

REGULAR MEETING – OCTOBER 7, 2014

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, October 7, 2014 and was called to order by Mayor Brill Mittler at 7:00 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler; Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits; Borough Attorney Schmierer; Borough Administrator Kovach, Borough Clerk Hullings.

Absent: None

Councilwoman Foster-Dublin reported that she, Chief Rizco, and the Captain of the First Aid Squad visited St. Peter's Hospital and received a tour of their new facility. The Public Safety Building Dedication will take place on November 2, 2014 at 2PM. In May, a group came forward about traffic patterns on Route 27. The Police Department did research and forwarded their findings to the NJ Department of Transportation. Daylight savings time is around the corner. Remember to change the batteries in your smoke detectors and carbon monoxide detectors. Fire Prevention week is this week and educational programs will be done in the schools.

Councilman Potts reported that the Teen Advisory Committee has begun activities and will hold elections tonight at 7:30 p.m. at the Senior Center. The annual Halloween Parade will take place on October 26, 2014 from 2-5PM in the high school gym.

Councilwoman Welkovits reported that so far there are 9 reported cases of enterovirus D68 in Middlesex County. She reminded everyone to wash their hands with soap and water. October 8th is Walk to School Day for Bartle and Irving Schools. They will meet at 5th and Raritan and begin the walks to each of the schools. This initiative is to promote safe paths to schools. Through a Park Partners Grant they will be distributing hand cranked emergency radios to residents who qualify. She thanked the Mayor and Borough Attorney for finalizing the contract for the Habitat for Humanity Project. She thanked some residents who sold toys and donated the proceeds to the Food Pantry. She referenced many programs that will be held at the Library in the near future. Information is available on the library website.

Councilman George reported that the Redevelopment Agency has been re-examining the redevelopment plan that was drafted in 2005. There are professional planners serving on the Redevelopment Agency and they are making significant changes to reflect where Highland Park is headed. They hope to have a draft available sometime in November. He will be meeting with Main Street Highland Park next week. They are looking at the placement of more benches near bus stops along the Avenue. Installation to begin shortly and they hope to combine placement of the benches with their donation program.

Councilman Erickson – No report.

Councilman Millet reported that there would be a brief change in the agenda. Agenda item #14 regarding the amendment to the sidewalk repair ordinance will be tabled from consideration as the ordinance is still unclear.

Borough Administrator Kovach – No report.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler reported that she attended the Recreation Department flag games for Cancer on Sunday morning to raise awareness and funds for pancreatic and Breast Cancer and that it was a very moving ceremony. Councilwoman Welkovits mentioned in her report that radios for emergencies were purchased through monies from the Park Partners Program. This year's program is open and running. They will be giving out five (5) mini grants of \$2,000 each to make Highland Park a better place. There is information on the website. The Walk to School event is on Wednesday, and the second walk with the Mayor is tomorrow at 6:30 a.m. at the 2nd Avenue entrance to Donaldson Park. The Park It Weekend celebration is October 23-26, Thursday through Sunday.

Mayor Brill-Mittler noted that the next item on the agenda is the Resolution for Settlement Agreement and she introduced the professionals: Jeff Surenian, Special Counsel, and Phil Caton, Special Planner. They will brief the public and show drawings for the proposed settlement agreement.

Mr. Surenian stated that the main objective in negotiating this settlement was to bring down density as far as they could; to control the appearance at the intersection of Cleveland and Janeway and to make the site is developed in a manner that is safe to the public. They ended up with an agreement where the developers are going to develop in one of three scenarios - #1 rental project – 100 units; #2 for sale project – 110 units – have concept plan showing how it would be developed; #3 for sale project and potentially run into problems selling units and then shift to a rental project. They would be bound by concept plan that is approved. In the event that it is a for sale project, there will be 18 townhouse units at the intersection of Janeway and Cleveland. In the event it is developed as a rental project there would be 12 townhouse units at that intersection. They have renderings for how each concept would look. They have detailed concept plans for the for sale project. There are parts of the site that are contaminated and will need to be cleaned up. The way the agreement is structured is that before the developer can get his estimates for bonds approved, an LSRP from the developer would have to present a plan on how the site would be developed. This is different than the River Road site as they took out all the contaminated soil and filled it back in. In the development of the American Properties site the development itself is going to form part of the cap. Borough Engineer is available to provide more detail. They will have to present a plan for development and clean up that protects the public's health and safety and that will have to be signed off by the Borough Engineer before implementation. The process is that the Borough will sign off and then the Planning Board will sign off on the agreement. The agreement is then subject to approval by the Court at a Fairness Hearing. As part of

the settlement the developer is obligated to make 5% of the units affordable. If the developer does 100 units of rental housing there would be 5 affordable rental units. If the developer does 110 units of for sale units, there would be 6 affordable rental units. The Court will have to be satisfied that this settlement is fair to low and moderate income households.

Mr. Caton gave overview of images provided by American Properties to get an idea of what is proposed. The settlement agreement being discussed is high on predictability on both sides. The settlement agreement obligates the developer to propose something to the Planning Board that is substantially consistent with the drawings being shown. He provided overview of site plan of for sale version. The site is 7.5 acres in size and the access to the site will be from Cleveland Avenue in a boulevard arrangement and there will be 8 townhouse units on either side. Since the site presents itself to the frontage along Cleveland Avenue, they saw this as the most important corner of the site. The back portion of the site drops off 20 feet to the rail line. The Crossings development is immediately adjacent to the site to the south. The townhouse buildings range from 4 market rate units to 12 and they face outward with a garage and an apron on the interior side of the buildings. There are parking spaces in addition to the garages. Planning Board approval is required for this development. He showed 2 digital renderings of the site and showed some elevations.

Mayor Brill Mittler indicated that everyone would have a chance to look at the renderings and opened the meeting for public discussion for a fifteen-minute period and called upon all those wishing to speak to identify themselves.

Larry Perfetti, 214 Cleveland Avenue, asked if there are any precedents for situation Highland Park is in? town met with Mount Laurel responsibilities and did not turn in proper paperwork.

Jeff Surenian said that the day of the suit the town's obligation was greater than _____

Mayor Brill Mittler asked how long this has been going on.

Jeff Surenian said it has a 2009 docket. Non-Compliant on date of lawsuit.

Phil Caton said reason for non-compliance was 100 unit growth share component.

Larry Perfetti, 214 Cleveland Ave indicated that not weighed into this case.

Phil Caton said he had an obligation 2/09 and did not have the number to meet that component.

Larry Perfetti, 214 Cleveland Ave asked is anyone had challenged this?

Jeff Surenian said that Mt. Laurel is a moving target, _____ a lot of moving parts.

Larry Perfetti, 214 Cleveland Ave said agreement with Pulte Homes front part 9.5 units per acre/5% affordable. Did they put up money to help with Borough's affordable?

Jeff Surenian said that 5% was set aside.

Larry Perfetti, 214 Cleveland Ave, said 14.5 units is not right for neighborhood and the town. He believes the Borough has an obligation to fight something like this. Overtaxing resources, but also what it does to the township in 100 years from now, more than the town can afford. Interactions with people in front were more cooperative than this group. They should be made to comply with the law of affordable housing. He said he disagrees with number and that it is bad for the neighborhood and the community.

Allan Williams, CME Associates, said he could comment on remediation.

Bruce Koch, Borough Engineer said _____

Allan Williams – Honeywell _____

Bruce Koch, Township Engineer _____

Mayor Brill Mittler asked that someone explain excavating versus capping.

Bruce Koch, Borough Engineer _____ capping is to contain contamination and is done in stages. Monitored by LSRP (Air Quality testing)

Allan Williams asked what contaminates are there?

Bruce Koch, Borough Manager reported from LSRP _____

Lou Pichinson, 200 Jackson LSRP has been determined.

Bruce Koch, Borough Engineer said that the Developer has identified the firm and has spoken to them _____

Lou Pichinson, 200 Jackson hoped LSRP from Honeywell would continue _____

Bruce Koch, Borough Engineer said _____

Lou Pichinson, 200 Jackson,

Back and Forth Comments between him and Borough Engineer

Lou Pichinson, 200 Jackson concern _____

Phil Caton said _____

Jeff Surenian said 125 rehabs get new number

Mayor Brill Mittler asked that they let others speak.

Lou Pichinson, 200 Jackson _____

Jeff Surenian asked that someone explain outcome of litigation if we do not settle and reject.

Jeff Surenian had dialogue with the neighborhood and prior to that dialogue _____ litigation is a wild care for both sides. Master that sees the densities as not offensive _____

Mayor Brill Mittler said that \$450,000 was already spent on this litigation.

Barbara Lebbing, 100 No. 2nd Avenue, said that hundreds of people living near northeast corridor track _____ only one exit out.

Phil Caton _____ State regulates STDs for street design in developments

Karen Swaine, 55 Cleveland Avenue developer capping rather than taking out soil _____

Phil Caton not related, lack of open space is a function of trying to keep height of buildings down and in scale of rest of neighborhood and other development and reaching 110 unit density.

Karen Swaine, 55 Cleveland Avenue _____

Phil Caton could negotiate for more open space, but the developer would raise the height of the building.

Mayor Brill Mittler Planning Board stage?

Phil Caton _____

Councilman Millet _____

Phil Caton said it meets proposed STD for impervious coverage of 70%, would be in conformance _____

Lois Lebbing, 100 No. 2nd Avenue, check property 7.2 acres 2 lots current tax book, charging taxes on 5.3 acres for at least 20 years.

Shlomo Benhaim, sidewalks, \$450,000?

Mayor Brill Mittler total amount spent on all expenses related to this lawsuit. _____. Have come quite a long way, they are retained to work for the Borough.

Shlomo Benhaim when is surrender

Mayor Brill Mittler said it is up to the governing body, weighing what is best for Highland Park in the present and the future. _____

Shlomo Benhaim said to stop the bleeding.

Councilman Millet _____

Shlomo Benhaim said being forced to fix sidewalks doesn't think he should have to do it, no hear it is overturned.

Edward Schmierer, Borough Attorney said that it is not overturned, told by courts to come in with STDS _____

Shlomo Benhaim said that the point is enough is enough with the taxes.

Mayor Brill Mittler said that every town faces this issue.

Shlomo Benhaim _____

Mayor Brill Mittler _____

Shlomo Benhaim _____

Mayor Brill Mittler _____

Shlomo Benhaim _____

Sue Anderson, 63 Cleveland Avenue _____

George Lendon, 21 Cleveland Ave asked if the schools can handle all this new development.

Lou Pichinson, 200 Jackson Avenue _____

Karen Swaine, 55 Cleveland Avenue release Performance Bond – Stac _____

Bruce Koch, Borough Engineer said that he has not seen that letter.

Mayor Brill Mittler requested that item #18 Resolution 10-14-299 Resolution to Release Performance Bond – Overlook @ Highland Park.

Eileen Pichinson, 200 Jackson, asked how many bedrooms, etc. _____

Phil Caton _____.

Carol Thompson, 216 Cleveland Avenue _____

Larry Perfetti, 214 Cleveland Ave _____

No one else appearing to be heard, Mayor Brill Mittler closed the public discussion.

On motion made by Councilman George, seconded by Councilman Millet and carried by affirmative voice vote of all councilpersons present, Resolution No. 10-14-290, was tabled from consideration until the November 12, 2014 meeting.

The Clerk reported advertising an ordinance entitled, BOND ORDINANCE PROVIDING FOR VARIOUS SIDEWALK IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE “ B APPROPRIATING \$100,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH OF FINANCE PART OF THE COST THEREOF for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law and that the Supplemental Debt Statement filed in her office prior to introduction by Chief Financial Officer Kathleen Kovach had been filed with the New Jersey Division of Local Government Services on September 17, 2014. U

On motion made by Councilman Millet, seconded by Councilman George, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

Mayor Brill Mittler declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

No one appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman George, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 14-1869, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Millet, and carried by unanimous affirmative voice vote:
No. 10-14-291

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled BOND ORDINANCE PROVIDING FOR VARIOUS SIDEWALK IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the “Home News Tribune”, of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

The Clerk reported advertising an ordinance entitled, BOND ORDINANCE PROVING FOR VARIOUS IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE “ B APPROPRIATING \$1,400,000 THEREFORE AND AUTHORIZING THE ISSURANCE OF \$1,330,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law and that the Supplemental Debt Statement filed in her office prior to introduction by Chief Financial Officer Kathleen Kovach had been filed with the New Jersey Division of Local Government Services on September 17, 2014. H

On motion made by Councilman George, seconded by Councilman Millet, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

Mayor Brill Mittler declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

Ruth Bickhardt, 307 Magnolia Road asked if the end of South 3rd and Magnolia will be repaired. Councilman Millet said that he would look into her question and get back to her.

There being no other persons appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman George, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 14-1870, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Millet, and carried by unanimous affirmative voice vote:

No. 10-14-292

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,330,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

The Clerk reported advertising an ordinance entitled, BOND ORDINANCE PROVING FOR ACQUISITION OF GARBAGE RECEPTACLES AND RECYCLING BUCKETS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law and that the Supplemental Debt Statement filed in her office prior to introduction by Chief Financial Officer Kathleen Kovach had been filed with the New Jersey Division of Local Government Services on September 17, 2014.

On motion made by Councilman Millet, seconded by Councilman George, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

Mayor Brill Mittler declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

No one appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman Millet, seconded by Councilman George, the ordinance entitled as above, being Ordinance No. 14-1871, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Millet, and carried by unanimous affirmative voice vote:

No. 10-14-293

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled BOND ORDINANCE PROVIDING FOR ACQUISITION OF GARBAGE RECEPTACLES AND RECYCLING BUCKETS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, "TRAFFIC", for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

On motion made by Councilwoman Foster-Dublin, seconded by Councilman Millet, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

Mayor Brill Mittler declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

No one appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman Foster-Dublin, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 14-1872, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Millet, and carried by unanimous affirmative voice vote:

No. 10-14-294

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, "TRAFFIC", passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

On motion made by Councilman Millet, seconded by Councilman Welkovits, agenda item #14, Amendment to Sidewalk Repair Ordinance, was tabled from consideration until the October 21st meeting. The above motion was carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

On motion made by Councilman Millet, seconded by Councilman Welkovits, agenda item #15, Land Use Ordinance Amendment, was tabled from consideration until the November 12th meeting. The above motion was carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The Clerk reported that an ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, "TRAFFIC", had been introduced in writing by the Public Safety Committee for consideration of passage on first reading by title.

On motion made by Councilman Millet, seconded by Councilwoman Foster-Dublin, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Public Safety Committee, was duly adopted on motion made by Councilman Millet, seconded by Councilwoman Foster-Dublin, and carried by unanimous affirmative voice vote:

No 10-14-297

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, "TRAFFIC", has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Council Chambers, Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on October 21, 2014 for the purpose of considering said Ordinance on final passage.

BE IT FURTHER RESOLVED that said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

The Clerk reported that an ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE RELEASE, TERMINATION AND EXTINGUISHMENT OF A PORTION OF A SANITARY SEWER EASEMENT THROUGH A PORTION OF A BLOCK 181, LOT 43, BOROUGH OF HIGHLAND PARK TAX MAP, had been introduced in writing by the Public Works and Public Utilities Committee for consideration of passage on first reading by title.

On motion made by Councilman Millet, seconded by Councilman Potts, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted on motion made by Councilman Millet, seconded by Councilman Potts, and carried by unanimous affirmative voice vote:

No. 10-14-298

WHEREAS, an Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE RELEASE, TERMINATION AND EXTINGUISHMENT OF A PORTION OF A SANITARY SEWER EASEMENT THROUGH A PORTION OF A BLOCK 181, LOT 43, BOROUGH OF HIGHLAND PARK TAX MAP, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Council Chambers, Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on October 21, 2014 for the purpose of considering said Ordinance on final passage.

BE IT FURTHER RESOLVED that said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

On motion made by Councilman Millet, seconded by Councilwoman Welkovits and carried by affirmative voice vote of all councilpersons present, Resolution No. 10-14-299, Resolution to release Performance Bond – Overlook @ Highland Park and Resolution No. 10-14-311, Resolution to Approve Pay Estimate No. 4 and Final Change Order -2011 Sidewalk Improvements- A-Team Concrete Inc. were tabled from consideration for further clarification.

Councilwoman Foster-Dublin asked about the Electronic Tax Sale Pilot Program. Borough Administrator Kovach noted that this is the annual year-end tax sale that is now conducted electronically.

Resolution Nos. 10-14-300 through 10-14-310 and 10-14-312 through 10-14-314 were duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-300

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that all claims presented prior to this meeting as shown on a detailed list prepared by the Borough Treasurer, and which have been submitted and approved in accordance with Highland Park Ordinance No. 1004, shall be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk shall include in the minutes of this meeting a statement as to all such claims approved as shown in a Bills List Journal in accordance with said Ordinance.

The bills approved for payment at this meeting, Bills List 10/7/14, can be found in the Bills List Journal Book No. 34.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:

No. 10-14-301

WHEREAS, Leon Rozenblat & Edward Beyder have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2015; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicant and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicant is qualified and that public necessity and convenience would be served by the issuance of said Licenses.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue an Operator License to the aforesaid applicants.

The following resolution, introduced by the Public Works & Public Utilities Committee, was duly adopted as above:

No. 10-14-302

WHEREAS, the Borough of Highland Park desires to submit an application for Transportation Enhancements funding to the New Jersey Department of Transportation for improvements to certain Borough roads;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor is hereby authorized to execute the above referenced grant application to the New Jersey Department of Transportation.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:

No. 10-14-303

WHEREAS, L R NO 12 LLC and JSS #4 LLC have filed with the Clerk of this Borough an application for an Owners License to operate taxicabs in this Borough under the provisions of the Ordinance providing for such licenses for the year 2015; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicants and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determined that said applicants are qualified and that public necessity and convenience would be served by the issuance of such Licenses.

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue an Owner License to the aforesaid applicants.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-304

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for the services of its Professionals, including but not limited to, the Borough Attorney, Bond Attorney, Labor Attorney, Auditor, Engineer, Planner, Planning Board Attorney, Board of Adjustment Attorney, Planning Board Engineer, Board of Adjustment Engineer, Tax Appeal Attorney, Prosecutor, and Public Defender to perform services for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for the services of its Professionals to perform professional services for the Borough by a Request for Qualifications.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 10-14-305

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the following contract items:

1. Annual Tree Maintenance Contract for 2015 and 2016; and

BE IT FURTHER RESOLVED that said bids will be received at a date and time to be determined by the Borough Clerk and the Superintendent of the Public Works Department, said bids to be in accordance with specifications prepared by the Public Works Department.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 10-14-306

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the following contract items:

1. Water Main and/or Sanitary Sewer Repairs for 2015 and 2016; and

BE IT FURTHER RESOLVED that said bids will be received at a date and time to be determined by the Borough Clerk and the Superintendent of Public Works and Public Utilities, said bids to be in accordance with specifications prepared by the Public Works Department.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 10-14-307

WHEREAS, Parktowne Garden Apartments LLC, 11-19 Raritan Avenue, received an incorrect water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the bill should not have been generated; and

WHEREAS, the Tax Collector recommends that this account be credited for the erroneous charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to Account # 30221100-1 of \$29.91 for sewer, plus any interest charges, to the sewer account of Parktowne Garden Apartments LLC, 1-19 Raritan Avenue, Highland Park, NJ 08904.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Director forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-308

WHEREAS, Anna Rasmussen, 11 Lewis Street, Highland Park, NJ submitted a check, which amount represented the amount due for quarterly taxes; and

WHEREAS, Anna Rasmussen was notified in writing of a problem with said check and was advised to resubmit the amount owed for taxes; and

WHEREAS, Anna Rasmussen incurred fees from her banking institution for resubmittal of check;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director shall be and is hereby authorized and directed to remit to Anna Rasmussen, 11 Lewis Street, Highland Park, NJ 08904, the sum of \$31.00, the amount charged to her by her banking institution;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Director and Tax Collector forthwith.

The following resolution, introduced by the Public Works & Public Utilities Committee, was duly adopted as above:

No. 10-14-309

WHEREAS, the Borough of Highland Park has need of the services of an engineer to provide engineering services in connection with the Implementation of the 2014 Roadway Improvements, in accordance with letter proposal from Bruce M. Koch, CME Associates, dated September 16, 2014, attached to the original of this resolution; and

WHEREAS, such services are professional services as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, CME Associates, Parlin, N.J., is a firm of licensed engineers of the State of New Jersey with extensive experience in providing these services; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation of said consulting engineer; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-813-205 in an amount not to exceed \$66,677.00, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough an Agreement for professional services with Bruce M. Koch, CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859, a copy of which is attached to the original of this original, and that notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-310

BE IT RESOLVED by the Mayor and Borough Council that Resolution No. 8-14-236 shall be and is hereby amended to read as follows:

“WHEREAS, the Mayor and Council of the Borough of Highland Park desire to establish a Capital Improvements Planning Task Force;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, that the Capital Improvements Planning Task Force is hereby established; and

BE IT FURTHER RESOLVED that the Capital Improvements Planning Task Force will consist of the following:

1. Fourteen (14) Regular Members who shall be residents of or employed within the Borough of Highland Park, to be appointed annually by the Mayor with the advice and consent of the Borough Council; and

BE IT FURTHER RESOLVED, that the purpose of the Capital Improvements Planning Task Force shall be to make recommendations on Capital Improvement projects for the Borough of Highland Park to pursue.”

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-312

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a

resolution on January 7, 2014 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis, there have been the following changes, to wit:

BARBARA FROMHOLD, Principal Clerk Typist, Detective Bureau, at an annual salary of \$46,521.00, effective October 6, 2014.

TYRONE YOUNG, Tax Collector, at an annual salary of \$50,000.00, effective October 16, 2014.

KEITH THEDINGA, Part-Time Fire Fighter Supervisor, at an annual salary of \$10,000.00, effective October 1, 2014.

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 7, 2014 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an hourly basis, there have been the following changes, to wit:

MARIA AUSTIN, Part-Time Community Service Receptionist, at an hourly rate of \$14.00, effective October 1, 2014.

KEITH THEDINGA, On-Call Fire Fighter, at an hourly rate of \$18.41, effective October 1, 2014.

BE IT FURTHER RESOLVED that the Finance Director be and is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-313

WHEREAS, Kathie Senior, Deputy Borough Clerk, has resigned from the Borough of Highland Park effective September 19, 2014; and

WHEREAS, per the requirements of the Borough's Personnel Manual, Kathie Senior is entitled to unused accrued time payments in the amount as calculated below.

	Calculation	Amount Due
Sick	1.47 days x \$217.69	\$320.70
Vacation	3.00 x \$217.69	\$653.06
Total Payment		\$973.76

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that the unused accrued time payment in an amount not to exceed \$973.76 be approved and distributed in the next available pay cycle.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 10-14-314

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Director of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale;

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Highland Park wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized to sign the agreement to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator and Director of the Division of Government Services forthwith.

Mayor Brill Mittler appointed Nancy Wolf to serve as a member of the Capital Improvements Planning Task Force Committee for term to expire December 31, 2014.

Mayor Brill Mittler appointed the following to serve as members of Sustainable Highland Park for terms to expire December 31, 2014:

Wendy Rosen
Halley Conrad
Sara Leibau

The above appointments were confirmed on motion made by Councilman Millet, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

Abstained: None.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

Lois Lebbing, North 2nd Avenue, asked about executive session and whether Borough Engineer Bruce Koch would be brought back to future meeting for discussion about sidewalks.

Ruth Bickhardt, 307 Magnolia Street, suggested that they have the business part of the agenda handled first and the litigation topic later. Councilman Millet indicated that it is a balancing act when setting the agenda as to whether there will be significant discussion. Ms. Bickhardt commented that she can count on one hand how many of them come out to most of the meetings like she does. They had their say and no limit to how long they could speak. She also wanted to know why more information was not available prior to the meeting. Mayor Brill Mittler commented that besides electronic media, the borough set up two kiosks and posts information there. They are located at North 2nd Avenue and Raritan and in front of the Irving School on Woodbridge Avenue. Councilman Millet indicated that the information was confidential due to litigation.

No one else appearing to be heard, the Mayor closed the public discussion.

There being no further business, on motion made by Councilman George, seconded by Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:08 p.m.

Respectfully submitted,

Joan Hullings
Borough Clerk