

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; James M. Eufemia, Chief of Police and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Deleted from the agenda and postponed to February 5, 2007 were the introductions and first readings for bond ordinances #2007-01 and #2007-02, which would fund road reconstruction and utility work on Morrison Avenue and Outcalt Street. Added under New Business at the request of Council President Sikorski was a discussion regarding the appointment process. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Rosenberger and unanimously approved.

APPROVAL OF MINUTES

Following correction of a typographical error, the minutes of the December 12, 2006 special meeting as well as minutes of the December 18, 2006 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Harinxma and approved by all.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Chris Moraitis, 237 Rogers Avenue, stated that he was there "to support a consistent approach" to the process of appointing members of committees and boards. He said that, although he was not selected to serve and believes that the appointees are generally qualified, the most disappointing part of that experience was "being told that I should watch

my affiliations.” He said that a “more collaborative process would be less divisive, and promote the sustainability of visions within the community that don’t exclusively hinge on Mayoral results.” He suggested that the Borough’s ordinances regarding appointments to the Planning Board, Parks & Recreation Commission and Historic Preservation Commission be amended to require the approval of Council for appointments.

Phyllis Deal, 305 Stockton Street, said that she was concerned about the possibility of “sweeping changes regarding the historic preservation area” and that it may become a “cumbersome and lengthy process” if she wants to make changes to her property. She noted that hers was only the third house on Stockton Street “to be anything but white with black shutters” and she installed siding because she “can’t afford to paint every few years.” She added that other homes on Stockton Street have siding as well, and the house next door to her had a porch until 1929 or 1930. “Are you going to make them put that porch back on?” she asked.

Jeffrey Bond, 210 South Main Street, stated that “the tenor recently has been to save money wherever you can ... you all campaigned on that,” and he urged Council to give a “very fair hearing” to the proposal to purchase a one-armed bandit garbage truck and begin collecting garbage in house once again. “People have said ‘think outside the box ... look for every way to save’” he said, “and this may be a very good idea.” He said that he has not made up his mind about this yet, and added “I hope that my colleagues don’t come up before hearing all the facts and presentations to shoot it out of the water.”

Pete Klapsogearge, 418 North Main Street, agreed with Mr. Bond and recalled that years ago, Council found that it would save money to go this route, but “it was shot down by a few people.” Mr. Klapsogearge also referred to an email he sent to the Mayor and Council recently about property maintenance and housing issues, and said that he was disappointed that the only response he received was from the Mayor’s wife. He said that if he does not hear from others within the next week, “I’ll assume that it is acceptable, and this is what we want.” He invited members of the governing body to stop by his house so that he could show them the problems firsthand, and added that he is having a hard time selling his mother’s home due to “what’s going on across the street.” He asked who can be held accountable for the problems, and said that “no one seems to care.” Mayor Patten noted that he had sent Mr. Klapsogearge two emails in response to these issues.

Eugene Sarafin, 600-628 South Main Street, asked if Mr. Klapsogearge’s email would be shared with the public. Ms. Gallagher replied that it has been placed in the Borough’s correspondence file. Mr. Sarafin went on to address the possible purchase of a garbage truck, and said that the analysis to be presented at this meeting is “bulls**t” because he feels it should include the cost of the Borough’s first garbage truck. He asked what would happen if the truck broke down or if the operator was out sick. Mr. Sarafin also strenuously objected to comments attributed to Ms. Gallagher in a recent *Trenton Times* article regarding consolidation, wherein she was quoted as saying that consolidation requires approval by the voters of both towns, that there is a danger in assuming it would offer an instant and lasting solution to high taxes, and that she would urge residents to participate in the process by letting their governing bodies know how they feel about the issue.

Chris Emigholz, 148 South Street, stated that diversity is one of his favorite things – different types, races, perspectives and political affiliations – “diversity brings a lot of people who have a lot of priorities that are not always the same,” he said. “The Mayor does a fantastic job appreciating diversity. Not everyone gets what they want, and it is not always partisan.” He said that diversity is good and should be encouraged. “It is sometimes cumbersome,” he said, “but it’s why I want to be here, and why I like what the Mayor does and a lot of what Council does.”

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTION 2007-20, A RESOLUTION AUTHORIZING THE EXECUTION OF A TRANSPORTATION ENHANCEMENT AGREEMENT (NO. 2006-DT-BLA-306) WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MERCER STREET DOWNTOWN REVITALIZATION PHASE 3 PROJECT

Following a brief review by Ms. Roberts, Resolution 2007-20 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-20 A RESOLUTION AUTHORIZING THE EXECUTION OF A TRANSPORTATION ENHANCEMENT AGREEMENT (NO. 2006-DT-BLA-306) WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MERCER STREET DOWNTOWN REVITALIZATION PHASE 3 PROJECT

WHEREAS, the State of New Jersey, Department of Transportation ("NJDOT") has prepared and forwarded to the Borough of Hightstown (the "Borough") an Agreement (the "Agreement") for the Mercer Street Downtown Revitalization Phase 3 Project (the "Project"), pursuant to the Federal Highway Administration and State NJDOT Transportation Enhancement Program; and

WHEREAS, under said Agreement, the Borough shall be entitled to receive \$310,000.00 in enhancement program funds to finance the improvements to Mercer Street in connection with the Project; and

WHEREAS, a copy of the Agreement is attached hereto and made a part hereof; and

WHEREAS, it is the desire of the Hightstown Borough Council to authorize the execution of the Agreement by the Mayor and Borough Clerk, on behalf of the Borough; and

WHEREAS, the Agreement has been deemed satisfactory by the Borough Attorney and Borough Engineer;

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

1. That the Borough is hereby authorized to enter into the attached Agreement with the NJDOT for the Mercer Street Downtown Revitalization Phase 3 Project.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the Agreement on behalf of the Borough.
3. That all Borough officials are hereby authorized and directed to take all actions that are necessary in furtherance of the said Agreement.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Candace Gallagher, Business Administrator/Clerk
 - b. Carmela Roberts, P.E., Borough Engineer
 - c. Frederick C. Raffetto, Esq., Borough Attorney

RESOLUTION 2007-21, AUTHORIZING PAYMENT NO. 3 AND FINAL – JONICO, INC. (GRANT AVENUE DRAINAGE IMPROVEMENTS)

Following a brief review by Ms. Roberts, Resolution 2007-21 was moved by Council President Sikorski and seconded by Councilmember Thompson.

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

Resolution adopted, 6-0.

RESOLUTION 2007-21 AUTHORIZING PAYMENT NO. 3 AND FINAL – 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, on December 4, 2006, Change Order No. 1 and Final to this contract was approved in the net amount of NEGATIVE \$720.00, bringing the total contract price to Twenty Thousand One Hundred and Thirty (\$20,130.00) Dollars; and

WHEREAS, the contractor has submitted Payment Request No. 3 and Final for work done in the total amount of \$402.60, together with a one-year guarantee of the work completed; and

WHEREAS, the required certified payrolls have been submitted to the Borough; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 3 and Final and acceptance of this project;

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

1. Payment Request No. 3 and Final by Jonico, Inc. in the amount of \$402.60 is hereby approved, and the Treasurer is authorized to issue same.
2. The Grant Avenue Drainage Improvements project is hereby accepted.

RESOLUTION 2007-22, AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE AND AMOUNTS
REMAINING IN ESCROW – PEDDIE SCHOOL (ETRA ROAD FENCE)

Following a brief review by Ms. Roberts, Resolution 2007-22 was moved by Council President Sikorski and seconded by Councilmember Harinxma.

Councilman Quattrone noted that this was “one fine piece of workmanship” that enhances our town.

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

Resolution adopted, 6-0.

RESOLUTION 2007-22 AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE AND
AMOUNTS REMAINING IN ESCROW – PEDDIE SCHOOL (ETRA ROAD FENCE)

WHEREAS the Peddie School has posted a maintenance guarantee in the amount of \$8,397.10 and maintained an inspection escrow account with the Borough for their Etra Road Fence project; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the maintenance bond and remaining escrow funds, subject to payment of any outstanding fees;

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

1. The Borough Clerk is authorized and directed to release to the Peddie School the maintenance bond in the amount of \$8,397.10 held relative to their Etra Road Fence project, as detailed herein.
2. The Treasurer is authorized and directed to release to the Peddie School all amounts remaining in their escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.

3. A certified copy of this Resolution shall be provided to the following:
 - a. Charles Galbraith, Business Administrator, The Peddie School
 - b. Arlene O'Rourke, Treasurer
 - c. Jennifer Watson, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

**RESOLUTION 2007-23, AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE – ROBERTSON
DOUGLAS GROUP (ENCHANTMENT AT HIGHTSTOWN)**

Following a brief review by Ms. Roberts, Resolution 2007-23 was moved by Council President Sikorski and seconded by Councilmember Thompson.

Councilmember Sikorski asked if there is a deadline for this developer to complete punchlist items. "Not as long as we hold the bond," Ms. Roberts replied. She said that she feels comfortable releasing this portion of the performance guarantee, and this is in accordance with the requirements of the Municipal Land Use Law. The water, sanitary sewer and stormwater systems are in, she said, and the largest outstanding items are curbing, sidewalk and paving. One million dollars is adequate to cover this, she said, and building construction would not be the Borough's responsibility. She added that nearly 30 percent of the homes have been constructed.

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

Resolution adopted, 6-0.

**RESOLUTION 2007-23 AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE – ROBERTSON DOUGLAS
GROUP (ENCHANTMENT AT HIGHTSTOWN)**

WHEREAS in November 2004, the Robertson Douglas Group posted a performance guarantee in the amount of \$3,674,593.32 relative to their Planning Board application for Enchantment at Hightstown; and

WHEREAS the Robertson Douglas Group has requested a reduction in the amount of the posted guarantee; and

WHEREAS the Borough Engineer has inspected the improvements and has determined that it would be appropriate for the Borough to release a portion 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	\$ 3,307,134.00	\$ 2,351,437.14	\$ 955,696.86
Cash portion	367,459.32	261,270.78	106,188.54
TOTAL	\$ 3,674,593.32	\$ 2,612,707.92	\$1,061,885.40

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 the Robertson Douglas Group the amount of \$261,270.78, 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 The Robertson Douglas Group to \$955,696.86, or to effect the replacement of said bond with a new bond in the reduced amount.
3. The balance remaining of \$1,061,885.40, 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.

RESOLUTION 2007-24, AWARDING CONTRACT FOR PROVISION OF MAGNESIUM HYDROXIDE

Following a brief review by Ms. Roberts, Resolution 2007-24 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-24 AWARDING CONTRACT FOR MAGNESIUM HYDROXIDE - ARIES CHEMICAL, INC.

WHEREAS, one (1) bid was received on January 4, 2007, for the provision of magnesium hydroxide for the approximate two-year period running through December 31, 2008; and

WHEREAS, the Borough Engineer has recommended the award of the contract to the low bidder, Aries Chemical, Inc. of Beaver Falls, New York; and

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

WHEREAS, the Chief Financial Officer has certified the extent to which funding for this expenditure is available in the 2007 temporary budget;

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

1. The contract for provision of magnesium hydroxide for the approximate two-year period running through December 31, 2008, is hereby awarded to Aries Chemical, Inc. of Beaver Falls, New York, for the unit price of \$2.10/gallon and a total amount not to exceed One Hundred and Three Thousand Three Hundred and Twenty (\$103,320.00) Dollars.
2. The Mayor and Clerk are hereby authorized to execute an agreement with Aries Chemical, Inc., subject to approval of the Borough Attorney.
3. Performance under this contract beyond March 31, 2007 is contingent upon provision of adequate funds in the Borough's 2007 and 2008 budgets.

RESOLUTION 2007-25, AUTHORIZING PAYMENT NO. 5 – JONICO, INC.

(COLE AVENUE & CLINTON STREET RECONSTRUCTION)

Following a brief review by Ms. Roberts, Resolution 2007-25 was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-25 AUTHORIZING PAYMENT NO. 5 – JONICO, INC. (COLE AVENUE & CLINTON STREET RECONSTRUCTION)

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. 5 for this project in the total amount of \$57,591.38, as detailed on the attached listing, 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. 5 by Jonico, Inc. in the amount of \$57,591.38 is hereby approved and the Treasurer is authorized to issue payment for same, subject to receipt of the required certified payrolls.

REQUEST BY RESIDENTS OF COLE AVENUE AND CLINTON STREET FOR WAIVER OF CERTAIN PERMIT FEES

The request by residents of Cole and Clinton Street for a waiver of permit fees associated with their replacing old water piping as recommended by the Borough had been discussed by Council at the special meeting held on December 27, 2006, at which time it was agreed that discussion would continue at this meeting, when the Borough Engineer was present.

Ms. Roberts stated that the permit fee in question is \$65 per homeowner, of which \$2 goes to the DCA. That portion, she said, should not be waived. Connections must be inspected by the Borough, she said, and the plumbing inspector would need to do that regardless. She noted that this is an unusual situation. If we had not discovered the undersized main on that street, we would not have replaced the piping and been in the position of making connections. "When you take old pipe and try to connect new piping to old," she said, "the likelihood of leaking skyrockets." Some thought that the permit fees should be waived for that reason.

Councilman Quattrone expressed discomfort in waving the fee in light of the recent need to increase water and sewer rates, but added that he would find it acceptable to waive one-half of the fee. Councilman Thompson asked if the remaining half would cover the Borough's costs, and Ms. Roberts replied, "It's hard to say." Councilmember Schneider asked if the \$2 DCA fee would still be payable if the entire fee was waived by the Borough. Ms. Roberts said that it would be the Borough's responsibility to pay that.

A straw vote was taken, and it was generally agreed that a Resolution would be placed on the next meeting agenda to waive one-half of the permit fees in question.

RESOLUTIONS

RESOLUTION 2007-26, RESOLUTION OF COMPLIANCE REGARDING THE 2005 AUDIT

Mr. Lang reviewed each of the three items included in the "Comments and Recommendations" section of the 2005 audit, noting that each was outstanding from the prior audit, which was completed late in 2005, therefore the conditions noted were also in place during 2005. Two of the three items have already been corrected, and the third (timeliness of deposits in one department) is being addressed.

Mayor Patten noted for the record that he reviewed the entire audit document.

Councilmember Schneider asked if the timeliness of deposits has any financial impact on the Borough, and whether the Borough could face a penalty for this. Mr. Lang replied that it does not, and it is not likely we would be penalized. "If that comment was there for 10 years," he said, "the State might say something. But it is not significant in the financial picture." Councilmember Schneider indicated that late deposits would seem to be unavoidable at times since the Borough has departments that are not necessarily staffed every day.

Resolution 2007-26 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-26 RESOLUTION OF COMPLIANCE REGARDING THE 2005 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 2005 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 2007-27, RESOLUTION APPROVING THE 2005 ANNUAL AUDIT CORRECTIVE ACTION PLAN
AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT
SERVICES**

Resolution 2007-27 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

**RESOLUTION 2007-27 RESOLUTION APPROVING THE 2005 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 2005; 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 2005 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 2005 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.
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.

RESOLUTION 2007-42, AUTHORIZING RECEIPT OF BIDS FOR BRUSH CHIPPER

Ms. Gallagher stated that the Borough's brush chipper is in need of replacement. This Resolution would authorize the receipt of bids for this equipment. The funding for its purchase, she said, would come from the Recycling Trust Fund and would not impact the Borough's budget. She noted that the purchase, once bids are in, must come back to Council for approval.

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

Councilman Quattrone stated that the model being considered is slightly larger and will handle heavier brush, adding, "sometimes now we have to haul it away." It is a better piece of equipment, he said, and much safer.

Councilman Thompson asked if, rather than purchasing a new chipper, the Borough could borrow one from another town. Councilman Quattrone stated that liability is an issue in that instance, and the Borough uses this equipment four days a week. "This is the way to go," he said.

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

Resolution adopted, 5-1.

RESOLUTION 2007-42 AUTHORIZING RECEIPT OF BIDS FOR BRUSH CHIPPER

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Administrator is hereby authorized to prepare specifications and advertise for bids for the purchase of a brush chipper, and that the Borough is authorized to receive bids for same following proper advertisement.

CONSENT AGENDA

Council President Sikorski asked for clarification regarding Resolution 2007-29, requesting approval of the DCA for a dedication by rider for a snow removal trust fund. Mr. Lang explained that monies budgeted for snow removal and not spent can be transferred to a trust fund, and in order to spend those monies we need a Dedication by Rider to be approved by the DCA.

Resolutions 2007-28 thru 2007-37 and 2007-39 thru 2007-41 were moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolutions adopted, 6-0.

RESOLUTION 2007-28 AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,388,000.75** from the following accounts:

Current	\$ 1,033,752.24
W/S Operating	128,899.22
General Capital	71,330.62
W/S Capital	70,722.71
Animal Control	15.08
Trust	8,600.02
Public Defender	817.08
Grant	1,349.49
Payroll	45,748.63
Escrow – Subdivision & Site Plan (First Washington Bank)	621.50
Housing Trust	25,738.87
Tax Lien	267.05
Unemployment Trust	<u>138.24</u>
Total	<u>\$1,388,000.75</u>

RESOLUTION 2007-29 A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR SNOW REMOVAL RESERVE TRUST FUND PURSUANT TO P.L. 2001, C. 138

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, P. L. 2001, c. 138 allows municipalities to reserve amounts for costs incurred for snow removal reserve Trust Fund, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Mayor and Council hereby request permission of the Director or the Division of Local Government Services to pay expenditures for Snow Removal Reserve Trust Fund per P.L. 2001, c. 138.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION 2007-30 AUTHORIZING A TRANSFER OF FUNDS IN THE 2006 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 2006 CURRENT budget are hereby authorized:

		FROM:	TO:
Data Processing / IT	Other Expense	895.00	
Legal Services & Costs	Other Expense	10,559.76	
Grant Writing & Administration	Other Expense		895.00
Planning and Zoning	Other Expense		10,559.76
TOTAL		11,454.76	11,454.76

RESOLUTION 2007-31 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS Edwin Mier, 556 South Main Street (Block 62, Lot 9) applied and qualified for a veteran's tax deduction in 2006; and

WHEREAS the application of this deduction resulted in an overpayment of \$250.00 for 2006; and

WHEREAS the Tax Collector has requested permission to refund to Mr. Mier the amount of the overpayment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue a refund in the amount of \$250.00 to Edwin Mier, 556 South Main Street (Block 62, Lot 9), as detailed herein.

**RESOLUTION 2007-32 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
FREDERICK C. RAFFETTO, ESQ.**

WHEREAS, there exists the need for professional legal services for 2007 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, 2007 and has offered to perform such services as outlined in the agreement which is attached hereto and made a part hereof¹; 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 for the attorney, and \$55.00 per hour for services rendered by a paralegal; and

WHEREAS, all other services will be billed as follows:

Attendance at Council meetings (up to three (3) per month) by flat fee (retainer)	\$7,000.00
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 and attendance at Council meetings are as follows:

Litigation	15,000.00
General Matters	26,500.00
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 Agreement between the Borough of Hightstown and Frederick Raffetto, Esq. regarding the above-referenced professional legal services.

¹ Included at the end of these 1/16/07 minutes.

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 2007 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.
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.

**RESOLUTION 2007-33 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 hereof², and was appointed as Bond Counsel by resolution adopted by the Borough Council on January 1, 2007; 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*);

² Included at the end of these 1/16/07 minutes.

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and 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 2007 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 2007-34 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
MCLAUGHLIN GELSON, LLC**

WHEREAS, there exists the need for specialized municipal legal services for 2007 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, 2007; 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, 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 Agreement 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 2007 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.

**RESOLUTION 2007-35 AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES –
ROBERTS & REYMANN ENGINEERING, LLC**

WHEREAS there exists a need for various professional engineering services for the Borough of Hightstown for 2007; 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, 2007; and

WHEREAS it is anticipated that maximum engineering costs to the Borough during 2007 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	4,500.00
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 Agreement (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 2007 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. 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 2007-36 AUTHORIZING AGREEMENT FOR PROFESSIONAL AUDITING SERVICES -
WILLIAM E. ANTONIDES AND COMPANY**

WHEREAS, there exists a need for municipal auditing services during 2007 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, 2007; and

WHEREAS, the maximum cost for the proposed services will be \$28,000.00, as outlined in the firm's proposal dated December 27, 2006, which is attached hereto and made a part hereof³; 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 Agreement (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 2007 budget.

³ Included at the end of these 1/16/07 minutes.

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 2007-37 AUTHORIZING AGREEMENT FOR PROFESSIONAL PLANNING SERVICES –
TAMARA LEE CONSULTING, LLC**

WHEREAS, there exists the need for professional planning services during 2007; and

WHEREAS, Tamara Lee of Tamara Lee Consulting, LLC has offered to perform these services as outlined in the proposal which is attached hereto and made a part hereof⁴, at the rate of \$105 per hour; 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, Tamara Lee Consulting, 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:

⁴ Included at the end of these 1/16/07 minutes.

1. That the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Tamara Lee Consulting, LLC as outlined herein.
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.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2007 budget and/or other available sources, including escrow funds.
4. That expenditures under this Resolution shall not exceed \$10,000 without further authorization from Council.
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. Tamara L. Lee, PP, AICP, CLA, ASLA
 - b. Steve Misiura, Chair, Hightstown Planning Board
 - c. Arlene O'Rourke, Borough Treasurer
 - d. George Lang, Borough Chief Financial Officer
8. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

RESOLUTION 2007-39 AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE - MIGUEL SAQUICELA

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, an application for a new taxicab owner's license, which application complies with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Miguel Saquicela of Tu Amigo Taxi, operating out of 79 Twin Rivers Drive North, East Windsor, New Jersey, for two vehicles owned by the company:

**1999 Chrysler Town and Country
VIN 1C4GP64L6XB832605
NJ Plate No. OXY2808**

**1999 Dodge Grand Caravan
VIN 2 1B4GP44L6XB839717
NJ Plate No. OXY2785**

together with the required fees; and

WHEREAS, these taxicabs will not be housed in or operate out of the Borough of Hightstown; and

WHEREAS, issuance of this license will allow Tu Amigo to accept passengers to be transported for hire from a point of departure within the Borough to a destination within or without the Borough; and

WHEREAS, the Chief of Police has reviewed the application and has recommended its approval;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a 2007 taxicab owner's license to Miguel Saquicela of Tu Amigo Taxi,

RESOLUTION 2007-40 AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSE – MARIA E. ALVAREZ

WHEREAS, Section 4-21 of the *Revised General Ordinances of the Borough of Hightstown* provides that a taxicab may not be operated within the Borough of Hightstown unless the owner and driver are licensed by the Borough; and

WHEREAS, said Ordinance further provides that accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough; and

WHEREAS, an application for issuance of a taxicab driver's license, which application complies with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, has been submitted by Maria E. Alvarez of Tu Amigo Taxi, 79 Twin Rivers Drive North, East Windsor, New Jersey, together with the required fees; and

WHEREAS, the Chief of Police has reviewed the application and has approved issuance of the license; and

WHEREAS, a taxi owner's license for Tu Amigo Taxi has been approved by the Borough Council this date with Resolution 2007-39;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a 2007 taxicab driver's license to Maria E. Alvarez of Tu Amigo Taxi, 79 Twin Rivers Drive North, East Windsor, New Jersey.

RESOLUTION 2007-41 AUTHORIZING REFUND OF INSPECTION FEE

WHEREAS, Agnes Kim, 175 North Main Street, Cranbury, New Jersey, submitted payment in the amount of \$50.00 to the Borough of Hightstown Construction Office for a C.O. inspection at 315 Franklin Street in the Borough of Hightstown; and

WHEREAS, it has since been determined that the inspection will not be needed at this time, and Ms. Kim has requested a refund of the fee paid; and

WHEREAS, the Construction Official had reviewed and approved this request;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue a refund in the amount of \$50.00 to Agnes Kim, 175 North Main Street, Cranbury, New Jersey 08512, representing a refund of the C.O. fee paid, as detailed herein.

UNFINISHED BUSINESS

PURCHASE OF AUTOMATED GARBAGE TRUCK VS. GARBAGE COLLECTION CONTRACT

Ms. Gallagher stated that the Borough received bids on October 12, 2006 for an automated garbage truck and containers (in conjunction with bids received for the rear-loading truck which was subsequently purchased). One bid was received, from Merkin Equipment of Easton, PA, in the total amount of \$314,726.00 (\$218,487.60 for the truck and \$96,238.50 for the containers). Action on the automated truck was delayed until the Borough could review the projected costs and the pros and cons of bringing our garbage collection back in-house, and make a determination regarding whether it would be to the Borough's benefit to do so. The time is now, she said, to make that decision. She explained that we have until February 5, 2007 to award a contract for the automated truck and containers. After that date, we would need to rebid in order to proceed. The truck would take seven to nine months to build once a contract is awarded. The Borough's three-year contract with Central Jersey Waste & Recycling may be terminated by the Borough at the end of each year, given 90 days written notice. What Council decides now will determine how garbage is collected in 2008.

Ms. Gallagher briefly reviewed the information compiled to date, and said that the purchase of this truck could be a very positive thing for the Borough. The Solid Waste Committee, consisting of herself, Mayor Patten, Councilman Quattrone, Council President Sikorski, Larry Blake, Ken Lewis and Donna Syx, has recommended that a public information session be held to review that information and more, she said, in a public forum. At that session, representatives from our Public Works department and from Merkin Equipment can be available to answer any questions and to provide specific information about the equipment in question. This will provide the opportunity for the public to be fully informed and to weigh in on this important issue. It will also allow the governing body to delve more deeply into this than may be possible at a regular Council meeting.

Councilman Quattrone suggested that Council members travel to South Brunswick to view this type of truck in action. "It's amazing how well it works," he said. "It's neater for the community, and it keeps the garbage drier."

After a brief discussion, it was generally agreed that a special meeting would be scheduled for January 23.

NEW BUSINESS

BUDGET MEETING DATES

Council discussed dates for budget meetings, and agreed to schedule meetings for January 29 and February 6, 2007 at 7 p.m. Additional meetings will be set at a later date.

APPOINTMENT PROCESS

Council President Sikorski stated that a "helter skelter system" for making appointments has been used in the past, which puts "an undue amount of power in the hands of the Mayor without any consultation from Council." He said that he would like to have major appointments voted on by Council, and asked the Borough Attorney to investigate this.

Mr. Raffetto stated that, in the Borough form of government, unless otherwise specified by law, appointments are made by the Mayor with the advice and consent of Council; however, certain appointments, such as appointments to the Planning Board, are vested solely in the Mayor by statute. Council President Sikorski stated that he would like a review of all the statutory requirements for appointment to the Borough's various boards and commissions, and Ms. Gallagher said that she would provide this.

Mayor Patten noted that, when the Economic Development Committee was created, it was agreed that those members would be appointed with the advice and consent of Council, upon the recommendation of the Mayor.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilman Quattrone reported that the Borough's Public Works department is ready for cold weather and snow removal. The mild weather so far, he said, has allowed the department to catch up on vehicle servicing and other things.

Mr. Quattrone further reported that the Borough is awaiting a response from East Windsor Mayor Janice Mironov to Mayor Patten's most recent letter requesting an interlocal arrangement for emergency medical services through East Windsor's existing contract with MONOC. The First Aid Squad is doing well, he said, and he asked that the sign inviting volunteers be put back up on the bridge abutment.

Lastly, Councilman Quattrone stated, "There are so many important things going on -- we're looking outside the box in a lot of areas, and then we read in the paper about trivial things. I don't understand why we just can't sit down -- most of us

are neighbors -- to talk something over and get it squared away." He suggested to Mayor Patten that, regarding appointments, "a little discussion would have gone a long way," and said that what he reads in the paper is "a waste of ink. The paper is *making* news instead of *printing* news."

Mr. Quattrone closed his comments by urging residents to recycle as much as possible. "It lets us upgrade our equipment to do better for the public," he said. "If you're not putting out an equal amount of recyclables and garbage, you're missing the boat." He noted that, while we pay by the ton to dispose of garbage, we *get paid* for recyclable tonnage.

Councilmember Schneider expressed agreement with Councilman Quattrone's comments.

Council President Sikorski reported that the Planning Board reorganized at its last meeting. The chair is Steve Misiura. The Board of Health reorganized as well, and Rob Thibault will serve as Chair.

Councilmember Harinxma presented the report of the Parks and Recreation Commission regarding the summer program which ran from July 1 to Aug 11. 89 children participated, and average attendance was 65 per day. Free lunches were funded through the State, and weekly trips were held. "It is a very consistent, viable program," Ms. Harinxma said, "and lots of kids benefit." This year's cost was \$20,259.

Councilmember Harinxma also reported that Gene Lambert's "Next Level" basketball program was very popular and will be continued this year.

Councilmember Rosenberg reported that the Environmental Commission reorganized, and Roger Cook will serve once again as Chair. Mr. Cook has indicated that this will be his last year serving in that capacity, as many of the goals he set will have been completed, including the Greenway. Ongoing projects of the Commission include continued work on both phases of the Greenway, monitoring lake and stream pollution, and implementing enforcement and awareness of the Borough's noise ordinances. He noted that there needs to be improved communication between the Planning Board and the Environmental Commission, as some site plans on occasion have not made it to the Commission for review. Mr. Rosenberg also reported that the Clean and Green Team (his own initiative) will be continuing its work this year.

Mayor Patten noted an article in the most recent AARP bulletin regarding assistance available through the DCA to low-income residents for home energy costs. He asked Ms. Gallagher to include information about this on the Borough's website.

The Mayor went on to state that, before the January 1 appointments were determined, he met with Councilmembers Schneider and Sikorski. At that time, he said, they reached a consensus and this was presented to the full Council for January 1. He said that he would like people to "take a look at *all* appointments. There is much diversity."

Mayor Patten also reported that Hightstown is part of the Municipal Alliance for the Prevention of Drug and Alcohol Abuse. This was initiated by East Windsor Township several years ago, he said, and last year, he found out that Hightstown was part of it. He wrote a letter to Mayor Mironov informing her that the Borough would like to become active in the Alliance, and we now have Borough representatives serving there. The 6th Annual Awards Dinner was last week, Mayor Patten said, and he is "proud to be a part of that joint effort."

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, again objected to comments attributed to Ms. Gallagher in a recent *Trenton Times* article, and also objected to the Borough's "getting into the garbage business." He accused Mayor Patten, Ms. Gallagher and Councilman Quattrone of opposing consolidation in order to maintain their "power and jobs."

Torry Watkins, 68 Meadow Drive, informed Mayor Patten that he was once Hightstown's representative to the Municipal Drug and Alcohol Alliance. Mr. Watkins also addressed the possibility of purchasing the "one-armed bandit," and said that he agrees with Mr. Bond that we should maintain an open mind, but urged Council to be "very careful at this juncture." It would be "beyond foolish," he said, to lock the Borough into a capital expenditure and an additional employee, and said that it is "counterintuitive" that tipping fees would have decreased by 25% in Mantua when they switched to automated collection. He feels that, if the 95-gallon container is not full, "people will fill it with all manner of garbage" and that, contrary to Mantua's experience, tipping fees would increase.

Chris Emigholz, 128 South Street, applauded Mayor Patten's recent letter to Mayor Mironov requesting interlocal participation in EMS services. "There are a lot of things that could be shared between municipalities in this area," he said, "and EMS might be a good starting place ... We may be able to save money and do something good for multiple municipalities." Mr. Emigholz went on to say that the General Assembly is speaking of reforming RCAs, and the Borough "may have a vested interest in how that reform looks." He encouraged the Borough to get involved in this, and offered his assistance in that regard.

EXECUTIVE SESSION

The Borough Clerk read aloud and in full Resolution 2007-19, authorizing a closed session for the purpose of discussing personnel and contract negotiations. It was noted that action may be taken following the closed session. The Resolution was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolutions adopted, 6-0.

RESOLUTION 2007-19 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 16, 2007 at approximately 8:40 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:

Personnel

Contract Negotiations – The Wolfington Companies; PBA; Local 32

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 16, 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, the meeting continued.

RESOLUTION 2007-38, A RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH ROOSEVELT BOROUGH FOR ZONING OFFICER SERVICES

Resolution 2007-38 was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2007-38 A RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH ROOSEVELT BOROUGH FOR ZONING OFFICER SERVICES

WHEREAS, the "Interlocal Services Act", N.J.S.A. 40:8A-1 et seq. (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Hightstown ("Hightstown") is in need of the services of an alternate Zoning Officer to assist it on an as-needed basis; and

WHEREAS, the Borough of Roosevelt ("Roosevelt") is willing to assist Hightstown with the provision of these services by making its Zoning Officer, William Schmeling, available to Hightstown, on an as-needed basis, pursuant to certain terms and conditions; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, Hightstown and Roosevelt have negotiated an Interlocal Services Agreement (also referenced as the "Agreement") specifying the terms and conditions governing the joint provision of the contemplated services within their respective jurisdictions; and

WHEREAS, a copy of the proposed Agreement is attached hereto and made a part hereof⁵; and

WHEREAS, the Hightstown Borough Council wishes to authorize Hightstown to enter into the attached Agreement, and to authorize the Mayor and Borough Clerk to execute the same on behalf 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 Hightstown is hereby authorized to enter into the attached Interlocal Services Agreement with Roosevelt, or one substantially similar thereto which has been reviewed and approved by the Borough Attorney and Borough Administrator, for the provision of alternate Zoning Officer services to Hightstown by the Roosevelt Zoning Officer, on an as-needed basis, pursuant to the terms and conditions set forth in the attached Agreement.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached Interlocal Services Agreement on behalf of Hightstown.
3. That this Agreement shall not become effective until the governing bodies of both Hightstown and Roosevelt have adopted Resolutions authorizing the execution of said Agreement, and upon full execution of the Agreement by the duly authorized representatives of Hightstown and Roosevelt.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Roosevelt Borough
 - b. William Schmeling, Roosevelt Borough Zoning Officer
 - c. Richard J. Shaklee, Esq., Roosevelt Borough Attorney
 - d. Candace Gallagher, Hightstown Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esq., Hightstown Borough Attorney

⁵ Included at the end of these 1/16/07 minutes.

**RESOLUTION 2007-43, A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN
APPROVING SETTLEMENT OF DISCIPLINARY ACTION**

Resolution 2007-43 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

**RESOLUTION 2007-43 A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN
APPROVING SETTLEMENT OF DISCIPLINARY ACTION**
(included at end of these 1/16/07 minutes)

**RESOLUTION 2007-44, A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH GREYSTONE CAPITAL PARTNERS NJ, LLC
REGARDING THE POSTING OF ESCROW FUNDS FOR REDEVELOPMENT MATTERS**

Resolution 2007-44 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

**RESOLUTION 2007-44 A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH GREYSTONE CAPITAL PARTNERS NJ, LLC
REGARDING THE POSTING OF ESCROW FUNDS FOR REDEVELOPMENT MATTERS**

WHEREAS, Greystone Capital Partners NJ, LLC ("Greystone") is the owner of certain properties located within the Bank Street Redevelopment Area (also referred to as "Sub-Area I"), as designated within the Borough's adopted Redevelopment Plan; and

WHEREAS, Greystone is interested in being designated the official Redeveloper of the Bank Street Redevelopment Area by the Borough; and

WHEREAS, the Borough has not yet determined to designate any particular developer(s) as the official Redeveloper(s) for any properties within the various Redevelopment Areas of the Borough, as identified in the Borough's adopted Redevelopment Plan; and

WHEREAS, notwithstanding the same, and in an effort to facilitate moving the redevelopment process forward as it relates to the Bank Street Redevelopment Area, Greystone has agreed to deposit certain funds with the Borough and to permit the Borough to utilize said funds to pay for the reasonable and necessary costs incurred by the Borough in performing actions relative to the proposed redevelopment of the Bank Street Redevelopment Area; and

WHEREAS, such costs will include the fees of all professionals retained by the Borough to review matters relating to the proposed redevelopment of the Bank Street Redevelopment Area, as well as any other costs that are necessary in order to facilitate the redevelopment process as it relates to the Bank Street Redevelopment Area; and

WHEREAS, the funds posted by Greystone shall be placed into a separate account to be maintained by the Borough, in accordance with all applicable requirements of the State Division of Local Government Services, and utilized solely to pay for the fees and costs referenced above; and

WHEREAS, Greystone has voluntarily agreed to post these funds with the Borough at its own risk, and the Borough is under no obligation to designate Greystone as the official Redeveloper of the Bank Street Redevelopment Area, nor any other Redevelopment Area, within the Borough; and

WHEREAS, Greystone and the Borough have set forth their respective rights and responsibilities in and to these matters in the attached Memorandum of Understanding.

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 authorized to enter into the attached Memorandum of Understanding⁶ with Greystone Capital Partners NJ, LLC for the purposes referenced above.
2. That the Mayor is authorized to execute and the Municipal Clerk to attest the attached Memorandum of Understanding on behalf of the Borough.
3. That all Borough Officials and employees are hereby authorized and directed to undertake all actions that are necessary in order to fulfill the intentions of this Resolution and the attached Memorandum of Understanding.
4. That the parties recognize that the Borough is under no obligation to designate Greystone Capital Partners NJ, LLC as the official Redeveloper of the Bank Street Redevelopment Area, nor any other Redevelopment Area, within the Borough, notwithstanding Greystone's posting of the escrow funds referenced herein, and that Greystone is posting the said funds entirely at its own risk.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a.) George Lang, Borough Chief Financial Officers
 - (b.) Arlene O'Rourke, Borough Treasurer
 - (c.) Candace Gallagher, Business Administrator
 - (d.) Greystone Capital Partners, NJ, LLC
 - (e.) Michael Gross, Esq.
 - (f.) Charles Reid, Esq.
 - (g.) Frederick C. Raffetto, Esq., Borough Attorney
 - (h.) Edward McManimon, Esq., Special Counsel

There being no further business, adjournment was moved by Councilman Thompson, seconded by Council President Sikorski and unanimously approved. The meeting was adjourned at approximately 10:15 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk

⁶ Included at the end of these 1/16/07 minutes.