

Meeting Minutes
Hightstown Borough Council
Special Meeting
March 28, 2011 6:30 pm

The meeting was called to order by Mayor Kirson at 6:32 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Mayor called for a Roll Call.

ROLL CALL

| | PRESENT | ABSENT |
|--------------------------------|---------|--------|
| <i>Councilmember Bibens</i> | ✓ | |
| <i>Councilmember Gilmartin</i> | ✓ | |
| <i>Councilmember McGinty</i> | ✓ | |
| <i>Councilmember Musing</i> | ✓ | |
| <i>Councilmember Quattrone</i> | ✓ | |
| <i>Councilmember Woods</i> | ✓ | |
| <i>Mayor Kirson</i> | ✓ | |

Also in attendance: Debra Sopronyi, Borough Clerk and Frederick Raffetto, Borough Attorney.

The flag salute followed roll call.

Council President McGinty moved the agenda for approval, Councilmember Quattrone seconded, all approved.

The Mayor opened the Public Comment Period and the following individuals spoke during the period: Eugene Sarafin, 628 S. Main Street; Gail Doran, 201 Hutchinson Street; Mike Vanderbeck, 344 Stockton Street; and Susan Bluth, 42 Dennis Court.

There being no further comments, the Mayor closed the public comment period.

Resolution 2011-94 Executive Session

Councilmember Quattrone moved resolution 2011-94, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Musing, Quattrone and Woods voted yes.

Resolution adopted, 6-0

Resolution 2011-94

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

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 March 28, 2011 at approximately 6:30 pm in the Council Chambers 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 – Chief of Police

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: June 28, 2011, 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.

Council adjourned into executive session at 6:45pm.

Council re-convened into open session at 8:30 pm. Roll call remained the same.

Resolution 2011-95 Authorizing the Services of Benedict and Altman as Special Labor Counsel (Police Issues) for the Borough of Hightstown

Council President McGinty moved resolution 2011-95, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Musing, Quattrone and Woods voted yes.

Resolution adopted, 6-0

Resolution 2011-95

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING THE SERVICES OF BENEDICT & ALTMAN AS SPECIAL LABOR COUNSEL (POLICE ISSUES) FOR THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Borough Council of the Borough of Hightstown has been addressing police issues; and

WHEREAS, the Hightstown Borough Council has determined that it should retain Special Counsel to address police issues, to undertake such work as the Council may direct, including the collection and review of specific records which have not yet been made available for Council review of police matters; and

WHEREAS, the law firm of Benedict & Altman has submitted a proposal to perform these services; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding, 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, it has been determined that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500.00, and therefore the contract is subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is not to exceed one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Hightstown Borough Council, that that the law firm of Benedict and Altman is hereby retained as Special Labor Counsel for Police Matters, with that firm to be paid at the rate of \$150.00 per hour for attorney services, for up to 100 hours of work authorized in advance by the Council, with the Council having set aside and dedicated fifteen thousand dollars (\$15,000.00) of Borough funds for this purpose, to be billed and paid at the authorized rate of \$150.00 per hour.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and the law firm of Benedict & Altman regarding the above-referenced

professional legal services, which shall be in a form satisfactory to the Borough Attorney.

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Benedict & Altman is a firm whose attorneys are authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED, 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.

BE IT FURTHER RESOLVED, that the Hightstown Borough Council hereby authorizes the law firm of Benedict & Altman to have the power to subpoena any and all documents which are necessary to address the police issues referenced herein, as directed by the Council.

Councilmember Quattrone moved to adjourn the meeting at 8:35pm and Councilmember Bibens seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk