

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>	arrived following roll call	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; and George Lang, Chief Financial Officer.

APPROVAL OF AGENDA

The agenda was amended to include a closed session for the purpose of receiving the advice of counsel. It was moved as amended by Council President Sikorski, seconded by Councilmember McGinty and approved by all.

APPROVAL OF MINUTES

Minutes of the February 2, 2009 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Quattrone and approved as submitted by all.

GHEWIP CONSOLIDATION STUDY – Q&A

Gregory Fehrenbach and Reagan Burkholder of Government Management Advisors were present to answer questions regarding the study done by them which was commissioned by GHEWIP and presented at the February 2nd meeting. Mayor Patten informed Council that Mr. Fehrenbach and Mr. Burkholder would need to leave at 8:00 p.m. and asked how they wished to proceed. Council President Sikorski recommended that each Council member be given the opportunity to ask one question, then open the floor to questions from the public, then, if time allows, permit more questions from Council. This was generally agreed upon.

Mr. Fehrenbach provided a quick review of the study document and noted that their final recommendation is that the governing bodies of Hightstown and East Windsor agree to create a joint commission to study the feasibility of consolidation in an open and transparent way. There

is some flexibility in the way that the commission can be structured. He suggested that it would be less complicated for representatives of both governing bodies to meet with the DCA in this regard, rather than the full governing bodies.

Councilmember Theokas asked about the steps in the process, the role of the DCA and outside consultants, and how and when the structure of the joint committee is determined.

Mr. Fehrenbach stated that, as opposed to the Municipal Consolidation Law, the Local Option Law allows the governing bodies of both towns to come to an agreement regarding whatever format will work best for them and would be in their mutual best interest. They can also determine the time frame for doing this. Mr. Fehrenbach recommended that the Local Option alternative be considered, and said that it is beneficial for elected officials to participate as members because they have a stronger sense than others of how government operates. The statute requires a representative of the DCA to sit on the Commission also, although they can be represented by hired consultants. The DCA provides funding to cover the costs of whoever is sitting in place of the Commissioner. If consolidation is recommended and there are transition costs, the DCA has also "indicated a role in funding that," but have not been specific about it.

Councilmember McGinty asked for further explanation regarding the funding of the study, and whether that study would duplicate work done in preparing this one, or in preparing the police and court shared services study that is being undertaken by Patriot Consulting. Mr. Fehrenbach stated that the State covers the entire cost of the joint study commission, but has not ruled yet regarding covering the transition costs if it is determined that consolidation will take place. They have indicated, however, that they would cover the cost of "anything that is considered to be reasonable and required as a result of two towns coming together." He said that, if consolidation were approved by the voters, a transition committee would be needed to do a lot of the legwork for the new governing body between the vote and the consolidation (which, he said, is about one year, one month and 20 days). He added that it is unlikely but possible that the State would cover the cost of a revaluation for the combined community. Mr. Fehrenbach added that, if one town experiences increased costs as a result of the consolidation, the State will fund that additional cost for each residential property owner so that there are no adverse impacts as a result of the consolidation, and discussions are taking place now regarding how to allow the savings from consolidation to be shared by both towns.

Regarding redundancy of the studies, Mr. Fehrenbach stated that the police study is being done "in greater detail than what we were able to do," and it should give greater insights into the kinds of efficiencies that could be gained by bringing together two departments. Mr. Burkholder noted that the GHEWIP study did not evaluate the operations of Hightstown and East Windsor. Instead, they used data that has been gathered over the past four or five years to project a lean operation in a typical town of 32,000 with similar demographics. The new governing body would make decisions regarding staffing, but their recommendation is to "start lean."

Councilmember Bond deferred to the public given the limited time available, but thanked the firm and GHEWIP for "an excellent report." "It's good food for thought," he said, "whether you agree or not."

Council President Sikorski asked how long it takes between the completion of the joint study commission's work and the placement of a referendum on the ballot. Mr. Fehrenbach said that the referendum is typically voted on during the November general election. The work of the commission should be completed not later than around May, because the State agencies need a 90-day period to review the document and identify any potential problems, and the question must be submitted to the County Clerk for placement on the ballot in early to mid-August. He said that, if next month, the two governing bodies agreed to sit down with the DCA, we would be

on a similar timeframe as Sussex and Wantage. They finally organized the commission in June or July, and a contract was awarded to Mr. Fehrenbach's firm on August 4. They began on August 5. The commission meets twice a month, essentially during the school year, and a conclusion would be reached in March or April. Mr. Burkholder added that, if Hightstown and East Windsor do decide to proceed with a study, and that study recommended consolidation, the vote would take place in November 2010, and if approved by both towns, consolidation would not take place until January 2012. "It's not a quick process," he said.

Councilmember Schneider asked about a referenced \$675,000 savings in solid waste costs, and whether that was based on actual data from Hightstown and East Windsor. "No," Mr. Fehrenbach replied. "We took an average operating cost in other communities (excluding tipping fees), and compared it to the combined cost of 2007 collection in Hightstown and East Windsor, divided by the number of properties served." Mr. Schneider asked if both Hightstown and East Windsor had higher average collection costs than the other towns. Mr. Burkholder said that they used an average combined cost of both towns during 2007, and noted that current figures would differ, since Hightstown changed systems in 2008. Councilmember Schneider asked if, since savings were combined, Hightstown would see about 1/6 of that amount. Mr. Burkholder said that the study shows that, without factoring in any cost savings through efficiencies, East Windsor residents would see an overall average \$134 increase in property taxes, and Hightstown residents would see an average \$942 savings. Factoring in estimated savings, those numbers change to a \$12 increase and a \$1,080 decrease, respectively.

Mr. Schneider asked if the figures used for East Windsor include their garbage district budget. Mr. Burkholder said that they do not, and added, "it's not a perfect comparison." Mr. Fehrenbach said that they used the DCA's formula, and the sanitation district is "outside of this because it is not part of [East Windsor's] property tax, therefore it can't be used in a calculation of savings in taxes."

Councilmember Quattrone asked if there had been any difficulty in getting the three sets of towns currently engaged in a consolidation study to agree to pursue that. Mr. Fehrenbach replied that they entered the process after that had taken place.

At this time, Mayor Patten opened the floor to the public for questions.

Eugene Sarafin, 600-628 South Main Street, stated that, in 1968, an attempt to consolidate Hightstown and East Windsor failed. He said that, in recommended consolidations, "in every case, one town would gain millions and the other would wind up paying more," and asked, "How do you create this type of consolidation study where one town is willing to get nothing in return?"

Mr. Fehrenbach replied, "We believe that a number of factors need to be considered, not just 'show me the money.'" In this case, he said, the line between the municipalities is "almost artificial," and they are essentially one socioeconomic community. He added that, "to a great extent, the Hightstown-East Windsor community stands on its own. A greenbelt around it separates it from others. Mr. Fehrenbach said that one significant difference in the two communities is in the amount of tax exempt property. "Hightstown has almost exactly the same valuation of tax exempt property as East Windsor," he said, "but one-sixth of the tax base to support it." He noted that these tax exempt properties serve more than just the Borough. If focusing on the money, he said, neither town could achieve on its own the same types of economies that could be achieved if we come together. He added that this is not true in every circumstance, and noted that there are some instances where the political culture does not support the concept of consolidation. He also said (in reference to pending legislation that would force the consolidation of certain towns) that it is important that residents have the opportunity to choose whether or not they consolidate with their neighbor, after reviewing the pros and cons

of doing so. "If after taking into account all of the issues on the table, they have decided that it doesn't work for them, it shouldn't happen," he said. Lastly, Mr. Fehrenbach said that to assume that the town which would benefit least from the consolidation would vote it down does not recognize the sense of community that many possess. When consolidation of the Princetons was voted on in 1996, he said, the Borough would have benefited and the Township would not have, but that is not how the vote went.

Torry Watkins, 68 Meadow Drive, commended Mr. Fehrenbach, Mr. Burkholder and GHEWIP for performing this study, and asked, "if you have erred, is it on the side of conservatism or optimism?"

Mr. Burkholder said that, in performing the study, they imagined the consolidated community as one community, and tried to be as data-driven as possible. If a salary was higher in one town than in the other, they used the higher salary. They did not anticipate that labor contracts would be renegotiated to be less costly. And they did not make projections for general, across the board savings in areas such as legal costs. "We took a conservative view," he said.

Mr. Sarafin spoke again to say that there are currently seven elected officials in each town, and this study does not propose a new form of government. He asked how they "deal with the political end" when towns vary in size but have equal numbers of governing body members. "How do you rationalize that sort of change?"

Mr. Fehrenbach stated that the joint commission has the responsibility to review and choose among the various forms of government available. This report, he said, did not make recommendations in that regard so as not to prejudice the commission.

Mike Vanderbeck, 344 Stockton Street, asked what has changed in the laws to make consolidation now more expeditious. Mr. Fehrenbach stated that, following unsuccessful consolidation attempts in Princeton and some other towns, there was a problem during the 1990s with the town of Pahaquarry in Warren County. It had been taken over by the Federal government and all but a handful of residents moved out. They didn't have enough residents to occupy all the municipal offices. DCA Commissioner Jane Kenny had to create a new law that would permit its consolidation with Hardwick. In the process, they noted the difficulties in the former statute. Eventually, changes were made which provided more flexibility in the process so as to facilitate consolidation.

Councilmember McGinty asked what the next steps in this process would be if Council wished to move forward. Mr. Fehrenbach stated that someone would be identified to contact East Windsor to express the Borough's interest in discussing this. Representatives from both towns would meet with the DCA, which would explain what they are willing to fund and make suggestions regarding how to proceed. Mr. Fehrenbach said that he would help facilitate this. Although the statute calls for a formal application, he said, "there is none. It's a phone call and a meeting." While the entire governing body can participate, it is generally less cumbersome to have one, two or three members from each town meet with the DCA.

Mr. Watkins asked if there is a similar Q&A session scheduled in East Windsor. Mr. Fehrenbach said that this had not been determined yet.

Mayor Patten thanked Mr. Fehrenbach and Mr. Burkholder for their work. Mr. Fehrenbach said that they have lived and worked in a lot of communities, but "the dedication to community that the members of GHEWIP have for Hightstown and East Windsor" is unmatched in any of those towns. "They are very driven to try to provide good things for this overall community," said. "I am very impressed."

PUBLIC COMMENT

Mayor Patten opened the floor for public comment.

Mike Vanderbeck, 344 Stockton Street, stated that mailboxes which recently installed by the Post Office "are shameful," and covered with graffiti. He asked if they could be covered with a base coat so that residents could paint them.

Gail Doren, 201 Hutchinson Street, said that those mailboxes were actually painted by professional graffiti artists. She added that the Postmaster is also upset about them, and said that they will be painted over as soon as weather permits. She agreed that the mailbox at Stockton and Park "is horrid." He invited her to call him in a week if it isn't taken care of, and she encouraged others in attendance to do so as well.

Eugene Sarafin, 600-628 South Main Street, said that he would hope Council would decide and take action at this meeting to send someone to East Windsor to discuss the possibility of forming a joint study commission. He spoke of the nationwide economic problems and said that it is because "greedy politicians took payoffs from banking and finance to get elected." He said that the overthrow of the government could be done peacefully. Mr. Sarafin also stated that, as an EMT and member of the First Aid Squad, he keeps his radio on at least three nights a week, but in the last year he has had a total of "maybe ten calls." "We pay \$250,000 for 5,000 people," he said, "while in East Windsor you have \$40,000 going to MONOC." He suggested that the Borough offer to pay East Windsor's entire cost and have them cover us as well.

Susan Bluth, 42 Dennis Court, spoke as president of the Wyckoff's Mill Condominium Association to ask if Council has met to decide what they are going to do about the revaluation in Wyckoff's Mill. Mayor Patten asked her to contact Ms. Gallagher the next day.

No one else came forward and the floor was closed.

ENGINEER'S ITEMS

RESOLUTIONS

Following a brief review by Ms. Roberts, **Resolution 2009-56** was moved for adoption by Council President Sikorski, seconded by Councilmember Theokas.

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

Resolution adopted, 6-0.

RESOLUTION 2009-56 AUTHORIZING PAYMENT NO. 2 AND FINAL – JONICO, INC. (NORTH MAIN STREET SIDEWALK IMPROVEMENTS)

WHEREAS, on June 16, 2008 the Borough Council awarded a contract in the amount of \$19,000.00 to Jonico, Inc. of Lambertville, New Jersey for North Main Street sidewalk improvements; and

WHEREAS, Change Order No. 1 to this contract was subsequently approved in the amount of Three Thousand Seven Hundred and Seventy-Seven Dollars (\$3,777.00), bringing the total contract price to \$22,777.00; and

WHEREAS the contractor has submitted Payment Request No. 2 and Final for work done in the total amount of \$2,277.70, together with a one-year guarantee letter; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 2 and Final, 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 and Final by Jonico, Inc. in the amount of \$2,277.70 is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

Following a brief review by Ms. Roberts, **Resolution 2009-57** was moved for adoption by Councilmember Quattrone, seconded by Council President Sikorski.

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

Resolution adopted, 6-0.

RESOLUTION 2009-57 AUTHORIZING PAYMENT NO. 3 – 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 the contractor has submitted Payment Request No. 3 for work done in the total amount of \$110,152.00, together 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. 3 from B & H Contracting of Folsom, New Jersey in the amount of \$110,152.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

Following a brief review by Ms. Roberts, **Resolution 2009-58** was moved for adoption by Council President Sikorski, seconded by Councilmember Bond.

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

Resolution adopted, 6-0.

RESOLUTION 2009-58 AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES – ROBERTS ENGINEERING GROUP, LLC

WHEREAS, the Borough of Hightstown intends to replace 8,000 LF of water mains on Etra Road, South Main Street, Leshin Lane and Mercer Street (the "Project"); and

WHEREAS, the Borough requires professional engineering services for assistance with the planning, design, specification and permitting processes as well as preparation of the loan application for the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Project; 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 for a total fee not to exceed \$25,000.00; 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 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, 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 fees to be paid to Roberts Engineering Group, LLC under said agreement shall not exceed \$25,000.00 without further authorization of Council.
4. 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.
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. 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
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.

Following a brief review by Ms. Roberts, **Resolution 2009-59** was moved for adoption by Council President Sikorski, seconded by Councilmember Bond.

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

Resolution adopted, 6-0.

RESOLUTION 2009-59**RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM**

WHEREAS, the Borough of Hightstown intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the replacement of 8,000 LF of water mains on Leshin Lane, Etra Road, South Main Street and Mercer Street with new 10" water mains.

NOW, THEREFORE BE IT RESOLVED, that Candace B. Gallagher be authorized to act as the Authorized Representative to represent the Borough of Hightstown in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Borough of Hightstown, 148 North Main Street, Hightstown, NJ 08520, (609) 490-5100.

RESOLUTIONS

RESOLUTION 2009-60, RESOLUTION OF COMPLIANCE REGARDING THE 2007 AUDIT

Chief Financial Officer George Lang reviewed the Borough's 2007 audit. There was only one recommendation in the audit, and that was regarding deposits in the Construction Office, some of which were made a day or two beyond the required 48-hour time limit.

Resolution 2009-60 was moved by Councilmember Theokas, seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2009-60**RESOLUTION OF COMPLIANCE REGARDING THE 2007 AUDIT**

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

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of *N.J.S.* 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

General Comments
Recommendations

; and

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

General Comments
Recommendations

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

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

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

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

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

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

RESOLUTION 2009-61, RESOLUTION APPROVING THE 2007 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES

Resolution 2009-61 was moved by Councilmember Schneider, seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2009-61 RESOLUTION APPROVING THE 2007 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, the Borough of Hightstown is required, pursuant to the Single Audit Act Amendments of 1996, to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2007; and

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

WHEREAS, the Borough Council has received the 2007 Annual Audit – Corrective Action Plan.

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

1. That the 2007 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference¹, is hereby approved.

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

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

CONSENT AGENDA

At the request of Councilmember Bond, Resolution 2009-62 was pulled for separate consideration.

Resolutions 2009-63 through 2009-66 were moved by Councilmember Bond, seconded by Council President Sikorski.

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

Resolutions adopted, 6-0.

RESOLUTION 2009-63 RESOLUTION AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR 2009-10 PARIS GRANT FUNDING

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, the Borough of Hightstown desires to collaborate with the County of Mercer in the 2009-10 grant cycle for projects to include records organization, preservation, storage and disposal; and

WHEREAS, the Borough of Hightstown is acknowledging that their eligible funding amount up to \$40,000 will be leveraged with the County of Mercer; and

WHEREAS, the Borough of Hightstown is acknowledging that the County of Mercer would be both the lead agency and the applicant for such a proposal;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Hightstown does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and the Mayor and/or Borough Administrator are hereby authorized to execute and deliver all documents required incident thereto.

RESOLUTION 2009-64 AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator and the Treasurer in the amount of **\$1,689,927.75** from the following accounts:

Current	\$ 1,478,485.29
W/S Operating	68,151.97
General Capital	2,277.70
W/S Capital	110,152.00
Trust	7,447.41
Grant	886.37
Law Enforcement	545.95
Lien Trust	11,090.06

RCA COAH	8,794.00
Public Defender	600.00
Housing Trust	<u>1,497.00</u>
Total	\$ <u>1,689,927.75</u>

RESOLUTION 2009-65 AUTHORIZING A TRANSFER OF FUNDS IN THE 2008 BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2008 CURRENT budget are hereby authorized:

		FROM:	TO:
INSIDE CAP:			
Police Department	Other Expenses	\$1,984.00	
Vehicle Maintenance	Other Expenses	102.00	
OUTSIDE CAP:			
Mechanic Services – Interlocal	Other Expenses		\$2,086.00
TOTAL		\$2,086.00	\$2,086.00

RESOLUTION 2009-66 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," attached; 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:

	THIS RESOLUTION	PREVIOUS TOTAL	CUMULATIVE TOTAL
Current	(26,086.00)	228,580.00	202,494.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	109,180.00	215,860.00	325,040.00
Capital Outlay – W/S	7,500.00	0.00	7,500.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	90,594.00	444,440.00	535,034.00

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 hereto 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.

Regarding **Resolution 2009-62**, Councilmember Bond asked about the status of seizing the bond posted by Empire Antiques in order to complete requirements of their site plan. Mr. Raffetto stated that the information has been submitted to the bonding company, and we are waiting for their response. Mr. Bond stated that he will vote against this Resolution because it could be used as a lever to force them to get this done. "We shouldn't be giving them a license to operate in a building that is basically illegal," he said. Councilmember Schneider said that, while he agrees morally with Mr. Bond, there may be legal issues involved, and he will vote in favor of the Resolution, adding that, if no progress is made, he may "join Jeff in the future." Councilmember McGinty recalled the discussion that took place the last time an auction license was issued to Empire, and said that one issue was the economic impact to a local business if the license were denied. "That still sways me," she said, "but I'm not sure if, down the road, I'd take the same position." Mayor Patten asked the Borough Attorney to comment. Mr. Raffetto stated that the Borough is pursuing the appropriate action through the bonding company, and this is a separate issue. It should not be tied to the issues with the site.

Resolution 2009-62 was then moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 5-1.

RESOLUTION 2009-62 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, February 28, 2009 (snow date Saturday, March 7, 2009) at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Chief of Police; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on February 28, 2009 (snow date Saturday, March 7, 2009) at 278 Monmouth Street.

NEW BUSINESS

BUDGET MEETING DATES

It was discussed and agreed that budget meetings would be scheduled for February 24 and 26 and March 3, beginning at 7 p.m.

PUBLIC COMMENT

Mayor Patten again opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, again recommended that Council vote at this meeting to send someone to East Windsor to discuss the formation of a joint study commission. He also criticized Republican members of Congress for voting against the economic stimulus package.

Janice Mastriano, 15 Leshin Lane, suggested that, when the current recycling contract is complete, the Borough pick up recycling with its own forces using the same types of containers used for our automated garbage collection. Ms. Mastriano also asked if there are any plans to resurface Leshin Lane, which, she said, is "falling apart" due to truck and school bus traffic. Lastly, Ms. Mastriano asked if Councilmember McGinty plans to "pursue her campaign pledge" of discussing with the school board the impact of their taxes. Mayor Patten stated that she could speak after the meeting with Ms. McGinty.

Gail Doren, 201 Hutchinson Street, expressed support for opening a dialogue with East Windsor regarding consolidation. "It is extremely important that we talk to them," she said, adding that if we don't, we could be "forced into something against our will." She added that we should not be rushing headlong into "consolidation at any cost," but we should be opening that dialogue.

Jerry Ford, 130 Meadow Drive, stated that GHEWIP has done a great public service by commissioning the consolidation study, and it has "provided an opening and momentum for us to start to look at what might be achieved by working with our neighbors." It is incumbent upon the Borough, he said, to let East Windsor know that we are seriously interested in working with them, with potential benefits for both communities.

Torry Watkins, 68 Meadow Drive, agreed with Ms. Doren and Mr. Ford, and said that he would like to see action by Council soon in this regard.

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Theokas stated that he is anxious for budget meetings to begin. "There's lots to talk about," he said. Mr. Theokas also said that, regardless of whether you agree with the GHEWIP report or not, it behooves the Borough to move forward with that process. "We should state publicly," he said, "that we would like to be a part of a joint study commission." He added that he would nominate Council President Sikorski to be the liaison to East Windsor and communicate this to them.

Councilmember McGinty spoke regarding several issues:

- She stated that the GHEWIP report was "extremely interesting and necessary," and that she feels we should undertake this study and take action soon to reach out to East Windsor.
- She reported that, as police liaison, she has continued to meet with Chief Eufemia about police issues.
- She said that there are a number of committees that the Mayor and Council have commissioned which she does not know about, and that puts her at a disadvantage. It would be good, she said, to have more information provided.
- She said that she didn't realize that there was a Minute Maid committee, and asked why the Economic Development Committee is not meeting. While she understands the overlap with the Downtown Hightstown group, she said that they are "dedicated to the downtown area, but there are economic issues specific to other areas of town, such as the Minute Maid and Mill properties, which would come under the purview of the EDC."
- She noted that the Stony Brook Millstone Watershed Association will make a presentation at our next Council meeting, and she encouraged all to attend.

- In response to Ms. Mastriano's question during public comment, she said that she was unable to attend the school board meeting on the prior evening, but hopes to attend in the future and have further discussions with them.

Councilmember Bond reported that he has been active with the revaluation committee, the water-sewer committee and the budget committee, all of which are "actively working to make Hightstown better."

Council President Sikorski reported that the Planning Board, at their last meeting, approved the extension of three previously approved applications, consistent with the new State law. Mr. Sikorski went on to thank GHEWIP for funding the consolidation study, which seems very professional. He noted that the report was made available on the Borough's website immediately following the last meeting. He said that he appreciated Councilmember Theokas's nomination to serve as liaison to East Windsor in this regard, and that he will do so if that is Council's wish.

Councilmember Quattrone thanked GHEWIP also for an "interesting report," and said that he supports reaching out to East Windsor, noting that "it's a study and it will go down to the voters anyway." He said that he and Councilmember McGinty attended East Windsor's Council meeting where the study was presented, and there was not much discussion about it. "I think East Windsor is waiting to hear from us," he said. Mr. Quattrone also reported that First Aid is not receiving many calls, and they are trying to find ways to cut the EMS costs. Public Works, he said, is working well, and there are no problems with the garbage collection. He encouraged all to recycle as much as possible.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2009-67, authorizing a closed session for the purpose of receiving the advice of counsel. The Resolution was moved by Council President Sikorski, seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2009-67 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 February 17, 2009 at approximately 8:45 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:

Attorney-Client Privilege

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: May 17, 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 and unanimously approved. The meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk