

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 Harinxma</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Rosenberg</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	

Also in attendance: Candace Gallagher, Borough Clerk/Administrator; James M. Eufemia, Chief of Police and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Added to the consent agenda was Resolution 2008-179. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved.

APPROVAL OF MINUTES

Minutes of the June 16, 2008 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Bond and approved as submitted by all but Councilmember Rosenberg, who abstained.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Belinda Brown, 120 Railroad Avenue, stated that, since the Borough installed permit parking spaces in that area, she can no longer can park in front of her home. She is frightened to walk from her car at night, and her guests can't stay long because parking in the Stockton Street parking lot is restricted to either permit holders or for a maximum of two hours. She requested that she be allowed the opportunity to purchase a parking permit. Mayor Patten told Ms. Brown that Ms. Gallagher would speak with Chief Eufemia and Amy Aughenbaugh to see what could be done.

Janice Mastriano, 15 Leshin Lane, spoke as a member of the Capital City Dive Club to ask Council's permission to perform a cleanup of Peddie Lake at 10 a.m. on September 20. They have been doing this since 1998, she said, although it was not needed for the past few years. As part of the project, they keep track of the amount and types of debris cleared from the lake and provide that information to Project Aware. They anticipate working along with the Boy Scouts, who would clean trash along the perimeter of the lake.

Mr. Raffetto recommended that, if Council wishes to grant permission to the club for this cleanup, it be done by Resolution.

No one else came forward and the floor was closed.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2008-14,

AN ORDINANCE APPROPRIATING \$4,600.00 FROM THE GENERAL CAPITAL FUND BALANCE
TO PROVIDE MATCHING FUNDS FOR A GRANT RECEIVED BY HIGHTSTOWN ENGINE CO. NO. 1
FOR THE PURCHASE OF AIR PACKS

Following a brief review by Ms. Gallagher, Ordinance 2008-14 was moved for introduction by Councilmember Quattrone and seconded by Council President Sikorski.

Councilmember Quattrone commended the members of Hightstown Engine Company No. 1 for successfully obtaining this grant (which totals approximately \$90,000), and said that he would like to see other groups follow their example.

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

Ordinance introduced, 6-0.

The public hearing and final reading for Ordinance 2008-14 was set for August 4, 2008.

BUDGET 2008

Ms. Gallagher reviewed the budget amendment adopted at the prior meeting¹, and explained that a public hearing on that amendment must be held according to statutory requirements, but no further action by Council is needed.

Mayor Patten opened the public hearing on Resolution 2008-165, amending the 2008 budget.

J.P. Gibbons, 602 North Main Street, stated that he applauds the efforts of the Borough to cut expenses, but expressed concern that there have been insufficient increases in our revenue stream.

No one else came forward and the hearing was closed.

¹ See minutes of June 16, 2008.

RESOLUTIONS

RESOLUTION 2008-178, AWARDING CONTRACT FOR COLLECTION OF RECYCLABLES – CENTRAL JERSEY WASTE & RECYCLING

Ms. Gallagher reviewed the provisions of Resolution 2008-178, noting that, at the recommendation of Larry Blake, the Borough recently received bids for recycling services, and will save almost \$20,000 per year by contracting privately with Central Jersey Waste & Recycling rather than renewing our existing interlocal agreement with Mercer County. The option being awarded is for a three-year contract and “single stream” recycling, where residents will no longer need to separate paper from plastic and glass recyclables. All will be picked up together. The single stream option was approximately \$10,000 per year less expensive than the method we use now of separating paper from other recyclables.

Resolution 2008-178 was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0.

RESOLUTION 2008-178 AWARDING CONTRACT FOR COLLECTION OF RECYCLABLES – CENTRAL JERSEY WASTE & RECYCLING

WHEREAS, the Borough's interlocal agreement with Mercer County for the collection of recyclables will expire as of August 1, 2008; and

WHEREAS, in an effort to reduce costs, the Borough advertised for and received bids for the collection of recyclables, and received two such bids on July 1, 2008; and

WHEREAS, the bid specifications included five options, as follows:

Option 1	Three-year contract; mixing co-mingled, cardboard and paper in single containers.
Option 2	Five-year contract; mixing co-mingled, cardboard and paper in single containers.
Option 3	Three-year contract; separating co-mingled recycling from paper and cardboard.
Option 4	Five-year contract; separating co-mingled recycling from paper and cardboard.
Option 5	Purchase of 1,500 30-gallon recycling containers

; and

WHEREAS, bids were received from two bidders, as detailed on the spreadsheet attached hereto; and

WHEREAS, the low bidder for Options #1, #2, #3 and #4 was Central Jersey Waste & Recycling of Ewing, New Jersey, and the low bidder for Option #5 was Waste Management of New Jersey, Inc. of Trenton, New Jersey; and

WHEREAS, the Superintendent of Public Works has recommended the award of a contract for **OPTION #1 ONLY** to the low bidder for that option, Central Jersey Waste & Recycling, Inc. of Ewing, New Jersey, at their bid price of \$85,308.00, broken down over the course of the contract as follows:

Year	Low Bid Price	MCIA Proposed Price	Savings
August 1, 2008 – July 31, 2009	\$27,600.00	\$45,902.12	\$18,302.12
August 1, 2009 – July 31, 2010	\$28,428.00	\$47,143.96	\$18,715.96
August 1, 2010 – July 31, 2011	\$29,280.00	\$49,017.42	\$19,737.42
Cost for units added during course of contract	\$2.50 per month		

WHEREAS, the Borough Attorney has reviewed the bid submitted by Central Jersey Waste & Recycling and has determined that it 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. A contract for the collection of recyclables (OPTION #1 as outlined herein) for the period August 1, 2008 through July 31, 2011 is hereby awarded to Central Jersey Waste & Recycling of Ewing, New Jersey, in the total amount of \$85,308.00, plus \$2.50 per month for any units added during the course of the agreement.
2. The Mayor and Borough Clerk are hereby authorized to execute an agreement with Central Jersey Waste & Recycling, subject to approval of the Borough Attorney.
3. Approval of this agreement is subject to the availability of funds in the 2008 budget and the budgets of succeeding years.

CONSENT AGENDA

Resolutions 2008-169 through 2008-177 were moved by Council President Sikorski and seconded by Councilmember Harinxma.

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

Resolutions adopted, 6-0.

RESOLUTION 2008-169 AUTHORIZING CHANGE ORDER NO. 1 AND PAYMENT NO. 2 – LUCAS CONSTRUCTION GROUP (RECONSTRUCTION OF OUTCALT STREET)

WHEREAS, on February 19, 2008 the Borough Council awarded a contract for the reconstruction of Outcalt Street to Lucas Construction Group, Inc. of Old Bridge, New Jersey in the amount of One Hundred Ninety-Five Thousand Three Hundred and Seventy-One Dollars (\$195,371.00); and

WHEREAS the Borough Engineer has recommended the approval of Change Order No. 1 to this contract in the amount of NEGATIVE Eleven Thousand Two Hundred and Twenty-Two Dollars (- \$11,222.00), as detailed on the attached listing; and

WHEREAS the contractor has submitted Payment Request No. 2 for work done in the total amount of \$121,148.58; and

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

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

1. Change Order No. 1 to the contract with Lucas Construction Group, Inc. of Old Bridge, New Jersey in the amount of NEGATIVE Eleven Thousand Two Hundred and Twenty-Two Dollars (- \$11,222.00) is hereby approved, subject to the approval of NJDOT, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is One Hundred Eighty Four Thousand One Hundred and Forty-Nine Dollars (\$184,149.00).
3. Payment Request No. 2 from Lucas Construction Group, Inc. of Old Bridge, New Jersey in the amount of \$121,148.58, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-170**AUTHORIZING CHANGE ORDER NO. 2 AND PAYMENT NO. 6 – THINK PAVERS
HARDSCAPING, LLC (NORTH MAIN STREET AND BANK STREET IMPROVEMENTS)**

WHEREAS, on September 17, 2007, the Borough Council awarded a contract for improvements on North Main Street and Bank Street in the Borough of Hightstown to Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of Two Hundred and Forty-Seven Thousand and Forty-Four Dollars (\$247,044.00); and

WHEREAS, Change Order No. 1 to this contract was subsequently approved by Council in the amount of Nineteen Thousand Eight Hundred and Forty Dollars and Thirty Five Cents (\$19,840.35), bringing the total contract price to \$266,884.35; and

WHEREAS, the Borough Engineer has recommended the approval of Change Order No. 2 to this contract in the amount of NEGATIVE Seven Thousand Six Hundred Ninety-Three Dollars and Thirty-Four Cents (- \$7,693.34), as detailed on the attached listing; and

WHEREAS, the contractor has also submitted Payment Request No. 6 for work done in the total amount of \$22,858.66; and

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

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

1. Change Order No. 2 to the contract with Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of NEGATIVE Seven Thousand Six Hundred Ninety-Three Dollars and Thirty-Four Cents (-\$7,693.34) is hereby approved, subject to the approval of NJDOT, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 2, the revised contract price is Two Hundred Fifty-Nine Thousand One Hundred Ninety-One Dollars and One Cent (\$259,191.01).
3. Payment Request No. 6 from Think Pavers Hardscaping, LLC of Woodbury, New Jersey in the amount of \$22,858.66 is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-171**AUTHORIZING CHANGE ORDER NO. 1 AND FINAL AND PAYMENT NO. 6 – JONICO, INC.
(GREENWAYS, PHASE I)**

WHEREAS, on December 17, 2007, the Borough Council awarded a contract for the Greenways, Phase I project to Jonico, Inc. of Lambertville, NJ in the amount of two hundred and seventy-six thousand one hundred and thirty (\$276,130.00) Dollars; and

WHEREAS, the Borough Engineer has recommended approval of Change Order No. 1 and Final to this contract in the amount of Two Thousand Four Hundred Dollars (\$2,400.00), as detailed on the attached listing; and

WHEREAS the contractor has submitted Payment Request No. 6 for work done in the total amount of \$21,871.64; and

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

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

1. Change Order No. 1 and Final to the contract with Jonico, Inc. of Lambertville, New Jersey, in the amount of Two Thousand Four Hundred Dollars (\$2,400.00), as detailed herein, is hereby approved.
2. As a result of the approval of Change Order No. 1 and Final, the revised contract price is Two Hundred Seventy Eight Thousand Five Hundred and Thirty Dollars (\$278,530.00).
3. Payment Request No. 6 from Jonico, Inc. in the amount of \$21,871.64, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of the required certified payrolls.

RESOLUTION 2008-172**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, 2008; 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, 2008, and to authorize an agreement establishing the terms and conditions of her employment as Administrator during this succeeding term; and

WHEREAS, said agreement represents no change in terms and conditions and no increase in compensation from the prior year;

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 2008-173**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, 2008 through June 30, 2009; 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.

RESOLUTION 2008-174**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-189 TO LADIES AUXILIARY, HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, the Ladies Auxiliary of Hightstown Engine Co. No. 1 wishes to hold an off-premises 50-50 raffle at the Hightstown Firehouse on November 22, 2008; and

WHEREAS, the group has submitted application number RA-189 for this raffle, together with the required fees; and

WHEREAS the group is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-9-27140, which registration expires on December 31, 2009; 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-189 to the Hightstown Engine Co. No. 1 Ladies Auxiliary for their raffle to be held on November 22, 2008 as outlined herein.

² Agreement is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-172.

RESOLUTION 2008-175**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2008 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2008 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 2008 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	187,730.00	2,041,826.48	2,229,556.48
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	59,689.60	59,689.60
Water/Sewer	77,713.00	1,077,873.00	1,155,586.00
Capital Outlay – W/S	0.00	13,000.00	13,000.00
Debt Service - W/S	0.00	138,266.52	138,266.52
TOTAL	265,443.00	3,330,655.60	3,596,098.60

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 hereof³.
2. Each emergency appropriation listed will be provided for in the 2008 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.

RESOLUTION 2008-176**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 **\$854,777.83** from the following accounts:

Current	\$ 434,311.48
W/S Operating	138,303.52
General Capital	176,513.38
W/S Capital	10,321.43
Animal Control	62.16
Trust Account	4,289.68
Public Defender	450.00
Grant Account	2,809.83

³ Schedule is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-175.

Lien Trust	83,552.85
Escrow	<u>4,163.50</u>
Total	\$ <u>854,777.83</u>

**RESOLUTION 2008-177 AUTHORIZING INTERLOCAL AGREEMENT WITH MERCER COUNTY REGARDING
EMERGENCY TELECOMMUNICATIONS SERVICES**

WHEREAS, the County of Mercer has offered to assist the Borough of Hightstown as needed in providing emergency telecommunication services through December 2009; and

WHEREAS, these services include assistance in the dispatch of fire apparatus and provision of operational communications for the fire service community in the Borough, and will be provided at no cost to the Borough; and

WHEREAS, the County has requested that the Borough enter into an interlocal agreement for these services, which agreement is attached hereto and incorporated herein⁴; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the attached Interlocal Agreement with the County of Mercer for assistance in the dispatch of fire apparatus and provision of operational communications for the fire service community in the Borough of Hightstown, as needed, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

J.P. Gibbons, 602 N. Main Street, stated that the Notice of Intent to recall Mayor Robert Patten was accepted and approved that day by the Borough Clerk, so the process will move on.

Nancy Walker Laudenberger, 632 S. Main Street, expressed her disagreement with the claim made in the Notice of Intent to recall Mayor Patten that the Mayor has been "divisive." This is the sixth year of the Hightstown Community Fair, she said, and she has chaired the event for the last five years. This fair, she said, has brought together the entire Hightstown community. "It's a remarkable event that we do," she said, "and I do not see anyone who shows up that considers our Mayor or any member of Council to be 'divisive.'" She added that Mayor Patten "stepped up to the plate" again in May, when he culled through old editions of the Hightstown Gazette and "put together wonderful histories" to placed on porches as part of the Borough's Porch Tour. She noted that he appoints both Democrats and Republicans to boards and commissions, and expressed her support for him.

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Councilmember Quattrone stated that "our downtown is looking great, and better every day." Our Public Works department is working very hard and is short-handed. He asked that residents call for pickups *before* placing items at the curb. It is important that appointments be made for pickups, he said. Currently, some see our truck and then bring items out for disposal. Mr. Quattrone commended the Fire Company for the work that they do, and said that the First Aid

⁴ Agreement is on permanent file in the Borough Clerk's office with original copy of Resolution 2008-177.

Squad is "working fine – no complaints." Lastly, Mr. Quattrone said, "If you see someone snooping in your garbage, it's probably me." He investigates complaints and checks for improper disposal of recyclables.

Council President Sikorski said that he has been working closely with Construction Code Official George Chin and Fire Code Official Tim Murray, and concerns which have been expressed by the public regarding property maintenance issues *are* being addressed. Mr. Sikorski asked Councilmember Quattrone what decision has been made with respect to requests for additional garbage cans. Mr. Quattrone said that each request is addressed individually.

Councilmember Harinxma reported that the first summer concert in Grant Avenue Park was held on June 19, and the remaining concerts will take place on July 16, August 6 and August 23.

Councilmember Bond reviewed the police report for June, which listed 1,339 calls, including 28 ambulance calls and 14 fire calls. 468 summonses were issued, and there were five DWI arrests, six accidents, 21 vehicles towed, 27 arrests and 57 investigations. The dispatch desk handled 22,179 transmissions and telephone conversations. Mr. Bond also reported that the water and sewer committee meets monthly and that we are currently investigating the best manner in which to address the problem with the trickling filters. "The jury is still out on what we're going to do about it," he said, and offered to answer any questions.

Mayor Patten noted that the Borough has not made a final decision regarding how to handle requests for additional garbage containers. Councilmember Quattrone stated that he and Councilmember Bond are on the committee formed to investigate those requests. Mr. Patten also stated that people comment on the beauty of our town, but "banners are not part of that beauty." He asked Councilmember Rosenberg to consult with the Economic Development Committee to "consider what we need to do with those."

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-168, authorizing a closed session for the purpose of discussing anticipated litigation, contract negotiations and advice of counsel. The Resolution was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0.

RESOLUTION 2008-168 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 7, 2008 at approximately 7:30 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:

**Anticipated Litigation
Contract Negotiations – WorldWater & Power
Advice of Counsel**

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 7, 2008, 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, Council questioned James Bryan of WorldWater & Power regarding certain items included in the agreement and proposed changes thereto.

The originally approved agreement included a provision that the Borough would reimburse WorldWater & Power for costs expended in the event that contamination was found in the soil that prevented the project from continuing. The proposed changes to the agreement include: (1) a cap of \$30,000 on the Borough's exposure in this event; and (2) a requirement that WorldWater will conduct testing at their own expense prior to beginning the project. This was discussed with Mr. Bryan at some length, and it was noted that WorldWater is more concerned about large voids than about soil contamination, and that the contract makes no reference to voids. It was also mutually agreed that the \$30,000 cap would be reduced to \$25,000. Mr. Bryan stated that the company's concerns about the soil conditions arose when they learned that the area had once been a landfill.

Councilmember Schneider asked if any power generated by the system that is not used by the Borough would be sold back to the power company. Mr. Bryan confirmed that this is the case.

Mr. Bryan also provided an explanation of SREC credits, and noted that this system is one of the first in the State to be financed on those credits only. The agreement provides that once SREC prices go above \$450, the Borough will share receive 25% of the revenues above that. This was a provision that Larry Blake had requested, and will be beneficial to the Borough.

Council President Sikorski moved to go back into closed session for further discussion, and that motion was seconded by Councilmember Quattrone.

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

Motion adopted, 6-0.

Upon reconvening into open session, Resolution 2008-180, authorizing an agreement with WorldWater & Power, was moved by Council President Sikorski, seconded by Councilmember Schneider. The agreement to be approved, as discussed in closed session, would include a \$25,000 limitation on the Borough's liability for reimbursing the firm for costs expended to date in the event that environmental contamination caused them to abandon the project, as well as a specific exclusion of any liability related to subsurface voids. The 15% discount provided for in the existing agreement would stand, rather than changing to a 4% escalator clause.

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

Resolution adopted, 6-0.

RESOLUTION 2008-180 A RESOLUTION AUTHORIZING FURTHER AMENDMENTS TO THE "AMENDED AND RESTATED SOLAR ENERGY POWER PURCHASE AGREEMENT" WITH WWST-HIGHTSTOWN, LLC FOR THE PROVISION OF PHOTOVOLTAIC (SOLAR) ELECTRIC GENERATION SYSTEMS FOR BOROUGH FACILITIES.

WHEREAS, on March 3, 2008, the Borough adopted Resolution No. 2008-82, which authorized the Borough to enter into an "Amended and Restated Solar Energy Power Purchase Agreement" (the "PPA") with WWST-Hightstown, LLC; and

WHEREAS, since the adoption of that Resolution, the parties have re-negotiated certain terms and conditions associated with the PPA; and

WHEREAS, the Borough believes that the revised terms and conditions are more beneficial to the Borough; and

WHEREAS, the revised terms and conditions are set forth in a new proposed PPA between the Borough and WWST-Hightstown, LLC; and

WHEREAS, a copy of the new proposed PPA is attached hereto and is made a part hereof.

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached revised PPA with WWST-Hightstown, LLC, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney.
2. That all other Borough officials are hereby authorized and directed to perform such tasks as are necessary to effectuate the intentions set forth in this Resolution.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. WWST-Hightstown, LLC
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Larry Blake, Director of Borough Department of Public Works
 - f. Frederick C. Raffetto, Esquire, Borough Attorney

Adjournment was then moved by Councilmember Schneider, seconded by Council President Sikorski, and unanimously approved. The meeting was adjourned at 9:23 p.m..

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk