

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 Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	

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

APPROVAL OF AGENDA

The agenda was moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved as submitted.

APPROVAL OF MINUTES

Minutes of the open session of June 15, 2009 were moved by Council President Sikorski, seconded by Councilmember Theokas and unanimously approved as submitted by all but Councilmember Quattrone, who abstained, and Councilmember McGinty, who abstained with respect to just those portions of the meeting during which she had recused herself.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, objected to the three-minute time limit imposed for public comment, told the Council that they made a "stupid move" in revising the interlocal agreement with Robbinsville for EMS services, and criticized the "Republican mentality" that he said does not want to pay for services. Mr. Sarafin also commented that "the town looks beautiful" but is "corrupt underneath."

Don Anderson, 557 South Main Street, said that he was speaking on behalf of about 100 residents in his area to request that the Borough address traffic issues which he feels are "intolerable." Hightstown, he said, has become a thoroughfare for traffic coming through which "has no business in town and no regard for residents and safety." He said that large trucks begin coming through at 5 a.m., endangering schoolchildren, pedestrians, joggers and those having to pull onto the street from their driveways. He asked that a representative be designated to work with a select group of residents to determine how this can be proactively addressed. Solutions, he said, could include changes to our ordinances, increased fines, diversion of truck traffic and/or the purchase of electronic radar signs.

Janie Hostetler, a former Borough resident and Hightstown High School graduate now residing in Plainsboro, spoke regarding the change recently approved in the Borough's EMS arrangement with Robbinsville Township and the resulting danger that could be posed to those who may have to wait longer for an ambulance to arrive. She spoke of the urgency in responding quickly to asthma attacks, heart attacks and falls, and said that one's chance of survival decreases by 7 to 10 percent for each minute that passes before treatment actually begins. Ms. Hostetler asked if the Borough's police department carries pediatric pads for the defibrillator. Plainsboro's did not, she said, and a child died. She added that she has worked as a paramedic, and the Borough should not count on the paramedics being the "backup," as they are regional and could be covering an incident elsewhere at the time. In addition, she said, they do not have the ability to transport a patient to the hospital. Ms. Hostetler closed her comments by asking, "Is your mission to cut corners on costs for a few dollars per household, or to protect the lives that were entrusted with when you were elected?"

Torry Watkins, 68 Meadow Drive, wished *Windsor Hights Herald* reporter Sean Ruppert well as he leaves for law school, and thanked him for his "excellent reporting." He also urged all to support the *Herald*, saying, "If we lose our community newspaper, we lose just about everything all of us stand for."

Kevin Weissenberger, 102 Orchard Avenue, echoed Mr. Anderson's comments regarding traffic in the Borough, and said that schoolchildren and teachers drive "way too fast" on Orchard Avenue.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

ENGINEER'S RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolution 2009-154** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2009-154

AUTHORIZING PARTIAL RELEASE OF PERFORMANCE GUARANTEE – PEDDIE SCHOOL (ATHLETIC CENTER EXPANSION)

WHEREAS in May 2008, Peddie School posted a performance guarantee in the amount of \$1,835,992.14 relative to Athletic Center Expansion; and

WHEREAS Peddie School has requested a reduction in the amount of the posted guarantee;

WHEREAS the Borough Engineer has inspected the improvements and has determined that it would be appropriate for the Borough to reduce the amount of the guarantee to \$271,063.44 at this time;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized and directed to take all necessary steps to reduce the balance of the performance bond held on behalf of Peddie School to \$271,063.44, or to effect the replacement of said bond with a new bond in the reduced amount.

Following a brief review by Ms. Roberts, **Resolution 2009-155** was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

**RESOLUTION 2009-155 AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE –
ST. ANTHONY OF PADUA**

WHEREAS, St. Anthony of Padua has posted a cash maintenance guarantee in the amount of \$2,047.50 and maintained an inspection escrow account with the Borough relative to certain improvements; 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 Treasurer is authorized and directed to release to St. Anthony of Padua their maintenance bond in the amount of \$2,047.50 and 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.
2. A certified copy of this Resolution shall be provided to the following:
 - a. Rev. Patrick McDonnell, St. Anthony of Padua
 - 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 2009-156** was moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolution adopted, 6-0.

**RESOLUTION 2009-156 AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE –
PRINCETON POOL & PATIO**

WHEREAS, Princeton Pool & Patio has posted a cash maintenance guarantee in the amount of \$14,338.62 and maintained an inspection escrow account with the Borough relative to certain improvements; 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 Treasurer is authorized and directed to release to Princeton Pool & Patio their maintenance bond in the amount of \$14,338.62 and 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.
2. A certified copy of this Resolution shall be provided to the following:
 - a. Princeton Pool & Patio
 - b. Arlene O'Rourke, Treasurer
 - c. Leona Baylor, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

With respect to **Resolution 2009-157**, which would have awarded a contract for Peddie Dam improvements, Ms. Roberts stated that no action could be taken because there is insufficient funding in place at this time to award the contract.

Following a brief review by Ms. Roberts, **Resolution 2009-158** was moved by Council President Sikorski and seconded by Councilmember Theokas.

Council President Sikorski asked if the issue of ponding on Purdy Street had been addressed. Councilmember Bond stated that he has observed what Mr. Blake is attempting to do there and it should work.

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

Resolution adopted, 6-0.

RESOLUTION 2009-158 AUTHORIZING PAYMENT NO. 8 – B&H CONTRACTING, INC. (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, Change Order No. 1 to this contract was subsequently approved in the amount of Seventeen Thousand and Seventy-Eight Dollars (\$17,078.00), bringing the total contract price to Five Hundred Ninety Two Thousand Three Hundred and Seventy-Eight Dollars (\$592,378.00); and

WHEREAS, the contractor has submitted Payment Request No. 8 for work done in the total amount of \$13,818.00, along with the required certified payrolls; and

WHEREAS the Borough Engineer has recommended approval of this payment request;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 8 from B & H Contracting of Folsom, New Jersey in the amount of \$13,818.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

Following a brief review by Ms. Roberts, **Resolution 2009-159** was moved by Council President Sikorski and seconded by Councilmember Schneider. Council President Sikorski stated that a

great deal of effort has gone into this. Most members of the governing body visited the plant last year, he said, and this matter has been given careful consideration and due diligence. Ms. Roberts agreed.

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

Resolution adopted, 6-0.

RESOLUTION 2009-159

**AWARDING CONTRACT FOR STRUCTURED PVC MEDIA MODULES
AND PROTECTIVE WALKWAY SURFACE GRATING – BRENTWOOD
INDUSTRIES**

WHEREAS, on June 30, 2009, two (2) bids were received for structured PVC media modules and protective walkway surface grating for use at the Borough's Advanced Waste Water Treatment Plant, as follows:

Bidder	Item	Bid amount for one tank	Bid amount for two tanks
Brentwood Industries, Inc. 610 Morgantown Road Reading, PA 19611	Media	\$87,285.00	\$174,500.00
	Protective Walkway Surface	\$2,000.00	\$4,000.00
Jaegar Products dba Jaegar Environmental P.O. Box 789 126 S. Griffith El Dorado, KS 67042	Media	\$119,502.00	\$234,357.00
	Protective Walkway Surface	\$2,687.00	\$5,075.00

; and

WHEREAS, the bids have been reviewed by the Superintendent of the AWWTP and it is his recommendation that a contract be awarded to the low bidder, Brentwood Industries of Reading, PA for media and grating for ONE TANK at this time, and that the Borough consider awarding same for the second tank at a later date, subject to funding availability; and

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Brentwood Industries is in order with respect to legal compliance; and

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

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

1. The contract for structured PVC media modules and protective walkway surface grating for ONE TANK is hereby awarded to Brentwood Industries, Inc. of Reading, PA in the amount of Eighty-Nine Thousand Two Hundred and Eighty-Five Dollars.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Brentwood Industries subject to approval of the Borough Attorney.

ORDINANCES

PUBLIC HEARING AND FINAL READING: ORDINANCE 2009-11,

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND
EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN**

Ms. Gallagher reviewed the provisions of Ordinance 2009-11, and reviewed the changes in the Ordinance from last year. Changes included accommodating contractual salary increases where necessary and adjustments to position titles.

Mayor Patten opened the public hearing on Ordinance 2009-11.

Eugene Sarafin, 600-628 South Main Street, stated that, if one were to total all of the minimum ranges shown and total all of the maximum ranges shown, the difference between the two totals would be about \$1 million.

No one else came forward and the floor was closed.

Ordinance 2009-11 was moved for adoption by Councilmember Schneider and seconded by Councilmember Theokas.

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

Ordinance adopted, 6-0.

**ORDINANCE 2009-11 AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND
EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	<i>RANGING FROM:</i>	<i>TO:</i>
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Planning Board Attorney	\$2,000.00	\$2,000.00
Borough Administrator	\$18,000.00	\$28,000.00
Borough Clerk	\$40,000.00	\$75,000.00
Deputy Borough Clerk	\$28,000.00	\$40,000.00
Treasurer	\$40,000.00	\$65,000.00
Tax/Water/Sewer Collector	\$20,000.00	\$50,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$16,000.00
Tax/Utility Clerk	\$28,000.00	\$35,000.00
Tax Assessor	\$7,500.00	\$12,500.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$4,000.00
Municipal Magistrate	\$25,000.00	\$36,000.00
Municipal Court Administrator	\$40,000.00	\$70,000.00
Deputy Municipal Court Administrator	\$28,000.00	\$45,000.00
Administrative Assistant/Secretary	\$22,000.00	\$44,000.00
Planning Board Secretary	\$1,000.00	\$16,000.00
Technical Assistant	\$28,000.00	\$38,000.00
Construction Code Official	\$18,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	\$6,000.00
Building Subcode Official	\$3,500.00	\$6,000.00
Superintendent of Public Works	\$50,000.00	\$82,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$66,000.00
Superintendent of Water Plant	\$5,000.00	\$8,000.00
Water Plant Operator	\$40,000.00	\$65,000.00
Superintendent of AWWTP	\$50,000.00	\$75,000.00
Lab Manager - AWWTP	\$35,000.00	\$55,000.00
Chief of Police	\$65,000.00	\$110,000.00
Secretary - Board of Health	\$500.00	\$1,500.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$50,000.00
Building Inspector	\$3,500.00	\$6,000.00

	<i>RANGING FROM:</i>	<i>TO:</i>
Health Officer	\$8,000.00	\$12,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	<i>RANGING FROM:</i>	<i>TO:</i>
Part-time clerical	\$8.00	\$30.00
Violations Clerk (part-time)	\$10.00	\$14.00
Disposition Clerk (part-time)	\$12.50	\$22.00
Special Officer – Municipal Court	\$25.00	\$35.00
Court Interpreter (two hour minimum per court session)	\$50.00	\$80.00
Public Health Nurse	\$25.00	\$38.00
School Crossing Guard	\$15.00	\$25.00
Radio Dispatcher	\$8.00	\$23.00
Administrative Assistant/Secretary	\$10.50	\$20.00
Administrative Assistant – Floater	\$13.50	\$20.00
Public Works Foreman	\$16.00	\$25.00
Public Works Heavy Equipment Operator	\$14.00	\$22.00
Public Works Automated Vehicle Operator	\$14.00	\$22.00
Public Works Driver/Laborer	\$10.00	\$20.00
Public Works Laborer	\$8.00	\$18.00
Public Works Municipal Building Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$10.00	\$20.00
Seasonal/Temporary Labor	\$8.00	\$16.00
Assistant Water Plant Operator	\$14.00	\$20.00
AWWTP Maintenance	\$15.00	\$22.00
AWWTP Operator Trainee (up to 1 year exp)	\$12.00	\$15.50
AWWTP Operator – Class I (min. 1 year exp)	\$14.50	\$17.00
AWWTP Operator – Class II (min. 2 years exp)	\$15.25	\$18.50
AWWTP Operator – Class III (min. 3 years exp)	\$16.50	\$20.00
AWWTP Operator – Class IV (min. 4 years exp)	\$17.25	\$21.50
Recreation Director (part-time)	\$20.00	\$35.00
Assistant Recreation Director (part-time)	\$8.00	\$20.00
Junior Recreation Counselor (part-time)	\$6.00	\$12.00
Housing Inspector	\$18.00	\$35.00
Fire Inspector	\$18.00	\$35.00
Building Inspector	\$18.00	\$35.00
Fire Official	\$18.00	\$35.00
Zoning Officer	\$18.00	\$30.00
Electric Subcode Official	\$18.00	\$40.00
Plumbing Subcode Official	\$18.00	\$40.00

Section 3. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on a per-session basis, is:

	<i>RANGING FROM:</i>	<i>TO:</i>
Judge (Acting)	\$150.00	\$300.00
Public Defender	\$100.00	\$200.00

Section 4. Supplemental Longevity Pay for regular full-time employees except police shall be as follows:

After five (5) years of service	\$650.00
After ten (10) years of service	\$1,000.00
After fifteen (15) years of service	\$1,350.00
After twenty (20) years of service	\$1,700.00
After twenty-five (25) years of service	\$2,100.00

Section 5. In addition to salary ranges listed herein, all full-time employees who have waived health benefits coverage shall receive a supplemental stipend in the amount of \$5,000 per year.

Section 6. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be retroactive to January 1, 2009.

Section 7. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

INTRODUCTION AND FIRST READING: ORDINANCE 2009-12,

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 26-4, ENTITLED "PROVISIONS APPLICABLE TO PLANNING BOARD," AND SECTION 26-9, ENTITLED "SUBDIVISION AND SITE PLAN CHECKLISTS," OF CHAPTER 26, "LAND USE," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

Following a brief review by Ms. Gallagher, Ordinance 2009-12 was moved for introduction by Council President Sikorski and seconded by Councilmember Quattrone. It was noted that these changes (increases in the number of copies of documentation to be provided by Planning Board applicants) were requested by the Planning Board.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2009-12 was scheduled for August 3, 2009.

RESOLUTIONS

RESOLUTION 160, REMOVING THE MORATORIUM ON THE ISSUANCE OF CERTAIN TAXICAB OWNER'S AND DRIVER'S LICENSES FOR 2009

Councilmember Theokas, who serves on the Borough's Taxi Committee, stated that he understands why this Resolution is now before Council, but he does not endorse it. He said that the committee is very close to having an ordinance ready for introduction, and he is hopeful that this will take place at the next meeting. "Lifting the moratorium," he said, "won't do anything to benefit the Borough, residents, police or taxis." He said that the Borough has not had any formal complaints regarding the fact that we are not issuing new taxi licenses, and "we're acting almost through speculation of a problem that might not exist. ... We're planning to introduce [the ordinance] at the next meeting and pass it in September. This is putting the cart before the horse."

To further discussion, Resolution 2009-160 was moved by Councilmember McGinty with the following changes to its language:

- A clarification that the moratorium would be lifted on the renewal of 2008 taxi owner's and taxi driver's licenses, and on the issuance of new taxi driver's licenses;
- Extension of existing 2008 licenses until September 8, 2009.

The motion was seconded by Councilmember Schneider. Discussion continued.

Councilmember McGinty recommended approval of the Resolution for the following reasons:

- Drivers are operating in the Borough without a reviewed license (and newer drivers are operating with no Borough-issued license at all), and our recent taxicab inspection revealed that a majority of the cabs on the street right now were not issued licenses prior to the moratorium. They have passed the inspection, but cannot be issued a license.
- The Borough has not yet collected 2009 revenues for taxi licenses, which she estimated could amount to about \$2,000.00.
- There is a growing population of cabs and drivers on the street and a lack of supervision as long as licenses are not being issued.
- She feels that it is "optimistic to expect that the ordinance would be passed prior to October," as proofreading and legal review are not yet complete and there have been issues raised that will require additional work. Meanwhile, she said, it is critical to do something about the cabs on the street. Owners and drivers should be permitted to submit documentation that will allow the Borough to determine whether licenses can be issued for this year. The only way to do that is to lift the moratorium.

Councilmember Theokas stated that the point of revising our ordinance is to get taxis under control and manage them, while the point of lifting the moratorium would be to put more drivers onto the streets. The DOT inspection that was done recently, he said, included vehicles that may have been licensed elsewhere. The feedback we have from some current owners, he said, is that there are too many cabs out there now, including "gypsy" cabs, and adding new drivers to the streets exacerbates the problem. He said that he is optimistic about the passage of the ordinance, and "getting it right" should be our focus, "not grabbing fees right now and charging them again when we re-license them." This Resolution, he said, does not answer the concerns of our residents or solve our problems regarding the number of taxis out there or policing them. "It only allows more drivers and cabs on the streets," he said, "which is what we're trying to avoid. I urge Council to vote against it and move forward with the main ordinance."

Councilmember McGinty stated that, if the Borough does nothing, there is still the issue of cabs and drivers on our streets and our not knowing who they are. Many have not been licensed by the Borough. She said that 36 cabs came for the DOT inspection, operating in Hightstown and based here and in surrounding towns. They could conceivably need at least 48 drivers. "We don't know how many of them are licensed by us," she said, "and we're not offering any opportunity for them to be licensed. If we don't pass this, the chaos we have allowed to exist in this situation will persist throughout the summer. The moratorium is an impediment to imposing any legal order on the situation." She added that, if the Resolution is not passed, Council must "do something quickly, before the next meeting in August." If the moratorium is lifted, she said, owners and drivers would be notified to come in and complete their applications for 2009 licenses. To avoid being held in violation, they would need to apply in time for the review process to be completed by September 8, or they would no longer have the protection of the moratorium.

Councilmember Bond stated that drivers are currently operating off of their 2008 licenses, and anyone not licensed in 2008 and driving here is in violation of our Borough ordinance. He said that he sees no sense in lifting the moratorium.

Councilmember Schneider stated that the moratorium is preventing us from enforcing our existing ordinance. If there are others driving, he said, "we're driving them underground." He supports lifting the moratorium so that the Borough can collect the 2009 taxi revenue and enforce our existing ordinance. He said that if the proposed revisions include a limitation on the number of taxis, he "will have questions as to why." He noted that a friend of his who is blind takes a cab once a week. At one time, none were available, and when he *could* find one, it would cost him \$15. Now, the trip is \$6. In addition, he said, more cabs mean fewer bicycles on our streets. There is no reason to believe, he said, that the revisions to the ordinance will be done by October. Lifting the moratorium would allow us to go back to operating under our existing ordinance in the meantime.

Councilmember Quattrone, who also serves on the taxi committee, said that his understanding is that the moratorium simply prevents the issuance of new licenses but does not prevent us from enforcing our current ordinance. He said that he will vote no on this.

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

Resolution DEFEATED, 4-2.

RESOLUTION 2009-161, ESTABLISHING SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN FOR THE YEAR 2009

Ms. Gallagher reviewed the provisions of Resolution 2009-161, noting that the only salary increase reflected therein for a non-contractual employee was for the Tax Assessor, who received a nominal increase as the result of a verbal understanding with him reached two years ago. The Resolution was moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolution adopted, 6-0.

RESOLUTION 2009-161 ESTABLISHING SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN FOR THE YEAR 2009

WHEREAS, Section 2-9.8(b) of the *Revised General Ordinances of the Borough of Hightstown* provides that salaries of Department Heads shall be set by the Mayor and Council and that the salaries of other non-union employees shall be set by the Borough Administrator within the range provided by Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that salaries for department heads, including any additional titles held by them, are hereby established as set forth on Schedule "A," attached; and

BE IT FURTHER RESOLVED that the salaries of other non-union employees shall be set by the Borough Administrator within the range provided by Ordinance, and shall include no salary increase for the year 2009.

Resolution 2009-161 - SCHEDULE "A"
2009 Salaries of Department Heads not otherwise set by Contract or Resolution

Position Title	2009 Salary
ANNUAL PAY:	
Mayor	4,800.00
Councilmember	3,600.00
Planning Board Attorney	2,000.00
Chief Financial Officer	45,000.00
Borough Clerk	74,869.70
Treasurer	60,253.73
Tax/Water/Sewer Collector	25,000.00
Deputy Tax/Water/Sewer Collector	15,199.47
Municipal Court Administrator	69,892.45
Municipal Court Administrator - on call stipend	1,000.00
Municipal Magistrate	35,014.52
Tax Assessor	12,500.00
Superintendent of Public Works	80,839.13
Superintendent of Water Plant	7,020.61
Water Plant Operator	64,546.96
Superintendent of AWWTP	74,762.62
Registrar of Vital Statistics	3,653.99
Computer Systems Administrator	5,480.99
Construction Code Official	18,630.00
Technical Assistant	37,674.00
Building Subcode Official	3,622.50
Building Inspector	3,622.50
HOURLY PAY:	
Fire Official	33.64
Building Inspector	33.64
Fire Protection Inspector	33.64
PER SESSION PAY:	
Acting Judge	250.00
Public Defender	150.00

RESOLUTION 2009-162, AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE
#1104-33-003-008 – TAVERN 103, LLC (T/A THEO'S LAKESIDE TAVERN)

Councilmember Theokas recused himself from this discussion.

Ms. Gallagher reviewed the provisions of Resolution 2009-162, explaining that this license could not be issued at the prior meeting because the Borough had not yet received permission from the state by way of certification that sales taxes had been paid to date. Without that certification, the Borough is not permitted to take action on renewal of any liquor license. Because the previous license expired as of July 1, the tavern had to apply to the State for an "Ad Interim permit" to continue operating between July 1 and that day.

Ms. Gallagher noted also that the Chief of Police has recommended, due to prior incidents with this licensee, that their license be renewed subject to the condition that they provide training to their employees regarding how to determine levels of intoxication among patrons, and submit documentation of that training to the Borough Administrator in a timely fashion. The Resolution of approval includes that condition, and provides that documentation of the training must be submitted no later than August 3, 2009.

Resolution 2009-162 was moved by Councilmember Quattrone and seconded by Councilmember McGinty.

Roll Call: Councilmembers Bond, McGinty, Quattrone, and Schneider voted yes. Council President Sikorski voted no. Councilmember Theokas had recused himself from this vote and discussion.

Resolution adopted, 4-1.

**RESOLUTION 2009-162 AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-008 –
TAVERN 103, LLC (T/A THEO'S LAKESIDE TAVERN)**

WHEREAS, Tavern 103, LLC has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-33-003-008, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Tavern 103, LLC is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Chief of Police has been consulted and has recommended renewal of this license, subject to the special condition that Tavern 103 provide further training to their employees regarding determining levels of intoxication in their patrons, and provide documentation of that training to the Borough Administrator in a timely fashion;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Tavern 103, LLC, doing business as Theo's Lakeside Tavern at 103 Main Street:

**2009-10 Plenary Retail Consumption License with Broad Package Privilege
License #1104-33-003-008
Fee: \$2,500.00**

; and

BE IT FURTHER RESOLVED that the renewal of the liquor license for the term indicated is subject to the following special condition: Tavern 103 is hereby required to provide additional training to their employees regarding determining levels of intoxication in their patrons, and to provide documentation of that training to the Borough Administrator no later than Monday, August 3, 2009.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and to Tavern 103, LLC.

RESOLUTION 2009-163, AMENDING THE 2009 BUDGET

Ms. Gallagher read aloud and in full Resolution 2009-163, and explained the changes that it would make to the introduced budget. Those changes included incorporating various grant revenues (each with offsetting appropriations), reducing the amount budgeted for interlocal EMS services as a result of changes recently approved to the interlocal agreement, and including additional funding for certain capital improvements and for tax appeals resulting from the revaluation.

It was discussed and agreed that the public hearing on this amendment would be held at a special meeting to be convened on July 20, 2009.

Resolution 2009-163 was moved by Councilmember Bond and seconded by Councilmember Theokas.

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

Resolution adopted, 5-1.

RESOLUTION 2009-163

AMENDING THE 2009 BUDGET

(included at end of these 7/6/09 minutes)

CONSENT AGENDA

Resolutions 2009-164 through 2009-169 were moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolutions adopted, 6-0.

RESOLUTION 2009-164

**ACCEPTING MEMBERSHIP OF DANIEL J. HASTINGS
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Daniel J. Hastings of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Hastings 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 Daniel J. Hastings in Hightstown Engine Company No. 1 is hereby accepted.

RESOLUTION 2009-165

AUTHORIZING REFUND OF VENDOR FEE

WHEREAS, payment in the amount of \$60.00 was received by the Borough from Hightstown Chiropractic to cover vendor's fees for the firm's booth and for a face painting booth at the Borough's 2008 Community Fair; and

WHEREAS, subsequently, the Fair committee determined that a face painter had already been engaged for the event, and agreed to refund that portion of the fee paid by Hightstown Chiropractic; and

WHEREAS, the Treasurer has requested permission to refund to Hightstown Chiropractic the amount of \$30.00, representing the fee paid by them for a booth space they did not eventually occupy;

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 \$30.00 to Hightstown Chiropractic, LLC, 375 Rt. 130 N., East Windsor, New Jersey, 08520, representing a refund of the vendor fee paid by them as outlined herein.

RESOLUTION 2009-166**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-203 TO
HIGHTSTOWN ENGINE CO. NO. 1 AUXILIARY**

WHEREAS, the Hightstown Engine Co. No. 1 Auxiliary wishes to conduct an off-premise 50/50 raffle at the Hightstown Firehouse, 140 North Main Street, on November 12, 2009; and

WHEREAS, the group has submitted application number RA-203 for this raffle along with the required fees; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-203 to the Hightstown Engine Co. No. 1 Auxiliary for their 50/50 raffle to be held on November 12, 2009.

RESOLUTION 2009-167**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2009 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2009 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached¹; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2009 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	930,165.00	1,716,514.00	2,646,679.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	53,870.00	53,870.00
Water/Sewer	185,900.00	1,072,533.00	1,258,433.00
Capital Outlay – W/S	0.00	50,000.00	50,000.00
Debt Service - W/S	0.00	110,908.50	110,908.50
TOTAL	1,116,065.00	2,995,225.50	4,111,290.50

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto¹ and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2009 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

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

RESOLUTION 2009-168**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 **\$609,776.03** from the following accounts:

Current	\$ 400,294.25
W/S Operating	135,299.14
General Capital	13,601.93
W/S Capital	37,015.60
Animal Control	153.27
Trust	13,071.04
Law Enforcement	312.00
Grant	2,333.92
Public Defender	450.00
Escrow - Subdivision & Site Plan	5,961.88
Housing Trust	<u>1,283.00</u>
Total	\$ <u>609,776.03</u>

RESOLUTION 2009-169

**AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN
HIGHTSTOWN BOROUGH AND EAST WINDSOR TOWNSHIP FOR
CONTRIBUTION OF THE MATCHING LOCAL SHARE FOR BUS SERVICES**

WHEREAS, the Borough of Hightstown is desirous of entering into a renewed interlocal agreement with the Township of East Windsor for the purpose of providing public transportation services for its citizens; and

WHEREAS, the term of said agreement shall be from July 1, 2009 through June 30, 2010; and

WHEREAS, the Borough's share of the cost of this service, by the terms of the agreement, is \$2,180.00, representing no increase from prior years; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized and directed to execute the document entitled "Interlocal Agreement for Contribution of the Matching Local Share for Bus Services," a true copy of which is appended hereto and incorporated herein by reference.

UNFINISHED BUSINESS

SKATEPARK FUNDING ISSUES

Mr. Raffetto noted that the Borough Council has, in the past, adopted Resolutions to approve a funding application for the skatepark and to create a trust fund for the receipt of donations toward the skatepark. He said that, while these actions do "cloak the skatepark with some official endorsement," he feels it would be appropriate for the Borough to make it more clear that this is, in fact, a borough project. To that end, he had prepared a draft Resolution (distributed at this meeting) endorsing the skatepark in concept and the actions taken by Council so far, and clarifying that the skatepark committee is advisory only and that any and all decisions regarding spending money, acquiring property or otherwise obligating the Borough

would revert to the Mayor and Council. The Resolution, he said, "gives form to something that is rather amorphous right now."

Council President Sikorski stated that, while he appreciates the work done to clarify this issue, it would be "premature" to vote on a Resolution presented at that meeting.

Councilmember McGinty stated that she has raised this issue at two prior meetings and sees some urgency due to the scheduling of the Triathlon and its "broadcast purpose." She commended the Parks and Recreation Commission for their work on this and other activities, and said that the Triathlon "was one of the best events we've had." The Friday night community swims recently established by the Commission "are a marvel," she said, and very well organized. She said that she sees this as a pressing issue because the publicity around the Triathlon indicates that all proceeds will go toward the skatepark, "If we're not going to follow through [with building the skatepark]," she said, "we have a problem."

Ms. McGinty said that it is important to address the issue of funding for the skatepark, as currently monies are channeled through the Borough, and also to address the Borough Code as it relates to the powers and duties of the Parks and Recreation Commission. Currently, their jurisdiction is limited to the parks, although Council can amend that section of the Code to include other areas. In addition, she said, "there is nothing in the Code that empowers the Commission to be organizing events and collecting funds for a skatepark. Council can authorize that but hasn't. If we want them to do this, at least pass a Resolution or change the Borough Code." She noted also that a portion of the recently revised Parks Rules adopted by the Commission deals with Peddie Lake; however, by the terms of the Borough Code, Peddie Lake is not within their jurisdiction. This concerns her in light of the upcoming Triathlon and continuing Friday night swims.

Councilmember McGinty then provided a review of the history of Council's involvement with the skatepark issue, including Resolutions adopted and presentations heard.

Mayor Patten asked for consensus from Council regarding whether or not to take action at this meeting on the Resolution endorsing the proposed skatepark as a Borough project.

Council President Sikorski moved that action on this Resolution be postponed to August 3. The motion was seconded by Councilmember Bond. Both indicated that they saw no need in rushing to adopt this Resolution at this meeting, and Councilmembers Theokas, Quattrone and Schneider agreed.

Councilmember McGinty again stated that this is a "pressing issue," as fundraising events for the skatepark have been scheduled. She again commended the Parks and Recreation Commission for their excellent work and volunteer efforts, and said, "the Borough suffers if we say we don't know if we want to get involved, or put it off. Events are going forward *now*. Sponsorships need to be solicited *now*. Waiting until August is too late.... The pressing issue," she said, "is that the Commission, which is under the impression that Council has endorsed the skatepark and accepted the donation of land for it, has organized the Triathlon and the swims on that basis. We can't sit on this." She suggested that the skatepark effort is a private endeavor and should be set up as a freestanding separate committee, similar to the Downtown Hightstown group.

At this time Councilmember Bond called the question, moving to end debate and take action on the motion that was before Council to postpone action on the Resolution until August 3. Council President Sikorski seconded the motion to call the question. A roll call vote was taken, with three yeas (Councilmembers Sikorski, Bond and Theokas) and three nays (Councilmembers McGinty,

Quattrone and Schneider). Because it would require a two-thirds vote to end debate, the motion failed and discussion continued.

Councilmember Theokas questioned whether the Commission has the authority to conduct events at Peddie Lake and expressed concern regarding liability and funding. Councilmember Quattrone stated that the Commission believes that it does have that authority, and Mr. Raffetto noted that the ordinance could be amended easily to incorporate Peddie Lake as an area under the Commission's jurisdiction, which would alleviate those concerns. Councilmember Schneider agreed that this should be done, and that the Borough should also address the "technical problem" regarding the skatepark funding.

Councilmember Theokas asked, "What happens this Friday when kids jump into the water, and what happens with the next donation?" Mayor Patten stated that the Borough has established a dedicated account, and we've allowed things so far to proceed toward that benefit. "If someone wants to donate, they can do that. If someone wants to jump in the water, they can do that."

Councilmember McGinty expressed concern about representations made by the Borough with respect to the donation of land, the building of a skatepark and the support of the Borough for this. "We're asking people to donate to a world class skatepark," she said, "and I question whether it is proper to use a Borough fund for that purpose, when it is questionable whether we can follow through." She again stated that it would be a mistake not to address this issue before August 3.

Councilmember Quattrone asked Mr. Raffetto if the Borough is doing anything illegal in advertising the skatepark and putting donated funds in the account established for that purpose. Mr. Raffetto stated that the Borough does have some legitimate authority to do this as it has received approval from the Division of Local Government Services to create that account, accept donations into it and authorize expenditures from it. However, he said, he does recommend that Council "make some policy call about this. There are clearly misunderstandings within Council itself as to whether it has approved it or not. It should be resolved sooner rather than later." With respect to advertising the skatepark, Mr. Raffetto said that this could be "potentially misleading." Councilmember Quattrone questioned whether any references to the skatepark that may appear on the Borough's website should be removed.

Mr. Lang stated that the skatepark fund is not a separate bank account, but a part of our trust fund. The interest it earns is general revenue to the Borough. Certain trust fund activities do need their own account, he said, but this does not. The dedication by rider that was approved by the State gives us the ability to expend funds outside of the municipal budget. Donations for specific purposes fall under that.

Council President Sikorski repeated his motion to postpone action on this Resolution to the August 3 meeting. The motion was again seconded by Councilmember Bond. A roll call vote was taken.

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

Motion carried (action postponed to August 3).

Council President Sikorski stated that any references to the skatepark currently on the Borough's website should be removed immediately, as the Borough is "collecting funds under a premise that the project and its funding will be continued." He recommended that donations be handled through a separate nonprofit entity that has nothing to do with the Borough, which, he

said, “takes away the issue, and doesn’t put us in a predicament.” Councilmember Quattrone seconded the motion to remove references to the skatepark from the website.

Councilmember McGinty stated that the Parks and Recreation Commission has been very open about their work and about the preparations that have been taking place. “If you take the skatepark off,” she said, “you also take off the links for the Triathlon. That is a wonderful event for the Borough ... our biggest success. ... Don’t do that lightly.” Councilmember Schneider recommended that, rather than interfering with the fundraising, a disclaimer be added stating that the Borough has not officially endorsed the skatepark.

Mayor Patten recommended that the Parks and Recreation Commission be included in any discussions in this regard. “They’re the ones organizing this,” he said. “Let them try to figure this out.”

The roll was then called on the motion to remove all skatepark references from the Borough’s website.

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

Motion DEFEATED, 4-3. Any references to the skatepark which may now exist on the Borough’s website will remain there.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Richard Pratt, 214 Stockton Street, spoke as a member of Skatepark Committee to say that, while it is commendable that Councilmember McGinty went to the trouble of researching all that she did, “no one has ever asked anyone on the skatepark committee anything.” He said it would be good if someone on the committee were asked to make a presentation to bring Council up to speed and answer any questions.

Eugene Sarafin, 600-628 South Main Street, commended Councilmembers McGinty and Schneider for actions at this meeting. He referred to comments made during the first Public Comment session by Ms. Hostetler, whom he called “an expert witness.” He said that she was trying to tell Council that, when emergency medical services are not provided within a short period of time, “you’re violating the civil rights of people in this town who are disabled or who have heart problems” or other medical issues. “For two years,” he said, “you’ve provided EMS with a response time of two minutes. Now you decide not to do that.” He said that members of Council could be held personally liable in a civil rights suit.

Phyllis Deal, 305 Stockton Street, stated that “the skatepark is an issue.” There has been tacit approval by Council, she said, but no formal vote, and “funds have been taken under false pretenses.” She asked how they would be returned if the skatepark was not built.

John Rebbeck, 103 Orchard Avenue, said that he is concerned about the safety of children on his street, where there is “an ongoing issue with speeding cars coming off of Etra Road.” He said he would like to see an increased police presence there and noted that residents may be willing to fund speed humps. Mayor Patten stated that Chief Eufemia and Lt. Reppy have been addressing the concerns expressed by Mr. Rebbeck and Mr. Anderson.

Mike Vanderbeck, 344 Stockton Street, said that it would not be that complicated to change the Borough's ordinances to let the Parks and Recreation Commission encompass skatepark activities. "You've done way more than 'tacit approval,'" he said. "If we had gotten the grant, this would be moot." He recommended that this be addressed at the July 20 special meeting, and added, "Let Parks and Recreation do something that's extraordinary for the Borough."

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Council President Sikorski reported that the Historic Preservation Commission met on June 30 to review the work of the subcommittee regarding ordinance changes. The chair is reviewing those changes, particularly with regard to demolitions, and will report back at the next HPC meeting. He thanked Ms. Gallagher for complying with his request to provide draft meeting minutes by the Thursday prior to the meeting, and thanked Councilmember Bond for his work on the firehouse painting project, which, he said, "looks lovely."

Councilmember McGinty stated that currently, the Borough is asking the Parks and Recreation Commission to do something (hold the Triathlon) that is not within their power to do. She recommended that some action be taken prior to the August 3 meeting. She added that the recently established "public swim" is a wonderful event, and commended the Commission for their efforts. Councilmember McGinty went on to report that the Friday Farmer's Markets have been well attended, despite rain. She also reported that the Environmental Commission met and is "moving forward with the greening of Hightstown." She thanked Ms. Gallagher for circulating surveys from the Stony Brook-Millstone Watershed which should be completed and returned by July 10. Lastly, Ms. McGinty said that she would be following up with Chief Eufemia regarding police issues raised during public comment.

Councilmember Theokas reported that the Economic Development Committee met in June, appointed a secretary, adopted a mission statement and discussed a draft vision statement. The group continues to endorse and support the Main Street initiative of the Downtown Hightstown group, he said. He further reported that he attended a DCA application workshop on the Borough's behalf. The program has requested a letter from the Borough saying that we intend to apply in the future for Main Street designation. Providing that letter will not bind the Borough in any way, he said, and is supported by the EDC. He noted that the EDC intends to take an active role in investigating the ramifications of the upcoming turnpike renovations, which will affect traffic through Hightstown. Lastly, Mr. Theokas reported that the EDC has identified one new member and is seeking another, to be formalized at the next Council meeting.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2009-153, authorizing a closed session for the purpose of discussing personnel and litigation. The Resolution was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2009-153 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 July 6, 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:

Personnel

Litigation (*Greystone Capital Partners, LLC*)

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: October 6, 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, **Resolution 2009-170** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

RESOLUTION 2009-170 AUTHORIZING AGREEMENT WITH CANDACE B. GALLAGHER AS BOROUGH ADMINISTRATOR

WHEREAS, Candace B. Gallagher has served as Borough Administrator since July 1, 2003, and her current term expired on June 30, 2009; and

WHEREAS, it is the desire of the Mayor and Council to appoint Ms. Gallagher to a succeeding one-year term as Borough Administrator effective July 1, 2009, and to authorize an agreement establishing the terms and conditions of her employment as Administrator during this succeeding term;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Candace B. Gallagher as Borough Administrator which is attached hereto and made a part hereof² is hereby approved, and the Mayor is authorized to execute same.

Resolution 2009-171 was then moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Section 5-7(G) of the *Personnel Policy Manual of the Borough of Hightstown* is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):

A full-time employee may accumulate a maximum of ninety (90) days of unused sick leave. All unused sick leave is forfeited upon separation from employment or death, except that, upon retirement pursuant to the Public Employees Retirement System, any non-union Borough employee with *30 years or more of service* to the Borough AND who is not subject to any employment contract shall be entitled to be paid for accumulated unused sick leave up to a maximum of 90 days or ~~\$9,842~~ \$10,000, whichever is less.

There being no further business, adjournment was moved by Council President Sikorski, seconded by Councilmember Schneider and unanimously approved. The meeting was adjourned at 10:37 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk