for 2006 was issued to Cesar Guzhnay of Mega Taxi for two vehicles owned by the firm; and

WHEREAS the Resolution inadvertently omitted two additional vehicles owned by the firm, for which licenses were applied and paid for by Mr. Guzhnay; and

WHEREAS licensing of the two additional vehicles has been approved by the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to amend the Taxicab Owners' License held by Cesar Guzhnay (Mega Taxi) to include a TOTAL of FOUR vehicles, as follows:

Vehicle Description	VIN #
1996 Ford Crown Victoria	22FALP71W5TX967924
2000 Ford Crown Victoria	12FAFP71W1YX110253
1998 Ford Crown Victoria	2FAFP71W4WX145947
1997 Nissan Pathfinder	JN8AR05Y9VW169130

UNFINISHED BUSINESS

ESTABLISHING DATE FOR PUBLIC HEARING ON VERIZON'S APPLICATION FOR MUNICIPAL CONSENT TO OPERATE A CABLE TELEVISION SERVICE

Ms. Gallagher noted that Verizon's filing with the Borough of an Application for Municipal Consent to Operate a Cable Television Service has set a timeline into motion, and the Borough must hold a public hearing on the application no later than March 13. It must be advertised at least 45 days ahead of time. She recommended that the hearing be scheduled for March 6. Council discussed this and expressed their wish that it be held as part of, rather than prior to, the regular meeting scheduled for that date. It was agreed that the public hearing will be held at 7 p.m. on March 6, 2006.

NEW BUSINESS

ESTABLISHING BUDGET MEETING DATES

It was discussed and agreed that the first two budget meetings would be held on Tuesday, January 31 and Tuesday, February 7, 2006, beginning at 7:00 p.m.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Sikorski reported that he attended the most recent meetings of the Board of Health and the Planning Board, and that he meets weekly with Harry Wetterskog to review housing issues. He is continuing his review of information regarding Greystone.

Councilmember Quattrone reported that the First Aid Squad has not met yet in 2006. He met with Mr. Blake to discuss garbage collection, and has asked him to determine what it would cost in order to bring that service back in house. He would like to see if this may be less expensive than going out to public bid, he said. Mr. Quattrone also reported that he has introduced Councilmember Harinxma to the Parks and Recreation Commission, and Councilmember Rosenberg to the Environmental Commission.

Council President Schneider noted receipt of the Police Report for 2005, which shows that the department answered over 10,000 calls for service and issued 3,098 motor vehicle summons, including 52 drunk driving summonses. There were 182 accidents, 229 vehicles towed, 337 criminal arrests and 679 investigations. The department continues its effort, he said, "to be visible and responsive to the needs of the community." Mr. Schneider said that he plans to meet with Chief Eufemia during the coming week.

Councilmember Harinxma reported her attendance at the first meeting of the Parks and Recreation Commission, where they discussed new ideas for recreational activities, a special summer event, their budget and fundraising ideas. She noted that a recent inspection of our parks by the Joint Insurance Fund revealed that all equipment is in compliance, in safe condition and being properly utilized.

Councilmember Rosenberg reported that he attended the Environmental Commission's first meeting in 2006, where Roger Cook was reappointed as Chair, David Zaiser was appointed as Vice Chair and Cappy Stults as Secretary. The Commission's goals, he said, include a street tree planting initiative, completion of the Greenways project, lake and stream pollution monitoring, noise pollution control and enhancing community awareness of the Environmental Commission. He has proposed an initiative to create a task force associated with the Commission to work with the community in various ways, including soliciting volunteers to make the town more visually appealing, environmentally friendly and inviting for all.

Chief Eufemia thanked the Mayor and Council for recognizing the need to hire a police officer to replace Lt. Brian Rossi, who retired at the end of 2005. Ptl. Flores, he said, is an "enthusiastic young man" whose enthusiasm is contagious.

Mayor Patten noted that every new Council has adopted a Resolution to support a State Constitutional Convention for Property Tax Reform, and he would like to include a Resolution on the next meeting's agenda to express the support of this Council. There were no objections, and a Resolution will be placed on the February 6 meeting agenda.

The Mayor further reported that the Economic Development Committee is "up and running," and, last week, several members participated in Mercer County's Economic Development Summit, bringing along displays and information about Hightstown. At that Summit, he participated in a panel discussion regarding environmental and redevelopment planning. He noted that the Committee's next meeting would be held the following night and is open to the public.

Mayor Patten further reported that the Planning Board has approved the construction of two duplexes on South Academy Street, where two shacks will be demolished. This will enhance the whole neighborhood, he said, and is overdue. Also approved was construction of four homes on a new cul-de-sac to be located off of East Ward Street at the Turco residence. The existing home will be demolished. The Mayor also reported that he attended the swearing in ceremony for Assemblyman Michael Panter and Assemblywoman Jennifer Beck, as well as an Eagle Scout ceremony and a dinner of the Hightstown-East Windsor Historical Society. He advised Council members that it is not necessary for them to attend each meeting of the Board or Commission for which they serve as liaisons, but rather to maintain a connection with what is going on.

Lastly, Mayor Patten suggested that, during the coming year, the Borough Administrator arrange for the chair of each Board and Commission, as well as each Department Head, to address Council at a public meeting to report what is going on in his or her department or board/commission.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, objected to the fact that he was not given an opportunity to question the auditor regarding the Borough's 2004 audit, presented earlier in the meeting. He further objected to the presence of a uniformed police officer at the January 1st Reorganization Meeting. As Mr. Sarafin became more agitated, he called the governing body "motherf***ers" and stepped out from behind the podium. Chief Eufemia immediately stood and confronted him. After a brief dialogue, the Chief took his seat and Mr. Sarafin continued speaking. He objected to being given only three minutes to speak, which he called "selective speech" and a violation of the Open Public Meetings Act. He referred to that as "corrupt."

Mayor Patten noted that, on New Year's Day, Officer Chenoweth was present with his knowledge in order to represent the Police Department, as Chief Eufemia was not available. "It was public relations," he said. "There's no need to make a negative out of it."

Torry Watkins, 68 Meadow Drive, stated that the officer in attendance on New Year's Day "did stand with a cap, looking on duty." He went on to address Council regarding solid waste collection. He said that the Solid Waste Committee appointed on New Year's Day should have included residents of the community. Two of the staff members who are on that committee, he said, don't live in the Borough. He questioned the committee's "commitment to cost savings and efficiency," saying that they have "vested insider interests." He recalled that this issue "was hashed over thoroughly in the '90s," when a one-armed bandit truck was proposed that would have required homeowners to use special containers for placement of their trash. These decisions, he said, should be considered by a citizens' committee, and not just staff members. He closed by saying that the object in privatizing garbage collection was to reduce staffing in the Public Works department.

No one else came forward and the floor was closed.

EXECUTIVE SESSION

The Borough Clerk read aloud **Resolution 2006-21**, authorizing a closed session for the purpose of discussing contract negotiations, personnel and tax appeal litigation. The Resolution was moved by Councilmember Sikorski and seconded by Councilmember Harinxma.

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

Resolution adopted, 6-0.

RESOLUTION 2006-21 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 January 17, 2006 at approximately 10:40 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 – Professional Legal Services

Personnel

Tax Appeal Litigation – Hightstown Development Associates

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: April 17, 2006 or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, **Resolution 2006-27** was moved by Councilmember Sikorski and seconded by Council President Schneider.

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

Resolution adopted, 5-0-1.

RESOLUTION 2006-27 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – FREDERICK C. RAFFETTO, ESQ.

WHEREAS, there exists the need for professional legal services for 2006 pertaining to general municipal, water and sewer, redevelopment and litigation/union matters; and

WHEREAS, Frederick C. Raffetto, Esq., of the firm Ansell Zaro Grimm & Aaron, 1500 Lawrence Avenue, Ocean, New Jersey, was appointed Borough Attorney by resolution adopted by the Borough Council on January 1, 2006 and has offered to perform such services as outlined in the agreement which is attached hereto and made a part hereof; and

WHEREAS, by the terms of this agreement, matters relating to redevelopment which are chargeable to the redeveloper shall be billed at the rate of \$175.00 per hour; and

WHEREAS, all other services will be billed as follows:

Attendance at Council meetings	\$110.00 per hour; maximum \$375 per meeting
General services by flat fee (retainer)	\$23,000 per year
Other legal services:	
Attorney	\$110.00 per hour
Paralegal	\$55.00 per hour

; and

WHEREAS, it is presently anticipated that the maximum costs for legal services other than redevelopment issues, general matters and attendance at Council meetings are as follows:

Litigation	\$12,500.00
Personnel and Union Matters	\$1,500.00
Water and Sewer Matters	
Water	\$2,500.00
Sewer	\$2,500.00

; and

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

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

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

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

WHEREAS, Ansell, Zaro, Grimm & Aaron has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement⁸ between the Borough of Hightstown and Frederick Raffetto, Esq. regarding the above-referenced professional legal services.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Ansell, Zaro, Grimm & Aaron is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2006 budget and/or other available sources, including escrow funds.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.

⁸ Agreement is on permanent file with the original Resolution in the office of the Borough Clerk.

6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Frederick C. Raffetto, Esquire, Borough Attorney
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. That a notice of this action shall be printed once in the official newspaper as required by law.

Adjournment was moved by Councilmember Sikorski, seconded by Councilmember Harinxma and unanimously approved. The meeting was adjourned 11:20 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk