

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; Carmela Roberts, Borough Engineer; James M. Eufemia, Chief of Police; and Frederick Raffetto, Esq., Borough Attorney.

APPROVAL OF AGENDA

Deleted from the agenda was approval of the meeting minutes for December 27, 2007. The agenda was moved as amended by Council President Sikorski, seconded by Councilmember Rosenberg and unanimously approved.

APPROVAL OF MINUTES

Minutes of the December 17, 2007 open and closed sessions were moved by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved as submitted.

PUBLIC COMMENT I

Mayor Patten opened the floor for public comment.

Eugene Sarafin, 600-628 South Main Street, welcomed Mr. Bond as a Council member and said that he will continue to attend Borough Council meetings because citizens play an important role in democracy. "It all starts in local government," he said. He urged the Mayor to appoint young people to the Planning Board, and noted that the Borough has "no law of exclusion" and citizens can attend meetings of any Board or Commission.

Kathleen Gravely, 40 Westerlea Avenue, stated that she had a second back surgery in May, and the 95-gallon cart is too large for her to maneuver. She had asked the Borough for two of the 65-gallon carts instead, but was told that this was not an option. The most that she can carry right now is 20 pounds, she said. Mayor Patten stated that the Borough is monitoring the new system to address any problems and suggested that perhaps someone could assist her with the can.

Walt Yetman, 102 Springcrest Drive, offered to help Ms. Gravely bring her can to the curb on garbage days.

Ken Hitchner, 450 South Main Street, said, "I love the new garbage system, and others do also." He said that it is not only a cosmetic improvement, but the can holds a lot. Mr. Hitchner went on to refer to the issue of animal guardianship, slated for discussion later on this agenda, and said that he would be sending a letter to Council within a few days. Lastly, Mr. Hitchner said that he did not understand why Dan Buriak was "passed over twice" for appointment to the Historic Preservation Commission, and that he was "upset and saddened" that the Mayor has not made that appointment. Mr. Buriak, he said, is a "man of talent," and "the populace would like this man to serve." By not appointing him, he said, the Borough is deprived of his talent on that Commission.

Phyllis Deal, 305 Stockton Street, said that she loves her new 65-gallon garbage can, and asked if they could be placed on the curb rather than in the street. Cans on both sides of a narrow street make it a one-lane street, she said. She has noticed that some residents place the can in front of the sidewalk, and others elsewhere. Most were not placed properly. Mayor Patten said that the Borough would look into this.

Torry Watkins, 68 Meadow Drive, proposed that Council create a subcommittee to address the sustainability of the Borough. He said that the Governor "is about to make good on his promise of several years ago," with respect to creating an infrastructure and incentives for consolidation. "Hightstown once again is off to a bad start when it comes to that," he said. "Several years ago, we were promised a lot of new ratables. Enchantment is going nowhere. The rug mill, Minute Maid, they are all going nowhere." He added that, with respect to Minute Maid, the Borough "can expect another 'bait and switch' like we got from the rug mill people." He said that he would like the governing body to begin thinking seriously about consolidation and to create a committee to stay in touch with the governor's office and monitor what they are doing, and bring that news back to Council.

George Serrano, 14 Westerlea Avenue, commended and thanked Chief Eufemia. "The officers are doing a great job," he said, "and their presence is known." He said that he heard comments comparing the Mill project with the Deerfield-Westerlea Apartments, which he manages, and said that his door is open to anyone that wants to come there and see what's going on. He has been there for five years, he said, and the apartments passed inspection "with flying colors." Mr. Serrano went on to request that speed bumps be installed in that area, because between the hours of 2 and 2:30 p.m., kids speed through, "surfing and flying down that road." As a firefighter, he said, he understands the concerns regarding speed bumps and emergency services, and suggested that, if the Borough would purchase portable speed bumps, he would take responsibility for putting them out at those hours and removing them afterward.

No one else came forward and the floor was closed.

ORDINANCES

INTRODUCTION AND FIRST READING: ORDINANCE 2008-01,

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WESTERLEA AVENUE IN AND BY THE
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING
\$332,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$78,500 BONDS OR NOTES OF
THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Following a brief review of Ordinance 2008-01 by Ms. Gallagher, Ms. Roberts reviewed the details of the project itself, which will include improvements to the roadway of Westerlea Avenue from Grape Run Road to Leshin Lane, including milling, re-paving, the replacement of distressed areas of pavement, curbs, sidewalks and fire hydrants and improvements to drainage structures and sanitary sewer manhole lids. She noted that it is necessary to introduce the bond ordinance for this work tonight in order to be able to begin construction as soon as school recesses for the summer

and have it completed before school starts again in the fall. If approved, she expects to receive bids in May with construction to start in June. Mayor Patten suggested that Mr. Serrano's suggestion regarding speed bumps be considered in conjunction with this work "to determine if that's a viable solution."

Councilmember Quattrone asked if any sewer work is needed, given the problem in that area with blockages. "The problem," Ms. Roberts said, "is not with the pipe, but with grease in the line." This is a high density area and grease accumulates in the line and solidifies. The owner of the apartments has been cooperative with the Borough and the line is cleaned periodically. Mr. Quattrone asked if grease traps should be installed. Ms. Roberts said that they should be on the owner's laterals prior to entering the Borough's sewer pipe. "It is a matter of education," she said. "Many don't realize that, when you pour grease down the sink, it congeals in the sewer pipes when it cools." It was noted that information has been distributed to residents of the apartment complex and recurring articles about this have appeared in the *Crier*.

Councilmember Bond asked if any speed humps would need to be incorporated into the project's design, and whether there is enough time to receive the necessary permitting for those. Ms. Roberts said that there would be time, because speed humps on local roads such as Westerlea Avenue can be permitted directly through DOT's Local Aid office. Mr. Bond expressed support for this, and Ms. Roberts will be discussing it with Chief Eufemia.

Ordinance 2008-01 was moved for introduction by Council President Sikorski, seconded by Councilmember Bond. Councilmember Schneider asked Ms. Roberts if the construction cost shown is still firm. Ms. Roberts said that, in her opinion, those numbers are still good.

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

Ordinance introduced, 5-0.

The public hearing and final reading for Ordinance 2008-01 was set for Tuesday, January 22.

RESOLUTIONS

RESOLUTION 2008-07, ESTABLISHING 2008 SCHEDULE OF HOLIDAYS AND BOROUGH BUSINESS HOURS

Ms. Gallagher noted that this Resolution was pulled from the January 1 reorganization meeting agenda so that it could be separately addressed at this meeting. She reviewed its provisions and offered to answer any questions.

No questions were posed, and the Resolution was moved by Council President Sikorski, seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2008-07 ESTABLISHING 2008 SCHEDULE OF HOLIDAYS AND BOROUGH BUSINESS HOURS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following will be considered the official holidays for the year 2008 and the first week of 2009:

January 1	New Years' Day (Tuesday)
January 21	Martin Luther King, Jr. Day (Monday)
February 18	Presidents Day (Monday)

March 21	Good Friday
May 26	Memorial Day observed (Monday)
July 4	Independence Day (Friday)
September 1	Labor Day (Monday)
October 13	Columbus Day observed (Monday)
November 11	Veterans Day (Tuesday)
November 27	Thanksgiving Day (Thursday)
November 28	Day After Thanksgiving (Friday)
December 25	Christmas Day (Thursday)
January 1, 2009	New Years Day (Thursday)

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

- During the period running from May 23, 2008 thru September 4, 2008, offices at Borough Hall will be open according to the following schedule:

Monday, Tuesday and Wednesday	8:00 a.m. to 6:00 p.m.
Thursday	8:00 a.m. to 5:00 p.m.
- This arrangement shall not impact police officers, dispatchers, public works employees and sewer plant employees.

RESOLUTION 2008-20, AUTHORIZING EMERGENCY PURCHASE OF GENERATOR FOR USE AT THE BOROUGH'S WATER TREATMENT PLANT

Ms. Gallagher provided in the packets a memo from Larry Blake, Superintendent of Public Works and Water, stating that, on December 26, the Water Treatment Plant's emergency generator malfunctioned, causing the electrical components to burn up. Genserve, who is our servicing company, was immediately contacted and they were able to provide us with a temporary emergency generator to be rented at the cost of \$5,175.00 per month plus a \$858.00 hook up charge.

The cost of a brand new emergency generator is \$56,805.00 plus labor to install. To replace the electrical components of our existing emergency generator would be \$26,000.00 complete. In his memo, Mr. Blake recommended that we replace the electrical components of the existing generator rather than purchase a new one. Because of the nature of this emergency, Ms. Gallagher recommended that Council approve a Resolution authorizing an emergency purchase in order to bypass a lengthy bidding process, which is permitted by statute in emergency situations. Once ordered, the generator will take three weeks for delivery.

Councilmember Quattrone agreed with Mr. Blake's recommendation. A wire shorted out, he said, due to wear and tear. The diesel engine is okay, and is under a normal maintenance schedule where the generator is run under load for a few hours each week. He estimated that it is between seven and eight years old.

Resolution 2008-20 was moved by Councilmember Quattrone, seconded by Council President Sikorski.

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

Resolution adopted, 5-0.

WHEREAS, N.J.S.A. 40A:11-6 provides that purchases may be authorized and contracts awarded without public advertising for bids when an emergency affecting the public health, safety or welfare requires immediate action; and

WHEREAS, the Superintendent of Public Works and Water has notified the Borough Administrator that immediate replacement of a generator at the plant is necessary, and has provided a written statement of the nature of this emergency and the need for immediate action, in accordance with the requirements of N.J.S.A. 40A:11-6, which statement is attached hereto and made a part of this resolution; and

WHEREAS, he has solicited competitive quotations for this equipment, and has recommended its purchase from the firm submitting the lowest price, Genserve, Inc. of West Berlin, New Jersey, for a cost of \$26,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the purchase of a generator as outlined herein for a total price not to exceed \$26,000.00 is hereby approved.

NEW BUSINESS

ANIMAL WELFARE COMMITTEE RECOMMENDATION FOR CHANGE IN BOROUGH ORDINANCES REGARDING ANIMAL GUARDIANSHIP

Phyllis Deal spoke on behalf of the Borough's Animal Welfare Committee to propose that the Borough's animal licensing ordinances be amended to change the term "owner" to "owner/guardian" in order to encourage more responsible pet care. The word "owner," she said, "connotes not having to take care of them." Several other cities have amended their ordinances in this way, she said. "This can only help us," she added, noting that we would not remove any language from the ordinances, but rather add the title of "guardian" to that of "owner." She asked that this be included on the agenda for introduction at the next Council meeting.

Councilmember Schneider asked if this ordinance would "target any new people," and whether it would apply to feral cats. Ms. Deal said that it is not meant to create a new class of ownership but rather to enhance social consciousness regarding "beings that have no ability to speak for themselves." She said that, while it would not apply in the case of someone feeding wild birds, she expected that it would apply to the caregivers of feral cats. Kathy Patten, chair of the committee, was present and noted that the Borough's existing ordinance already encompasses that.

It was discussed briefly and generally agreed that the Borough Attorney would draft an ordinance for introduction at the next Council meeting.

CONSENT AGENDA

Ms. Gallagher noted that the Borough's professionals have all agreed not to increase their rates for 2008, and she expressed her appreciation to them for this. Resolutions 2008-21 through 2008-32 were moved by Council President Sikorski and seconded by Councilmember Rosenberg.

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

Resolutions approved, 5-0.

RESOLUTION 2008-21**AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Lawrence Blake, Public Works Superintendent, 148 North Main Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2008-22**AUTHORIZING AGREEMENT FOR RANDOM CDL ALCOHOL AND DRUG TESTING PROGRAM –
COMMERCE RISK CONTROL SERVICES**

WHEREAS, there exists a need for an alcohol and controlled substances program for CDL drivers and other participants in compliance with 49 CFR 382 and 49 CFR 40 for the year 2008; and

WHEREAS, it is the desire of the Mayor and Council to retain Commerce Risk Control Services to perform this service at the cost of \$64.41 per CDL holder or other participant, plus any applicable other costs as outlined in the Agreement which is attached hereto and made a part hereof;

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

1. The agreement with Commerce Risk Control Services for provision of a CDL Alcohol and Controlled Substances Program for the period January 1, 2008 through December 31, 2007, which agreement is attached hereto and made a part hereof, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. Performance under this contract is subject to the availability of sufficient funds in the 2008 budget.

RESOLUTION 2008-23**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-185 TO PEDDIE SCHOOL**

WHEREAS, Peddie School wishes to hold an off-premise 50/50 raffle at the Peddie School on May 3, 2008, and has submitted application number RA-185 for this raffle along with the required fees; and

WHEREAS, Peddie School is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-28133, 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-185 to the Peddie School for their 50/50 raffle to be held on May 3, 2008.

**RESOLUTION 2008-24 AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-186 TO ST. ANTHONY OF PADUA
ROMAN CATHOLIC CHURCH**

WHEREAS, St. Anthony of Padua Roman Catholic Church wishes to hold an off-premise merchandise raffle at 251 Franklin Street on May 18, 2008; and

WHEREAS, the group has submitted application number RA-186 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 209-1-9434, which registration expires on September 8, 2008; 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-186 to St. Anthony of Padua Roman Catholic Church for their raffle to be held on May 18, 2008 as outlined herein.

RESOLUTION 2008-25 AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE AUCTIONS

WHEREAS, an application for a license to hold an auction on Saturday, January 26, 2008 (rain/snow date Saturday, February 2, 2008) at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Auctions, 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 Auctions 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 Auctions for their auction to be held on January 26, 2008 (rain/snow date Saturday, February 2, 2008) at 278 Monmouth Street.

**RESOLUTION 2008-26 AMENDING RESOLUTION 2008-04, ADOPTED JANUARY 1, 2008, ENTITLED "RESOLUTION
MAKING AND CONFIRMING APPOINTMENTS FOR 2008 - BOROUGH OFFICIALS," WITH
RESPECT TO ALTERNATE PROSECUTORS**

WHEREAS, on January 1, 2008, the Borough Council adopted Resolution 2008-04, appointing various Borough officials and including the appointment of five Alternate Prosecutors; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2008-04 is hereby amended to reflect that the following individuals are named as Alternate Prosecutors for the Borough of Hightstown during 2008:

1. Al Vuocolo, Jr., Esq.
2. Reed Gusciora, Esq.
3. Ken Lozier, Esq.
4. Lenore Hannah, Esq.
5. Lyle Hough, Esq.
6. Burt Scott, Esq.

WHEREAS, there exists a need for municipal auditing services during 2008 pertaining to the 2007 financial records of the Borough of Hightstown; and

WHEREAS, William E. Antonides, C.P.A., of the firm William E. Antonides and Company, Wall, New Jersey, has offered to perform such services, and was appointed as Borough Auditor by resolution adopted by the Borough Council on January 1, 2008; and

WHEREAS, the maximum cost for the proposed services will be \$28,000.00, as outlined in the firm's proposal dated December 17, 2007, which is attached hereto and made a part hereof; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

1. The Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and William E. Antonides and Company regarding the above-referenced professional auditing services, in accordance with the firm's proposal dated December 17, 2007.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because William E. Antonides and Company is a firm whose auditors are authorized by law to practice a recognized profession.
3. This contract is subject to and contingent upon adequate funding in the Borough's 2008 budget.
4. Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. This contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. A certified copy of this Resolution shall be provided to each of the following:
 - a. William E. Antonides, C.P.A., R.M.A., Borough Auditor
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
7. Frederick C. Raffetto, Esquire, Borough Attorney
8. A copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

9. A notice of this action shall be printed once in the official newspaper as required by law.

**RESOLUTION 2008-28 AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES –
ROBERTS & REYMANN ENGINEERING, LLC**

WHEREAS there exists a need for various professional engineering services for the Borough of Hightstown for 2008; and

WHEREAS Roberts & Reymann Engineering, LLC has offered to perform such services at the rates set forth on the attached Hourly Fee Schedule, and Carmela Roberts, P.E., was appointed Borough Engineer by resolution adopted by the Borough Council on January 1, 2008; and

WHEREAS it is anticipated that maximum engineering costs to the Borough during 2008 will be as follows:

Attendance at Borough Council meetings	\$ 5,000.00
General engineering (Planning Board)	7,000.00
Miscellaneous requests for information and data	5,000.00
Miscellaneous road and drainage issues	5,000.00
Utility operations – water	10,000.00
Utility operations – sewer	10,000.00
Tax Map maintenance	3,000.00; and

WHEREAS other work not specifically referenced herein will be billed as performed in accordance with the attached proposal and per diem schedule; and

WHEREAS engineering fee estimates for specific capital projects with a defined scope will be submitted for review and approval prior to performance of any service related to the project; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and Roberts & Reymann, LLC 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 Roberts & Reymann, LLC is a firm whose engineers are authorized by law to practice a recognized profession.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2008 budget, adopted bond ordinances and/or other available sources, including escrow funds.

4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Carmela Roberts, P.E., Borough Engineer
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. That a notice of this action shall be printed once in the official newspaper as required by law.

**RESOLUTION 2008-29 AUTHORIZING AGREEMENT FOR PROFESSIONAL PLANNING SERVICES –
TAMARA LEE CONSULTING, LLC**

WHEREAS, there exists the need for professional planning services during 2008; and

WHEREAS, Tamara Lee of Tamara Lee Consulting, LLC has offered to perform these services as outlined in the proposal which is attached hereto and made a part hereof, at the rate of \$105 per hour; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Tamara Lee Consulting, LLC as outlined herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
3. That this contract is subject to and contingent upon adequate funding in the Borough's 2008 budget and/or other available sources, including escrow funds.
4. That expenditures under this Resolution shall not exceed \$15,000 without further authorization from Council.

5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
6. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Tamara L. Lee, PP, AICP, CLA, ASLA
 - b. Steve Misiura, Chair, Hightstown Planning Board
 - c. Arlene O'Rourke, Borough Treasurer
 - d. George Lang, Borough Chief Financial Officer
8. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

**RESOLUTION 2008-30 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
MCLAUGHLIN GELSON, LLC**

WHEREAS, there exists the need for specialized municipal legal services for 2008 pertaining to labor, personnel and union matters; and

WHEREAS, Richard J. Shaklee, Esq., of the firm McLaughlin Gelson, LLC of Wall Township, New Jersey, has offered to perform such services at the rate of \$110.00 per hour, and was appointed Special Labor Counsel by resolution adopted by the Borough Council on January 1, 2008; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract, if further authorized by Council, may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement between the Borough of Hightstown and McLaughlin Gelson, LLC regarding the above-referenced professional legal services.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because McLaughlin Gelson, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That expenditures under this Resolution shall not exceed \$10,000 without further authorization from Council.
4. That this contract is subject to and contingent upon adequate funding in the Borough's 2008 budget and/or other available sources.

5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
6. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Richard J. Shaklee, Esquire, Labor Counsel
 - b. Frederick C. Raffetto, Esquire, Borough Attorney
 - c. Arlene O'Rourke, Borough Treasurer
 - d. George Lang, Borough Chief Financial Officer
 - e. Candace Gallagher, Borough Administrator/Clerk
8. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
9. That a notice of this action shall be printed once in the official newspaper as required by law.

**RESOLUTION 2008-31 AUTHORIZING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
McMANIMON & SCOTLAND, L.L.C.**

WHEREAS, there exists the need for specialized legal services relative to bonding, financial and redevelopment matters; and

WHEREAS, the firm of McManimon & Scotland, L.L.C. of Newark, New Jersey, has offered to perform these services as set forth in the agreement which is attached hereto and made a part hereof, and was appointed as Bond Counsel by resolution adopted by the Borough Council on January 1, 2008; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's newly enacted Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement (or one which is substantially similar thereto and which is acceptable to the Borough Attorney) between the Borough of Hightstown and McManimon & Scotland, LLC regarding the above-referenced professional legal services.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because McManimon & Scotland, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.

3. That this contract is subject to and contingent upon adequate funding in the Borough's 2008 budget, adopted bond ordinances and/or other available sources, including escrow funds.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Edward J. McManimon, Esq., McManimon & Scotland, LLC
 - b. Arlene O'Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
 - d. Candace Gallagher, Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esquire, Borough Attorney
7. That a copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.
8. That a notice of this action shall be printed once in the official newspaper as required by law.

RESOLUTION 2008-32 AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, a tax overpayment has been received by the Borough as follows:

Refund to:	Amount of Overpayment:	Block & Lot #	Property Address:
Rosta & Kollar 89 Bayard Street New Brunswick, New Jersey 08901	\$1,759.87	Block 9, Lot 83	173 Lincoln Avenue

; and

WHEREAS, the Tax Collector has requested permission to refund the overpayment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to refund the tax overpayment set forth herein.

PUBLIC COMMENT II

Mayor Patten opened the floor once again for public comment.

Eugene Sarafin, 600-628 South Main Street, referred to comments made earlier by Mr. Watkins, and said that the Borough "can't go on raising taxes" and should learn to anticipate disaster. He urged Council to consider consolidation "before we end up with millions in uncollected taxes." He added that the Borough could keep its government but it should not pay for duplication of administrative overhead.

Joe Murtaugh, 427 South Main Street, expressed his opposition to changing the Borough's ordinances regarding pet guardianship and ownership. He stated that the American Veterinary Medical Association as well as the New Jersey association are strongly opposed to this "because that word is carefully chosen due to legal ramifications." Guardians, he said, are "legally obligated to put the best interest of the ward in front of their own best interest" and pet owners would then be obligated to perform veterinary procedures on an animal even if they can't afford it. "Any attorney," he said, "should be smart enough to work the language so that pets don't take on the same legal rights as humans." He asked Council to look at both sides of this issue before making a decision. He said that, if someone is inclined to abuse an animal, it is doubtful that labeling them as a "guardian" would change their mind. "We already have laws to prevent

animal cruelty," he said. Mayor Patten encouraged Mr. Murtaugh to speak further about this with members of the Animal Welfare Committee, or to join that committee.

Walt Yetman, 102 Springcrest Drive, asked Council not to approve an ordinance regarding animal guardianship. Its legal ramifications, he said, could be expensive to the Borough and to its citizens. He noted that, in one town that implemented this, someone ran over a squirrel and didn't stop to help it, and it became a legal problem. He said that the Borough would be "heading in a bad direction" if it moved forward with this ordinance.

Ms. Deal noted that current law already provides that anyone who hits an animal is legally obligated to stop and help it.

Torry Watkins, 68 Meadow Drive, expressed appreciation to Mr. Murtaugh for bringing up these points, and urged Council to "tread carefully" regarding the requested ordinance. "I suspect the devil is in the details," he said.

No one else came forward and the floor was closed.

COUNCIL COMMENTS AND COMMITTEE REPORTS

Council President Sikorski thanked Ms. Gallagher for "her patience in listening to me everyday" and for her "wonderful job on the minutes, which I go over with a fine tooth comb." He stated that he plans to carefully review the information provided since the last regular meeting regarding the prohibition of farm animals and report on this at the next Council meeting. He noted that the Board of Health held its annual reorganization meeting. Lastly, Mr. Sikorski recommended that Council take action to increase the membership of the Historic Preservation Commission by two in order to provide "an opportunity for new voices to be heard without removing any existing members."

Councilmember Rosenberg agreed, and noted that statute provides that the governing body can determine how many members comprise the Historic Preservation Commission. "This is a critical year for the Commission," he said, noting that streetscape planning now underway for the Historic District will open opportunities for more grant funding. In addition, the Greenway will be completed this year, and will be a "historic trail that links the Borough's historic assets." There are those who want to participate on the Commission, he said, who are "qualified and motivated, and who have the majority of endorsements from the Council. Let's make more room at the table here."

Councilmember Quattrone addressed several issues:

- He reported that the Fire Department is doing well and the new truck is working fine. He said that members undergo a lot of training, and that if residents see the truck with its lights flashing, it is very possibly a training drill and they should not be alarmed. He thanked the volunteers for their work. He also noted that the new ambulance is now back in service.
- He reported that the Public Works department's dump truck had a problem with the differential and he was called to advise them. "We came up with the consensus that it could be repaired," he said, although he would not be able to do that work. It will be repaired and placed back into operation soon.
- Regarding appointments to the Historic Preservation Commission and all others, Mr. Quattrone stated, "When you have people volunteering to serve, it is best to get them involved." He noted that the Parks and Recreation Commission has been having problems getting a quorum to attend meetings, and suggested that roll calls be taken at all board/commission meetings "to see who is showing up and who isn't." There are some on the sidelines, he said, who may want to be there.

Chief Eufemia thanked Councilmember Schneider for his assistance and support as liaison to the Police Department in prior years, and welcomed Councilmember Bond as the department's new liaison. The department continues to keep busy, he said, and added that he hears the concerns of the public, and will address them. He said that he will do what he can to stop the problem mentioned by Mr. Serrano with kids speeding on Westerlea Avenue.

Councilmember Rosenberg asked about the process for amending the Borough's ordinances to increase the size of the Historic Preservation Commission. Mr. Raffetto stated that Council would discuss this and then, if wanting to proceed, refer this to him to draft an ordinance. He noted that, by statute, the Commission can have five, seven or nine regular members.

Mayor Patten stated that the Economic Development Committee had seven members, and it was recommended that membership be increased to nine. If Council agrees, this could go on the next agenda, he said. Councilmember Bond stated that he was told that the Committee would like to look at this first to determine if this is something that they want to do.

Councilmember Bond noted that, with respect to the Historic Preservation Commission, "everyone ought to know that there were two members up for reappointment. Both wanted to stay on, and there were then no openings." He pointed out that it should not be automatically assumed that the Mayor deliberately excluded Mr. Buriak, as to appoint him he would have had to ask someone else to step down. Mr. Bond expressed support for increasing the Commission's membership by two members, which would then provide "avenues for those who want to be there."

Council briefly discussed this and asked the Borough Attorney to draft such an ordinance for introduction at the next meeting.

Mayor Patten asked Council members, as liaisons to various groups, to let the governing body know if members are not active, or are not attending meetings, or if something needs improvement.

EXECUTIVE SESSION

Ms. Gallagher read aloud Resolution 2008-19 authorizing a closed session for the purpose of discussing personnel and contract negotiations. The Resolution was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2008-19 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on January 7, 2008 at approximately 8:05 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

**Contract Negotiations – Interlocal Zoning Officer Services; Interlocal Health Services;
Interlocal Mechanic Services; Interlocal Dispatching Services**

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: April 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.

ACTION TAKEN FOLLOWING EXECUTIVE SESSION

Upon reconvening into open session, the meeting continued with the adoption of Resolutions 2008-34, 35, 36, 37 and 38.

Resolution 2008-34 was moved by Council President Sikorski, seconded by Councilmember Schneider.

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

Resolution adopted, 5-0.

RESOLUTION 2008-34 RE-APPOINTING GEORGE J. LANG AS CHIEF FINANCIAL OFFICER

WHEREAS, George J. Lang of Cranbury, New Jersey was appointed as the Borough's Chief Financial Officer on January 1, 2004 for a four-year term which expired on December 31, 2007; and

WHEREAS, the Mayor and Council of the Borough of Hightstown wish to re-appoint Mr. Lang as Chief Financial Officer effective January 1, 2008;

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

1. George J. Lang of Cranbury, New Jersey, is hereby re-appointed as Chief Financial Officer of the Borough of Hightstown for the four-year term running from January 1, 2008 through December 31, 2011.
2. A certified copy of this Resolution shall be provided forthwith to Mr. Lang, and to the Director of the Division of Local Government Services.

Resolution 2008-35 was moved by Council President Sikorski, seconded by Councilmember Bond.

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

Resolution adopted, 5-0.

RESOLUTION 2008-35 AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF ROBBINSVILLE FOR AUTOMOTIVE REPAIR SERVICES

WHEREAS, the "Interlocal Services Act", N.J.S.A. 40:8A-1 et seq. (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, Hightstown Borough is in need of automotive repair services for its vehicles and equipment; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, Hightstown and the Township of Robbinsville ("Robbinsville") have negotiated an Interlocal Services Agreement (also referenced as the "Agreement") specifying the terms and conditions governing the provision of the contemplated services by Robbinsville to Hightstown; and

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

WHEREAS, the Hightstown Borough Council wishes to authorize Hightstown to enter into the attached Agreement, and to authorize the Mayor and Borough Clerk to execute the same on behalf 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:

3. That Hightstown is hereby authorized to enter into the attached Interlocal Services Agreement with Robbinsville, or one substantially similar thereto which has been reviewed and approved by the Borough Attorney and Borough Administrator, for the provision of automotive repair services to Hightstown by Robbinsville, pursuant to the terms and conditions set forth in the attached Agreement.

4. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached Interlocal Services Agreement on behalf of Hightstown.
5. That, in accordance with the aforementioned agreement, Hightstown hereby designates James Eufemia, Chief of Police, to schedule and be responsible for all repairs to police vehicles and Larry Blake, Superintendent of Public Works, to schedule and be responsible for all repairs to all other Borough-owned vehicles.
6. That, in accordance with the aforementioned agreement, no repair in excess of \$250 shall be made by Robbinsville unless specifically authorized by Candace Gallagher, Borough Administrator.
7. That this Agreement shall not become effective until the governing bodies of both Hightstown and Robbinsville have adopted Resolutions authorizing the execution of said Agreement, and upon full execution of the Agreement by the duly authorized representatives of Hightstown and Roosevelt.
8. That this agreement is contingent upon the availability of adequate funding in the Borough's 2008 budget.
9. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Mary Caffrey, Administrator, Robbinsville Township
 - b. Larry Blake, Superintendent of Public Works
 - c. James Eufemia, Chief of Police
 - d. Candace Gallagher, Hightstown Borough Administrator/Clerk
 - f. Arlene O'Rourke, Treasurer

Resolution 2008-36 was moved by Council President Sikorski, seconded by Councilmember Bond.

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

Resolution adopted, 5-0.

**RESOLUTION 2008-36 AUTHORIZING INTERLOCAL AGREEMENT WITH WEST WINDSOR TOWNSHIP
FOR HEALTH SERVICES**

WHEREAS, the "Interlocal Services Act", N.J.S.A. 40:8A-1 et seq. (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS since 2001, the Borough has participated in an Interlocal Agreement with West Windsor Township for the provision of Health Services, which agreement expired on December 31, 2007; and

WHEREAS the Board of Health has recommended that the Borough enter into a succeeding interlocal agreement with West Windsor for these services for the three-year period ending December 31, 2010, which agreement is attached hereto and made a part hereof; and

WHEREAS the Borough's net cost for 2008 under this agreement is \$23,472.00; and

WHEREAS it is the intention of the Mayor and Council to provide sufficient funding for this expenditure in the 2008 budget;

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

1. The Interlocal Agreement with the Township of West Windsor for Health Services for the period January 1, 2008 through December 31, 2010, which agreement is attached hereto and made a part hereof, is hereby approved, and the Mayor and Clerk are authorized to execute same.
2. Approval of this agreement is subject to appropriation of sufficient funds in the budgets of 2008 and succeeding years.

Resolution 2008-37 was moved by Council President Sikorski, seconded by Councilmember Rosenberg.

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

RESOLUTION 2008-37 AUTHORIZING EMPLOYMENT AGREEMENT WITH ROBERT HARY (HEALTH OFFICER)

WHEREAS, Robert Hary, 71 Hunt Road, Freehold, New Jersey, has served as Health Officer for the Borough of Hightstown since January 1, 2000; and

WHEREAS, Mr. Hary is a duly licensed **health** officer possessing the necessary licenses to fulfill the requirements of the statutes and regulations concerning the provision of such services; and

WHEREAS, Mr. Hary is currently **employed** by the Township of West Windsor as its Health Officer; and

WHEREAS, on January 7, 2008, the **Borough** Council approved Resolution 2008-36, authorizing an interlocal agreement for health services with West Windsor Township for the period January 1, 2008 through December 31, 2010; and

WHEREAS, it is the desire of **the** Mayor and Council to continue to employ Robert Hary as Health Officer, simultaneous with that agreement; and

WHEREAS, by the terms of the agreement, the Mr. Hary's salary as Health Officer will be as follows:

2008	\$11,463.00	
2009	\$11,807.00	
2010	\$12,161.00	;and

WHEREAS, it is the intention of the Mayor **and** Council to provide adequate funding for this expenditure in the 2008 budget;

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

1. The employment agreement with Robert Hary for the period January 1, 2008 through December 31, 2010, which agreement is attached hereto and made a part hereof, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.
2. Performance under this agreement is subject to the appropriation of sufficient funds in the budgets of 2008 and succeeding years.

Resolution 2008-38 was moved by Council President Sikorski, seconded by Councilmember Quattrone.

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

Resolution adopted, 5-0.

RESOLUTION 2008-38 AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH ROOSEVELT BOROUGH FOR ZONING OFFICER SERVICES

WHEREAS, with the adoption of Resolution 2007-38 on January 16, 2007, the Borough Council approved an Interlocal Services Agreement with the Borough of Roosevelt ("Roosevelt") for the provision of Zoning Officer Services; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Zoning Officer Services to the Borough of Hightstown by the Roosevelt during 2008; and

WHEREAS, the "Interlocal Services Act", N.J.S.A. 40:8A-1 et seq. (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, Hightstown and Roosevelt have negotiated an Interlocal Services Agreement (also referenced as the "Agreement") specifying the terms and conditions governing the joint provision of the contemplated services within their respective jurisdictions; and

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

WHEREAS, the Hightstown Borough Council wishes to authorize Hightstown to enter into the attached Agreement, and to authorize the Mayor and Borough Clerk to execute the same on behalf 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 Hightstown is hereby authorized to enter into the attached Interlocal Services Agreement with Roosevelt, or one substantially similar thereto which has been reviewed and approved by the Borough Attorney and Borough Administrator, for the provision of Zoning Officer services to Hightstown by the Roosevelt Zoning Officer, pursuant to the terms and conditions set forth in the attached Agreement.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached Interlocal Services Agreement on behalf of Hightstown.
3. That this Agreement shall not become effective until the governing bodies of both Hightstown and Roosevelt have adopted Resolutions authorizing the execution of said Agreement, and upon full execution of the Agreement by the duly authorized representatives of Hightstown and Roosevelt.
4. That this agreement is contingent upon the availability of adequate funding in the Borough's 2008 budget.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Roosevelt Borough
 - b. William Schmeling, Roosevelt Borough Zoning Officer
 - c. Richard J. Shaklee, Esq., Roosevelt Borough Attorney
 - d. Candace Gallagher, Hightstown Borough Administrator/Clerk
 - e. Frederick C. Raffetto, Esq., Hightstown Borough Attorney

Upon motion by Council President Sikorski, seconded by Councilmember Quattrone and unanimously approved, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Candace B. Gallagher, RMC
Borough Clerk