

OPEN SESSION

Mayor Robert Patten called the meeting to order at 6:35 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.

Mayor Patten reminded all that President Obama stressed at his inauguration ceremony earlier that day that it takes *people* to make a difference.

The flag salute was led by Councilmember Theokas, and was followed by the roll call.

ROLL CALL

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

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

APPROVAL OF AGENDA

The agenda was amended to add Resolutions 2009-43, 2009-44 and 2009-45, and to remove Resolution 2009-27. It was then moved as so amended by Council President Sikorski, seconded by Councilmember Theokas and unanimously approved.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2009-20, authorizing a closed session for the purpose of discussing tax appeal litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Bond.

Roll Call: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

RESOLUTION 2009-20 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 20, 2009 at approximately 6:40 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:

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 20, 2009 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.

The meeting reconvened into open session at 7:30 p.m.

APPROVAL OF MINUTES

Minutes of the December 15, 2008 open session were moved by Council President Sikorski, seconded by Councilmember Schneider and approved as submitted by all but Councilmembers McGinty and Theokas, who abstained.

Minutes of the December 30, 2008 special meeting open session were moved by Council President Sikorski, seconded by Councilmember Schneider and approved as submitted by all but Councilmembers McGinty and Theokas, who abstained.

Following correction of a typographical error, minutes of the January 1, 2009 Reorganization Meeting were moved by Council President Sikorski, seconded by Councilmember Bond and unanimously approved as submitted.

PRESENTATION

PROCLAMATION HONORING JOHN ARCHER

Mayor Patten read aloud and presented to outgoing Fire Chief John Archer a proclamation in his honor signed by the entire governing body. Chief Archer received a standing ovation from all in attendance and thanked the Mayor and Council for the honor, and the members of Hightstown Engine Co. No. 1, many of whom were in attendance, for their support.

Honoring Fire Chief John Archer

Whereas, John Archer has served the Borough faithfully as Fire Chief for the past ten years, retiring from that post on December 31, 2008; and

Whereas, Mr. Archer has been a loyal member of Hightstown Engine Co. No. 1 for over 25 years, and served as a line officer during 19 of those years; and

Whereas, under Chief Archer's leadership, the Fire Company established minimum training requirements for Fire Officers, obtained two thermal imaging cameras for the Department, obtained a new first due

truck and refurbished the old TeleSquirt, instituted a Respiratory Protection Plan for firefighters, and obtained two fire grants totaling \$130,000; and

Whereas, Chief Archer worked with the Borough to establish a Length of Service Award Program (LOSAP) and other incentives to attract and retain volunteers, dramatically increasing volunteerism; and

Whereas, John Archer has served and continues to serve as an example of community service at its finest;

Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that we hereby commend and thank John Archer for his service to the Borough as Fire Chief, and for his commitment and dedication to the safety of our residents.

REVALUATION OVERVIEW

Borough Tax Assessor Ken Pacera presented an overview of the recent revaluation process. He explained that, in 2006, Hightstown was ordered by the County to revalue all properties within the Borough. After all maps were updated and a contract awarded through the public bidding process, the revaluation was done during 2008, and the new values will be effective for the 2009 tax year. All properties were valued at their market value as of October 1, 2008. According to the revaluation firm, about 70% of the properties were fully inspected, which is about average. When it was not possible to inspect interiors, a full exterior evaluation was done. Once this process was complete, letters were mailed to each property owner with information about their new assessment and providing the opportunity to schedule an informal review. Those reviews took place during December, and, in cases where the property owner's concerns were justified, adjustments were made.

Mr. Pacera noted that assessments are now being finalized; however, property owners do have the right to appeal their assessment with the County Board of Taxation, the deadline for which is May 1, 2009. He added that he is available at Borough Hall every Tuesday from 4:30 to 6:30 p.m. to answer any questions.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Phyllis Deal, 305 Stockton Street, asked why East Windsor was permitted by the County to delay their revaluation for another year. With respect to the Stockton Street Historic District, she asked, "What period are we bringing Stockton Street back to?" She said that in Victorian times, it was a dirt road, and didn't have curbs or sidewalks. She also said that she, personally, does not want brick or slate sidewalks because they are slippery in wet weather and "I'll sue the first time I fall." Ms. Deal added, "a lot that is being asked for is not authentic," and said that she hopes that Council's decisions will be based on "a modicum of intelligence and not just the passion exhibited by some residents."

Eugene Sarafin, 600-628 South Main Street, stated that, based on his analysis after reading the New Jersey Municipal Report Card, the Borough's tax rate would drop from \$2.80 to \$1.91 if there were a statewide property tax. He added that discussions of fair market value with no liquidity "is absurdity."

Susan Bluth, 42 Dennis Court, spoke as President of the Wyckoff's Mill Condominium Association to express the concern of Wyckoff's Mill property owners with respect to the manner in which the revaluation was performed. She said that representatives of the revaluation firm did not go into units at Wyckoff's Mill at all but simply asked questions at the door, which would lead her to

question how other homes in the Borough were evaluated. She said that, while she understands that, in revaluations, it is a general rule that one-third of properties will see an increase in taxes, one-third will decrease and one-third will remain about the same, she noted that Wyckoff's Mill comprises almost 50% of the one-third that is going up, and called that "unconscionable." "There are 248 units," she said, "and you're raising taxes on each unit." She said that her own taxes will increase by \$500 as a result of the revaluation alone, and noted that this conflicts with the Governor's mandate to cap property tax increases at four percent.

Meredith Murphy, 20 Dennis Court, spoke as Vice President of the Wyckoff's Mill Condominium Association to echo Ms. Bluth's concerns. She noted that her neighbor had installed a new kitchen, but her unit was valued the same as hers, despite the fact that she would be able to sell it for more. Her taxes, she said, will go up by \$800 as a result of the revaluation. She stated that, in today's housing market, homes are not selling and would not sell for the price at which they are now valued, so it is unfair for her to pay an additional \$1,000 in taxes. The company that was hired to perform the revaluation, she said, "didn't do the job they were supposed to do."

Ryan Rosenberg, 177 Lincoln Avenue, said that he heard President Obama speak in Delaware over the past weekend, where he discussed the need to invest in our infrastructure in order to put America back to work. The Stockton Street Historic District project, he said, is "shovel-ready," and needs only funding to get going. The projected cost is \$1.5 to \$2 million, but we are seeking outside funding so that it would not pose a burden to local taxpayers. He urged Council to aggressively pursue Economic Stimulus funding for this project, as it is "very important to the town and to the downtown's overall success." He noted the serious need for good sidewalks in that area, and said that the plan would not only replace the sidewalks but would reduce the length of the Rogers Avenue crosswalk from 135 feet to 80 feet. He offered his assistance in lobbying our state and federal representatives for financial assistance with this project.

Chris Moraitis, 208 Stockton Street, also urged Council to seek federal funding for the Stockton Street Historic District project, noting that the planning work has been done and prepared by local advocacy, and there has been "a far reaching collaborative effort to get the Historic District to this point." "An opportunity of a lifetime presents itself," he said, "to move forward on this without using taxpayer funds." He also noted the danger of the long crosswalk at Rogers Avenue, and offered his assistance to work toward obtaining financing for the project.

Debbie Childers, 19 Dennis Court, stated that in what she has read, the existence of fireplaces was not listed as a criteria in valuing properties during the revaluation, yet that was the only question asked of her when the Vital representative visited her apartment. She added that he did not enter the apartment, but asked that question from the door. Her unit has been on the market since May, she said, but hasn't sold and she feels it is because of the high taxes she pays now. She said that she would like to know what comparable properties were reviewed, and added that units currently on the market at Wyckoff's Mill are listed at under \$200,000.

Torry Watkins, 68 Meadow Drive, said, "I have a shovel ready project ... doing the studies, shutting down the wastewater treatment plant, merging with the East Windsor MUA and treating our citizens to about half the water and sewer rates we are currently paying to the Borough." Mr. Watkins also spoke in favor of selling the Academy Street lot to Habitat for Humanity. He has been volunteering with the local chapter, he said, for 17 years, and the families that have been recipients of the housing are "all model citizens." The Borough would be well-served, he said, by turning this property over to Habitat and "making it possible for us to build more affordable housing for those who need and can pay for it."

Mike Bebawi, 8 Huber court, spoke as Treasurer of the Wyckoff's Mill Condominium Association to ask how the revaluation firm "went about the assessment using comparables in an environment

that doesn't echo where we're currently standing today. The pricing bears no relevance to where they can be sold. That needs to be taken into consideration." He expressed concern that the higher taxes that will result in Wyckoff's Mill will further depress property values there. He asked Council to "consider current valuation as well as the process undertaken to value these. They weren't assessed appropriately."

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

FEDERAL FUNDING FOR CERTAIN INFRASTRUCTURE PROJECTS

Ms. Roberts stated that, in order for the Borough to become a recipient of anticipated federal economic stimulus funding, we have responded to notifications from both the League of Municipalities and the New Jersey Environmental Infrastructure Trust (EIT). She, along with Borough officials, have identified four projects as being "shovel-ready" or very close to that: Peddie Dam repairs, replacement of two water mains, and the Stockton Street Historic District improvements for which plans were designed using prior grant funding.

Last week, she met with NJDEP representatives, along with Mayor Patten, Council President Sikorski and Councilmember Bond, to review the water and sewer projects. DEP informed them that the dam repairs would not qualify for this funding because that is a rehabilitation project. However, replacement of the two water mains would meet the requirements of this funding. One would run from the newly installed 10" main on Etra Road to the Leshin Lane standpipe. The other would be on Mercer Street, where a new main would be run from where the 12" main comes out of the old Minute Maid property and crosses Route 33 down to the new fountain at the point. Currently, there is a 4" diameter pipe there. These installations would improve water quality and the movement of water through town, would improve fire flow and would slow or possibly negate the need for an additional water tower.

Ms. Roberts went on to say that, in order to be eligible and have the water mains project shovel-ready by July 1, the Borough must submit all documents by March 2. The estimated construction cost for both mains is between \$1.5 and \$1.6 million. A preliminary application has already been submitted due to the tight time frames. In order to move forward to be in a position to take advantage of funding when it comes along, there is engineering work that must be accomplished, including plans, specifications and permitting. Ms. Roberts stated that she can do this work, with simplified plans, for no more than \$25,000. Ms. Gallagher noted that a Resolution has been included in the consent agenda which would appropriate funds in the water and sewer budget to cover this work so that she could get started right away.

Ms. Roberts stated that the other project which the Borough could consider for submission for economic stimulus funding is the Stockton Street Historic District streetscape. Plans and specifications for that are already complete. We need only the soil conservation permit. Construction costs for that project are estimated at between \$1.5 and \$1.6 million.

At this time, **Resolution 2009-44** was moved by Council President Sikorski and seconded by Councilmember Quattrone.

Councilmember Schneider asked if a water interconnection with East Windsor Township might qualify for this funding. Ms. Roberts explained that the EIT ranks water main work higher than interconnections, and funding is based on that ranking; however, the installation of these mains would be beneficial to an interconnection when and if that time came. She added that there is a

time constraint here – it would not be possible to work out all the details and negotiations needed to move forward with an interconnection in the time available to us.

Councilmember Bond expressed support for the water mains project and asked if it would be competing with the Stockton Street project for funding. She stated that it would not, as they would be funded through different channels.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

RESOLUTION 2009-44 RESOLUTION IN SUPPORT OF THE WATER MAIN REPLACEMENT PROJECT AND REQUESTING FUNDING FOR SAME THROUGH THE AMERICAN RECOVERY AND REINVESTMENT BILL OF 2009

WHEREAS, the American Recovery and Reinvestment Bill of 2009 will be the subject of Appropriations Committee hearings beginning this week, and once House action is complete, the bill will move on to the Senate; and

WHEREAS, this package is the first crucial step in a concerted effort to create and save 3 to 4 million jobs, jumpstart our economy, and begin the process of transforming it for the 21st century with \$275 billion in economic recovery tax cuts and \$550 billion in thoughtful and carefully targeted priority investments with unprecedented accountability measures built in; and

WHEREAS, the Borough of Hightstown wishes to seek funding through this program for the replacement of 8,000 linear feet of undersized and deteriorated water main with new 10- and 12-inch diameter mains within the Borough. The water mains will connect to a new 10-inch diameter main on Etra Road and by way of south Main Street and Leshin Lane connect to the existing standpipe. From the standpipe, a new main will be constructed from a 12-inch main on Mercer Street and continue to the center of the Borough where it will complete a loop near the Historic fountain; and

WHEREAS, installation of the new, larger diameter water mains will complete a loop of large diameter mains around the Borough and provide greater volumes of water, improved water quality and improved fire protection, and could eliminate the need which had previously been anticipated for an additional water storage tower; and

WHEREAS, a meeting was held among NJDEP and Borough officials with respect to this project, and a preliminary application has been submitted to the New Jersey Environmental Infrastructure Trust in order to place this project on the list of those eligible for financing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the governing body hereby expresses its strong support for the replacement of undersized and deteriorated water mains as outlined herein, and that we urge our representatives at the State and Federal levels to secure funding in the form of low interest loans or grants for this public infrastructure project through the American Recovery and Reinvestment Bill of 2009.

Council President Sikorski then moved **Resolution 2009-43**, and the motion was seconded by Councilmember Theokas.

Mr. Sikorski noted that there would be no expenditure of local funds if this project were to go forward, and the engineering work has been done already through another grant. Mayor Patten noted that this project has the strong support of Dan Buriak, and is "another excellent project that makes our town more valuable."

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

RESOLUTION 2009-43 RESOLUTION IN SUPPORT OF THE STOCKTON STREET HISTORIC DISTRICT PROJECT AND REQUESTING FUNDING FOR SAME THROUGH THE AMERICAN RECOVERY AND REINVESTMENT BILL OF 2009

WHEREAS, the American Recovery and Reinvestment Bill of 2009 will be the subject of Appropriations Committee hearings beginning this week, and once House action is complete, the bill will move on to the Senate; and

WHEREAS, this package is the first crucial step in a concerted effort to create and save 3 to 4 million jobs, jumpstart our economy, and begin the process of transforming it for the 21st century with \$275 billion in economic recovery tax cuts and \$550 billion in thoughtful and carefully targeted priority investments with unprecedented accountability measures built in; and

WHEREAS, the Borough of Hightstown wishes to seek funding through this program for the Stockton Street Historic District Project, a street and public space infrastructure reconstruction project, which has been planned for some time and is construction-ready, lacking only a funding source in order to proceed with these improvements; and

WHEREAS, plans and specifications for this infrastructure project were prepared during 2008 through the award of a New Jersey Historic Trust grant in the amount of \$42,000.00; and

WHEREAS, the Stockton Street Historic District Project will replace deteriorated curb and sidewalk on Rogers Avenue and Stockton Street (also known as Mercer County Route 571), reconfigure street elevations and repaving as needed, create new crosswalks, reduce the length of the crosswalk at Rogers Avenue from 135 feet to 80 feet for improved pedestrian safety and traffic calming, restore the Civil War Monument Park and bring the District's public spaces into compliance with the Americans with Disabilities Act; and

WHEREAS, the District master plan is part of the Borough's economic renewal plan to create a historical walking area that would attract new people to the District and to the Borough, and would directly connect that downtown business district to the Borough's Greenway; and

WHEREAS, the Stockton Street Historic District has been officially designated as such at the local, state and federal levels;

WHEREAS, this infrastructure project is not only consistent with the intent of the American Recovery and Reinvestment Bill to repair our crumbling local public infrastructure associated with a primary traffic artery within the Borough of Hightstown, but also provides for this immediate investment to have long-term sustainable economic benefits by encouraging New Jersey heritage conservation, education and local tourism;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the governing body hereby expresses its strong support for the Stockton Street Historic District Project, and that we urge our representatives at the State and Federal levels to secure funding for this public infrastructure reconstruction project through the American Recovery and Reinvestment Bill of 2009.

ENGINEER'S RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolution 2009-21** was moved by Councilmember Quattrone and seconded Council President Sikorski.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

**RESOLUTION 2009-21 AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW –
PAUL TALMAZAN (SOUTH MAIN STREET MINOR SUBDIVISION)**

WHEREAS, Paul Talmazan (ABC Construction) posted funds in escrow with the Borough relative to his South Street minor subdivision (R&R File No. HPB0609); and

WHEREAS the work is now complete, and the Borough Engineer has recommended release of all remaining escrow held by the Borough on his behalf;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to return to Paul Talmazan any and all funds remaining in his escrow account as detailed herein, subject to payment of any outstanding fees.

Following a brief review by Ms. Roberts, **Resolution 2009-22** was moved by Council President Sikorski and seconded by Councilmember Schneider.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

**RESOLUTION 2009-22 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND PARTIAL RELEASE OF
AMOUNTS REMAINING IN ESCROW – PAUL TALMAZAN (313 SECOND AVENUE)**

WHEREAS, on September 18, 2006, Paul Talmazan posted a cash performance guarantee with the Borough of Hightstown in the amount of \$9,976.20 along with escrow monies relative to improvements at 313 Second Avenue (R&R File No. HPB0513A); and

WHEREAS, Mr. Talmazan has requested the release of said performance bond and escrow; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the performance bond, subject to the following:

1. Posting of a two-year Maintenance Guarantee in the amount of \$997.62;
2. Payment of all outstanding fees and accounts; and
3. Retaining \$400.00 in the escrow account for re-inspection prior to the expiration of the Maintenance Guarantee.

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

1. The Treasurer is authorized and directed to release to Paul Talmazan the cash performance bond held relative to his Planning Board application as detailed herein, subject to their posting of a two-year maintenance guarantee in the amount of \$997.62.
2. The Treasurer is authorized and directed to release to Paul Talmazan all but \$400.00 of the amounts remaining in his escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them to date for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:
 - a. Paul Talmazan
 - b. Arlene O'Rourke, Treasurer
 - c. Leona Baylor, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

Following a brief review by Ms. Roberts, **Resolution 2009-23** was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

RESOLUTION 2009-23 AUTHORIZING PAYMENT NO. 2 – B&H CONTRACTING (WELL #3)

WHEREAS, on August 4, 2008 the Borough Council awarded a contract for water treatment plant improvements (Well House No. 3) to B & H Contracting of Folsom, New Jersey in the amount of Five Hundred Seventy-Five Thousand Three Hundred Dollars (\$575,300.00); and

WHEREAS the contractor has submitted Payment Request No. 2 for work done in the total amount of \$99,911.00; and

WHEREAS the Borough Engineer has recommended approval of this payment request, subject to receipt of the required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 2 from B & H Contracting of Folsom, New Jersey in the amount of \$99,911.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

ORDINANCES

**INTRODUCTION AND FIRST READING, ORDINANCE 2009-01,
BOND ORDINANCE PROVIDING FOR MORRISON AVENUE CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY
OF MERCER, NEW JERSEY, APPROPRIATING \$292,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$115,200 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART THE COST THEREOF**

Following a brief review by Ms. Gallagher and Ms. Roberts, Council President Sikorski moved Ordinance 2009-01 for introduction. The motion was seconded by Councilmember Schneider.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-01 was scheduled for February 2, 2009.

INTRODUCTION AND FIRST READING, ORDINANCE 2009-02,

BOND ORDINANCE PROVIDING FOR MORRISON AVENUE WATER AND SEWER CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$215,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$81,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review by Ms. Gallagher, Ordinance 2009-02 was moved for introduction by Councilmember Quattrone, seconded by Councilmember Schneider.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-02 was scheduled for February 2, 2009.

INTRODUCTION AND FIRST READING, ORDINANCE 2009-03,

AN ORDINANCE AUTHORIZING THE BOROUGH TO ACCEPT THE DEDICATION OF A SIGHT TRIANGLE EASEMENT UPON, OVER AND ACROSS BLOCK 28, LOT 42.01

Following a brief review by Mr. Raffetto, Ordinance 2009-03 was moved for introduction by Council President Sikorski, seconded by Councilmember Schneider.

Ms. Roberts explained that this corner (Ward and South Main Streets) should have a sight triangle there, and Peddie School was asked to provide that during the Planning Board process. This Ordinance will allow the Borough to accept the easement for that sight triangle, which would mean that there can't be anything planted or placed in that area that is over 36" high, or would obstruct the view of traffic at that intersection.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-03 was scheduled for February 2, 2009.

INTRODUCTION AND FIRST READING, ORDINANCE 2009-04,

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED AT 250 SOUTH ACADEMY STREET (BLOCK 40, LOT 28) TO HABITAT FOR HUMANITY INTERNATIONAL, INC. FOR THE CONSTRUCTION OF NEW AFFORDABLE HOUSING UNITS

Mr. Raffetto reviewed the provisions of Ordinance 2009-04, which would authorize the sale of the Borough-owned lot on Academy Street to Habitat for Humanity for the price of \$15,000, with the understanding that they are seeking to acquire the adjacent property and would combine the two. They will also need to go before the Planning Board and will be subject to those approvals.

Councilmember McGinty said that she is familiar with Habitat for Humanity projects, and the way in which they can galvanize a community. "Any community that has them in it is truly blessed," she said. "It would be a wonderful thing to have them on South Academy Street."

After brief discussion, Ordinance 2009-04 was moved for introduction by Councilmember Schneider and seconded by Council President Sikorski.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-04 was scheduled for February 2, 2009.

RESOLUTIONS

Ms. Gallagher reviewed the provisions of Resolution 2009-19. Council President Sikorski asked if the day after Thanksgiving is a holiday specifically included in our union contracts. Ms. Gallagher confirmed that it is.

Resolution 2009-19 was moved by Councilmember Bond and seconded by Councilmember Theokas.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

RESOLUTION 2009-19 ESTABLISHING 2009 SCHEDULE OF HOLIDAYS AND BOROUGH BUSINESS HOURS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following will be considered the official holidays for the year 2009 and the first week of 2010:

January 1	New Years' Day (Thursday)
January 19	Martin Luther King, Jr. Day (Monday)
February 16	Presidents Day (Monday)
April 10	Good Friday
May 25	Memorial Day observed (Monday)
July 3	Independence Day observed (Friday)
September 7	Labor Day (Monday)
October 12	Columbus Day observed (Monday)
November 11	Veterans Day (Wednesday)
November 26	Thanksgiving Day (Thursday)
November 27	Day After Thanksgiving (Friday)
December 25	Christmas Day (Friday)
January 1, 2010	New Years Day (Friday)

BE IT FURTHER RESOLVED that the official business hours for Borough offices will be 8:30 a.m. to 4:30 p.m. Monday through Friday, except as set forth below:

1. During the period running from May 22, 2009 thru September 10, 2009, offices at Borough Hall will be open according to the following schedule:

Monday, Tuesday and Wednesday	8:00 a.m. to 6:00 p.m.
Thursday	8:00 a.m. to 5:00 p.m.
Friday	Closed

2. This arrangement shall not impact police officers, dispatchers, public works employees and sewer plant employees.

UNFINISHED BUSINESS

COAH FEES FOR RESIDENTIAL DEVELOPMENT

Mr. Raffetto stated that, currently, the Borough has both a Development Fee and a Growth Share Ordinance. Council had wished to review these in light of a person who came forward recently and had to pay over \$21,000 in COAH fees to build a modest home. Planner Tamara Lee and Housing Liaison Gail Pfister have been in contact with COAH, he said, and, although it may have been appropriate at the time it was enacted under the prior COAH regulations, the Growth Share ordinance is no longer appropriate. Their recommendation is that it be removed and that the development fee for residential improvements be increased from 1% to 1.5% of the equalized value (which is the maximum that can be charged). All non-residential construction is now subject to a mandatory 2.5% fee, which, because we currently participate in COAH, comes to us. (If we did not participate, Mr. Raffetto explained, those fees would go directly to the State.) There is a clear need, he said, for the Borough's existing ordinances to be revised in order to bring them into line with COAH third round regulations.

Councilmember Bond asked how the \$21,000 figure was originally arrived at. Mr. Raffetto stated that the Borough's previous planner calculated that fee based on what it would cost the Borough to provide a new affordable unit, apportioned over the eight market rate units that would require it. Councilmember Bond stated that a percentage calculation is more equitable, particularly if one is building a very modest home, and expressed support for this change.

Mr. Raffetto added that it would be within the Borough's discretion to exempt certain types of properties from the fee, such as residential properties below a certain value. Anything can be exempted, he said, as long as it is an entire class of properties that is exempted. Council would also have the option to exempt residential properties in certain areas or zones in order to promote development.

After some discussion regarding a number of variables, Mayor Patten recommended that a subcommittee be formed to research this and bring recommendations back to the Borough Attorney, who will then craft the needed ordinance.

Council President Sikorski asked if the ordinance would be retroactive, and if it would require refunds of monies previously paid. Mr. Raffetto stated that the prior COAH regulations were not superseded until last summer, so the Borough would have no obligation to refund fees paid prior to that time, although it would have the option to do so.

Councilmember Schneider recommended that single family homes under a certain square footage be exempted from the fee. An owner-occupied, single family home placed on an otherwise vacant lot is generally a positive for the community, he said.

Councilmember McGinty agreed to chair the subcommittee to look further into this, and asked if the committee could include members of the community. "Whatever you want," the Mayor replied, and recommended that Gail Pfister, Housing Liaison, be included, and that Tamara Lee's input be sought as well.

CONSENT AGENDA

At Council President Sikorski's request, Resolution 2009-41 was pulled for separate consideration. Resolutions 2009-24 through 2009-26, 2009-28 through 2009-40, and 2009-45 were moved by Council President Sikorski and seconded by Councilmember Theokas.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolutions adopted, 6-0.

RESOLUTION 2009-24 AMENDING RESOLUTION 2009-04, ADOPTED JANUARY 1, 2009, ENTITLED "RESOLUTION MAKING AND CONFIRMING APPOINTMENTS FOR 2009 - BOROUGH OFFICIALS," WITH RESPECT TO ALTERNATE PROSECUTORS

WHEREAS, on January 1, 2009, the Borough Council adopted Resolution 2009-04, appointing various Borough officials and including the appointment of Alternate Prosecutors; and

WHEREAS, it is necessary to amend that Resolution to correct said Alternate Prosecutor appointments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2009-04 is hereby amended to reflect that the following individuals are named as Alternate Prosecutors for the Borough of Hightstown during 2009:

- #1: Craig Hubert, Esq.
- #2: Renee Sumners, Esq.
- #3: Lenore Hannah, Esq.
- #4: Kenneth Lozier, Esq.

RESOLUTION 2009-25 AUTHORIZING RENEWED PROFESSIONAL SERVICES AGREEMENT WITH ROBERT H. YOSTEMBSKI, BOROUGH PROSECUTOR

WHEREAS, on December 27, 2007 the Mayor and Council approved an agreement with Robert H. Yostembski as Borough prosecutor that expired as of December 31, 2008; and

WHEREAS, Mr. Yostembski has agreed to continue serving as Borough prosecutor during 2009, at the same rate which was paid to him during 2008;

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 Robert H. Yostembski is hereby re-appointed as Borough Prosecutor effective January 1, 2009, for a one-year term ending December 31, 2009.
2. That the Mayor is authorized to execute and the Borough Clerk to attest a renewed agreement between the Borough of Hightstown and Robert H. Yostembski for municipal prosecutor services for the year 2009 for a total annual fee of \$14,400.00.
3. 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.
4. That this contract is subject to and contingent upon:
 - a) adequate funding in the Borough's 2009 budget
 - b) approval by the Borough Attorney
 - c) submission of any and all Pay to Play documentation required by state and local law.
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 any 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) Robert H. Yostembski
 - b) Nancy MacLean, Municipal Court Administrator
 - 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 2009-26 AUTHORIZING EMPLOYMENT AGREEMENT WITH KATHRYN MONZO,
TAX COLLECTOR**

WHEREAS, the Mayor and Council of the Borough of Hightstown, County of Mercer, have appointed Kathryn Monzo to serve as Borough Tax Collector, effective January 5, 2009, for the remainder of the unexpired term ending December 31, 2009; and

WHEREAS, Ms. Monzo has also agreed to serve as Water and Sewer Collector and Payroll Clerk; and

WHEREAS, it is the desire of the Mayor and Council to establish the terms and conditions of Ms. Monzo's employment relative to these titles as set forth in the agreement which is attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached employment agreement with Kathryn Monzo as Tax Collector, Water and Sewer Collector and Payroll Clerk; and

BE IT FURTHER RESOLVED that, for all duties listed, Ms. Monzo shall be paid at the total rate of \$25,000.00 per year during the term of this agreement.

**RESOLUTION 2009-28 AUTHORIZING AGREEMENT FOR PROFESSIONAL AUDITING SERVICES -
WILLIAM E. ANTONIDES AND COMPANY**

WHEREAS, there exists a need for municipal auditing services during 2009 pertaining to the 2008 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, 2009; and

WHEREAS, the maximum cost for the proposed services will be \$28,000.00, representing no increase in fee from prior years; 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. The Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and William E. Antonides and Company regarding the above-referenced professional auditing services, which agreement is attached hereto and made a part hereof¹.
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. This contract is subject to and contingent upon adequate funding in the Borough's 2009 budget.
4. Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. 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. 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. A copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. A notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2009-29 AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES – CARMELA ROBERTS, P.E.

WHEREAS there exists a need for various professional engineering services for the Borough of Hightstown during 2009; and

WHEREAS, Carmela Roberts, P.E., of Roberts Engineering Group, LLC was appointed Borough Engineer by resolution adopted by the Borough Council on January 1, 2009 and has offered to perform such services as set forth on her proposal, attached, dated December 15, 2008; and

WHEREAS it is anticipated that maximum engineering costs to the Borough during 2009 will be as follows:

¹ Agreement is on file with original Resolution in the Borough Clerk's office.

Attendance at Borough Council meetings	\$ 4,200.00
General engineering (Planning Board)	2,000.00
Miscellaneous requests for information and data	5,000.00
Miscellaneous road and drainage issues	4,500.00
Utility operations – water	10,000.00
Utility operations – sewer	10,000.00
Tax Map maintenance	3,000.00; and

WHEREAS 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 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, Ms. Roberts 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 an Agreement, subject to approval of the Borough Attorney, between the Borough of Hightstown and Carmela Roberts, P.E. 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 Carmela Roberts is a licensed engineer authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough’s 2009 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 2009-30 AUTHORIZING AGREEMENT FOR PROFESSIONAL PLANNING SERVICES –
TAMARA LEE CONSULTING, LLC**

WHEREAS, there exists the need for professional planning services during 2009; 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 hereof, 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:

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, subject to approval of the Borough Attorney.
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 2009 budget and/or other available sources, including escrow funds.
4. That expenditures under this Resolution shall not exceed \$10,000.00 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 2009-31 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
FREDERICK C. RAFFETTO, ESQ.**

WHEREAS, there exists the need for professional legal services for 2009 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, 2009 and has offered to perform such services during 2009 at rates not to exceed those charged during 2008; and

WHEREAS, rates shall be charged as follows:

1. For general legal services, including but not limited to general municipal matters, litigation matters, labor matters, and water and sewer matters, and for appearances at meetings other than regularly scheduled Council meetings, the Attorney shall be compensated at the rate of \$110.00 per hour, and \$55.00 per hour for services rendered by a Paralegal.
2. For attendance at regularly scheduled Council meetings, the Attorney shall receive a flat fee of \$300.00 per meeting.
3. For services relating to redevelopment matters for which a private developer has posted escrow funds to cover the costs associated with the services of Borough professionals, or which are anticipated to be paid for by the Borough but reimbursed by private developer(s), the attorney shall be compensated at the rate of \$175.00 per hour, and \$55.00 per hour for services rendered by a Paralegal; and

WHEREAS, it is presently anticipated that the maximum costs for legal services other than redevelopment are as follows:

Attendance at Council meetings	7,000.00
Litigation	15,000.00
General Matters	25,000.00
Water and Sewer Matters:	
Water	5,000.00
Sewer	5,000.00

; 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 an Agreement between the Borough of Hightstown and Frederick Raffetto, Esq. regarding the above-referenced professional legal services, as set forth 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 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 2009 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 2009-32 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 during 2009; 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, 2009; 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 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 2009 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 2009-33 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
MCLAUGHLIN, GELSON, D'APOLITO & STAUFFER, LLC**

WHEREAS, there exists the need for specialized municipal legal services for 2009 pertaining to labor, personnel and union matters; and

WHEREAS, Richard J. Shaklee, Esq., of the firm McLaughlin, Gelson, D'Apolito & Stauffer, LLC of Wall Township, New Jersey, has offered to continue performing 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, 2009; 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, D'Apolito & Stauffer, 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 an agreement between the Borough of Hightstown and McLaughlin, Gelson, D'Apolito & Stauffer, LLC regarding the above-referenced professional legal services as set forth herein, subject to approval of the Borough Attorney.
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, D'Apolito & Stauffer, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That expenditures under this Resolution shall not exceed \$12,500.00 without further authorization from Council.
4. That this contract is subject to and contingent upon adequate funding in the Borough's 2009 budget and/or other available sources.
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 2009-34 AUTHORIZING RENEWED INTERLOCAL AGREEMENT WITH UPPER FREEHOLD TOWNSHIP FOR ANIMAL CONTROL SERVICES

WHEREAS, with the adoption of Resolution 2006-284 on December 18, 2006, the Borough Council approved an Interlocal Service Agreement with Upper Freehold Township for the provision of Animal Control Services for the period January 1, 2007 through December 31, 2008; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Animal Control Services to the Borough by Upper Freehold through December 31, 2010; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.* authorizes the approval of Interlocal Service Agreements by Resolution; and

WHEREAS, it is the intention of the Mayor and Council that funds for this expenditure be provided as needed in the 2009 budget;

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

1. The attached² Interlocal Service Agreement with Upper Freehold Township for Animal Control Services for the period January 1, 2009 through December 31, 2010, is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement for same.
3. Approval of this agreement is subject to adequate funding in the 2009 and 2010 budgets and/or appropriate trust fund(s).

RESOLUTION 2009-35 AUTHORIZING RENEWED INTERLOCAL SERVICES AGREEMENT WITH ROBBINSVILLE TOWNSHIP FOR AUTOMOTIVE REPAIR SERVICES

WHEREAS, with the adoption of Resolution 2008-35 on January 7, 2008, the Borough Council approved an Interlocal Service Agreement with Robbinsville Township for the provision of Automotive Repair Services for the period January 1, 2008 through December 31, 2008; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of these services to the Borough by Robbinsville through December 31, 2009; and

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

² Agreement is on file with the Resolution in the Borough Clerk's office.

WHEREAS, a copy of the proposed Agreement is attached hereto and made a part hereof³;

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 Robbinsville, or one substantially similar thereto which has been reviewed and approved by the Borough Attorney and Borough Administrator, for the provision of automotive repair services to Hightstown by Robbinsville, 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, in accordance with the aforementioned agreement, Hightstown hereby designates James Eufemia, Chief of Police, to schedule and be responsible for all repairs to police vehicles and Larry Blake, Superintendent of Public Works, to schedule and be responsible for all repairs to all other Borough-owned vehicles.
4. That, in accordance with the aforementioned agreement, no repair in excess of \$250 shall be made by Robbinsville unless specifically authorized by Candace Gallagher, Borough Administrator.
5. That this Agreement shall not become effective until the governing bodies of both Hightstown and Robbinsville 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.
6. That this agreement is contingent upon the availability of adequate funding in the Borough's 2009 budget.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Mary Caffrey, Administrator, Robbinsville Township
 - b. Larry Blake, Superintendent of Public Works
 - c. James Eufemia, Chief of Police
 - d. Candace Gallagher, Hightstown Borough Administrator/Clerk
 - f. Arlene O'Rourke, Treasurer

**RESOLUTION 2009-36 AUTHORIZING RENEWED INTERLOCAL AGREEMENT WITH ROBBINSVILLE TOWNSHIP
FOR HOUSING SERVICES**

WHEREAS, current requirements of the New Jersey Council on Affordable Housing ("COAH") mandate that each municipality in the state under its jurisdiction designate a trained employee as a Municipal Housing Liaison; and

WHEREAS, COAH also mandates that the Borough of Hightstown appoint an RCA Administrator for the administration of Hightstown's RCA housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the Borough of Hightstown ("Hightstown") desires to enter into a renewed interlocal agreement with the Township of Robbinsville to provide a trained employee of Robbinsville to act as the Borough's Municipal Housing Liaison / RCA Administrator during 2009; and

WHEREAS, the execution of an such an agreement between Robbinsville and Hightstown will provide financial savings and other advantages for both municipalities; and

WHEREAS, Robbinsville has agreed to provide services as outlined in the attached interlocal agreement, which agreement is made a part hereof and incorporated herein, at a rate of \$30 per hour; and

³ Agreement is on file with the Resolution in the Borough Clerk's office.

WHEREAS, such agreements are authorized pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is the intention of the Mayor and Council to provide funding for this expenditure in the Borough's 2009 budget;

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

1. The Borough is hereby authorized to enter into a renewed interlocal agreement with the Township of Robbinsville for the services of a Municipal Housing Liaison/RCA Administrator as set forth herein, and the proper officials of the Borough of Hightstown are authorized to execute said agreement, subject to approval of the Borough Attorney.
2. Expenditures authorized by this Resolution shall not exceed \$7,500.00 without further action by Council.
3. Performance under said agreement is subject to the availability of sufficient funding in the Borough's 2009 budget and/or appropriate trust fund(s) or other sources.
4. A copy of this resolution and the agreement shall be forwarded to the Director of the Division of Local Government Services in accordance with N.J.S.A. 40A:65-4(3)b.

RESOLUTION 2009-37 AUTHORIZING RENEWED INTERLOCAL AGREEMENT WITH HAMILTON TOWNSHIP FOR HEALTH SERVICES (STD CLINIC)

WHEREAS, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

WHEREAS, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2009 through December 31, 2009 for a fee of \$25 per patient; and

WHEREAS, it is the desire of the Borough Council to enter into an interlocal agreement with the Township of Hamilton for provision of these services; and

WHEREAS, such agreements are authorized pursuant to *N.J.S.A. 40:8A-1 et seq.*;

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

1. An interlocal services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2009 through December 31, 2009, which agreement is attached hereto and incorporated herein, is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

RESOLUTION 2009-38 AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR A REGIONAL VEHICLE WASH FACILITY FEASIBILITY STUDY

WHEREAS, the County of Mercer wishes to join with its respective municipalities to apply for a SHARE (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey Share Program to fund a feasibility study for a Regional Vehicle Wash Facility that meets State storm and waste water regulations and that would be beneficial to all participating local units; and,

WHEREAS, the County of Mercer is the lead agency in this program and agrees to make the full match requirement for the grant; and

WHEREAS, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Hightstown, that the Borough of Hightstown does hereby agree to join with the County of Mercer in applying for a grant for the purpose conducting a feasibility study for a regional vehicle wash facility.

RESOLUTION 2009-39 AUTHORIZING AGREEMENT FOR RANDOM CDL ALCOHOL AND DRUG TESTING PROGRAM – CONNER STRONG RISK CONTROL

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 2009; and

WHEREAS, it is the desire of the Mayor and Council to retain Conner Strong Risk Control to perform this service at the cost of \$66.34 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;

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

1. The agreement with Conner Strong Risk Control for provision of a CDL Alcohol and Controlled Substances Program for the period January 1, 2009 through December 31, 2009, which agreement is attached hereto and made a part hereof⁴, 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 2009 budget.

RESOLUTION 2009-40 ACCEPTING MEMBERSHIP OF SEAN D. HAGADORN IN HIGHTSTOWN ENGINE CO. NO. 1

WHEREAS, Sean D. Hagadorn of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Hagadorn has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Sean D. Hagadorn in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2009-45 AMENDING THE 2009 TEMPORARY OPERATING BUDGET – WATER AND SEWER

WHEREAS, the Borough Council adopted the 2009 temporary water and sewer operating budget on January 1, 2009; and

WHEREAS, it is necessary to amend that budget in order to provide funding for certain capital expenditures; and

WHEREAS, said amendments will neither increase nor decrease the total appropriations;

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

⁴ Agreement is on file with the Resolution in the Borough Clerk's office.

1. The following changes are made to the 2009 Temporary Water and Sewer Operating Budget as adopted on January 1, 2009:

	From:	To:	Difference
Salaries and Wages	\$245,000.00	\$215,000.00	(\$30,000.00)
Capital Outlay	0	25,000.00	25,000.00
Capital Improvement Fund	0	5,000.00	5,000.00
NET TOTAL CHANGE			0.00

2. Certified copies of this Resolution shall be provided forthwith to the Treasurer, Chief Financial Officer and Borough Auditor.

Resolution 2009-41, authorizing payment of bills, was moved by Councilmember Schneider and seconded by Councilmember Theokas. Discussion ensued.

Council President Sikorski and Councilmember McGinty stated that they would not be comfortable approving this bill list because they had only received it that evening and have not had adequate time to review it. Chief Financial Officer George Lang was present, and stated that the list was not processed until that day due to the year end changeover. This would put off payment until February, he said, and could create problems due to the prompt payment law. Most of the bills listed, he said, are routine bills from 2008. Holding up payment can create problems with vendors who become unwilling then to provide products or services in the future. After brief further discussion, the roll was called.

Roll Call: Councilmembers Schneider and Theokas voted yes. Councilmembers Bond, Quattrone, McGinty and Sikorski voted no.

Resolution DEFEATED, 4-2.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Phyllis Deal, 305 Stockton Street, stated that women in high heels find it difficult to walk on brick sidewalks and she doesn't want them in front of her home.

Eugene Sarafin, 600-628 South Main Street, said that it was "not smart to keep people waiting" for the meeting to begin as a result of the executive session which was held early in the evening. He added that the Tax Assessor didn't really explain the process fully. Mr. Sarafin said that, according to the New Jersey Municipal Report Card, Hightstown's tax rate ranks 36th in the State, yet if there was a statewide property tax, our rate would drop significantly. "We don't have a fair and equitable system of raising taxes," he said.

Torry Watkins, 68 Meadow Drive, agreed that the Tax Assessor did not adequately explain things earlier in the meeting, and people left the room unnecessarily angry. "You let them walk out with that attitude," he said. "They have no idea that tax assessments frozen at October 1 are simply that, and are relative to other assessments, and don't have to bear any relationship to market value."

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Theokas reported that he, Mayor Patten and Ms. Gallagher attended the Fire Company's recent installation dinner, where outgoing Fire Chief John Archer was honored and new Fire Chief Larry Van Kirk was installed. He said that he looks forward to working with the Department over the next year.

Councilmember McGinty reported that she attended the Environmental Commission's reorganization meeting on January 13, which was well-attended. There will be another public meeting of the Commission on January 27. She further reported that, as police liaison, she met with Chief Eufemia recently. She said that one of her goals, as well as one of the key concerns of the Downtown Hightstown group, is pedestrian safety. Ms. McGinty said that she attended that group's holiday award ceremony for the best-decorated business, and at that event, Santa Claus "tried three times to cross the street and almost got mowed down. If they're not stopping for Santa, we're all in trouble." Ms. McGinty went on to say that the Downtown Hightstown group is "vibrant and active," and that she would like to see the same "spark" ignite meetings of the Economic Development Committee. Lastly, Councilmember McGinty said that she hopes that Council will, in the near future, revisit the concerns expressed at this meeting by the Wyckoff's Mill community regarding the revaluation process.

Councilmember Bond reported that he attended the most recent meeting of the water and sewer committee. He also noted for the record that Tax Assessor Ken Pacera did send a letter to the Wyckoff's Mill Condominium Association "explaining exactly what was going on" with the revaluation process, and that letter included sales data for that community, which was in line with the assessments. Mayor Patten noted that every resident in the community received a copy of that letter. Lastly, Mr. Bond stated that he would be opposed to holding any future executive sessions at the beginning of the meeting. Despite the best intentions, they sometimes take longer than anticipated, and it "doesn't work to keep people waiting out there for 35 minutes."

Council President Sikorski reported that he attended the Planning Board's reorganization meeting. He further reported that the Historic Preservation Commission is continuing its discussion of a proposed ordinance, and the consensus is that the Commission will be advisory only. He agreed with Mr. Bond that closed sessions should no longer be held at the beginning of the meeting.

Councilmember Quattrone thanked John Archer for his ten years of service as Fire Chief. He reported that the Public Works department has been busy and frozen pipes are creating problems. He urged anyone having problems with water or sewer to first contact the Borough, as we may be able to locate the problem and can determine whether or not it is the Borough's problem before a plumber is called in. Lastly, Councilmember Quattrone stated that the budget committee is still meeting and things will be "coming to a head soon."

Mayor Patten reported that he attended the Hightstown-East Windsor Historical Society's annual luncheon meeting on Sunday, which was a "nice affair." He said that he would like to see more members, and urged Council to support the Society. The Mayor said that he "looks forward to great things from our Council," and echoed President Obama's call for getting people involved. "Let's encourage people," he said, "to come up with thinking of how to solve problems, rather than just pointing out the negativity of things."

EXECUTIVE SESSION II

Ms. Gallagher read aloud Resolution 2009-42, authorizing a closed session for the purpose of discussing litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Theokas.

Roll Call: Councilmembers Bond, Quattrone, McGinty, Schneider, Sikorski and Theokas voted yes.

Resolution adopted, 6-0.

RESOLUTION 2009-42 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 20, 2009 at approximately 9:45 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:

**Litigation
(Greystone Capital Partners; 480 Mercer Street, LLP and Bruckner Southern, LLC;
Crest Engineering vs. Turco vs. Borough)**

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 20, 2009 or when the need for confidentiality no longer exists.

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

Upon reconvening into open session, adjournment was moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved. The meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk