

REGULAR MEETING – DECEMBER 2, 2014

A regular meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, December 2, 2014 and was called to order by Mayor Gayle Brill Mittler at 7:07 p.m. Mayor Brill Mittler read the Open Public Meetings Statement.

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

Absent: Councilwoman Welkovits.

Mayor Brill Mittler read and presented a proclamation in recognition of Juanita Collier. Ms. Collier thanked the Governing Body for this honor.

Main Street Minute – No one appeared to present Main Street Minute.

Council Reports:

Councilman George reported that the Planning Board and Zoning Board of Adjustment are in the process of hearing a number of applications. The Redevelopment Agency is continuing their work on the re-examination of the redevelopment plan. They will meet again on Thursday and will meeting with Council to review their recommendations.

Councilman Erickson – No report.

Councilman Millet - No report.

Councilman Potts reported that the Recreation Advisory Committee will be holding an information session on December 3, 2014 from 6-8 PM at the Senior Center. On December 6, 2014, the Teen Advisory Committee will be hosting a Game Night from 7-9 PM at the Senior Center. There is a \$2 entrance fee. The Annual Holiday Dinner will be held on December 25, 2014 from 1-3 PM at the Senior Center. Interested residents are asked to RSVP by December 22nd. They are seeking volunteers and donations for this event.

Councilwoman Foster-Dublin reported on the candlelight vigil held at the Reformed Church after the Ferguson, Missouri trial verdict. The PBA Awards would normally be presented tonight, but are being postponed until the January 20, 2015 meeting. The 1st Aid Squad is conducting their annual fund drive. Residents are urged to support this group as they are the official first responders for Highland Park. She commented that at a previous meeting there was concern about stop sign issues, particularly along Benner Street. She urged residents to slow down on the local streets and to come to a complete stop at stop signs. The Police Department will continue to monitor this issue. She asked Chief Rizco to speak about attempted burglary.

Chief Rizco reported that an attempted burglary occurred in the Triangle section of the Borough. The matter is still under investigation by the Highland Park Police Department and the Edison Police Department. The number of burglaries in Highland Park is down from last year, but there is an upward trend this month. Residents should be vigilant and look out for their neighbors. Councilwoman Foster-Dublin added that residents should remember to lock their doors, stay safe and be aware of their surroundings.

Borough Administrator Kovach – No report.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler reported that she is grateful and thankful to the Highland Park First Aid Squad and the Police Department. She would not know what to do without them as her family needed them last year. She urged residents to support their fund drive. Last week at the League Annual Conference, Highland Park received two awards. The Park Partners Community Grant Program was awarded the 2014 Innovation in Governance Award and the HPTV cable station was voted Best Visual Media by the Rutgers Public Information Contest. Congratulations to all who work with these groups.

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

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

Resolution Nos. 12-14-358 through 12-14-370 were duly adopted on motion made by Councilman George, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

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

Opposed: None

Absent: Welkovits

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

No. 12-14-358

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that transfers of 2014 budget appropriation balances shall be made as follows:

CURRENT FUND

4-01-20-105-235	COMMUNICATIONS - O.E.	\$ -	\$ 3,000.00
4-01-20-140-240	INFORMATION TECHNOLOGY	\$ 21,000.00	\$ -
4-01-20-155-235	LEGAL - O.E.	\$ 36,000.00	\$ -
4-01-20-155-2RL	LEGAL - O.E.	\$ 9,600.00	\$ -

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4-01-20-155-2TA	LEGAL - O.E.	\$ 12,000.00	\$ -
4-01-21-180-2AT	PLANNING BOARD - O.E.	\$ -	\$ 15,000.00
4-01-22-195-101	UNIFORM CONSTRUCTION CODE - S&W	\$ -	\$ 10,897.93
4-01-25-252-260	OFFICE - EMERGENCY MNGMNT - O.E.	\$ -	\$ 1,170.00
4-01-25-265-231	FIRE - O.E.		\$ 5,000.00
4-01-28-370-204	RECREATION - O.E.	\$ -	\$ 4,000.00
4-01-28-371-101	DEPT. ON THE AGING - S&W		\$ 10,000.00
4-01-31-440-235	TELEPHONE	\$ 7,204.00	\$ -
4-01-20-110-102	MAYOR & COUNCIL SW		\$ 716.99
4-01-20-105-102	COMMUNICATIONS SW		\$ 6,217.45
4-01-20-120-101	BOROUGH CLERK SW	\$ 9,931.18	
4-01-20-130-101	FINANCE SW	\$ 12,768.48	
4-01-20-100-101	ADMINISTRATOR SW		\$ 4,476.85
4-01-20-150-101	TAX ASSESSOR SW	\$ 25.91	
4-01-20-145-101	TAX COLLECTOR SW	\$ 3,161.06	
4-01-43-490-103	COURT SW		\$ 6,000.00
4-01-43-490-101	COURT SW		\$ 4,000.00
4-01-26-290-101	PUBLIC WORKS SW	\$ 45,857.12	
4-01-26-310-101	BLDS & GROUNDS SW	\$ 3,393.84	
4-01-26-315-101	MOTOR POOL SW	\$ 101.63	
4-01-25-250-101	DISPATCH SW		\$ 18,000.00
4-01-25-240-101	POLICE SW		\$ 10,000.00
4-01-36-472-235	SOCIAL SECURITY		\$ 22,476.59
4-01-23-211-235	INSURANCE OTHER		\$ 18,000.00
4-01-31-435-235	STREET LIGHTING		\$ 10,000.00
4-01-32-465-235	SANITARY LANDFILL		\$ 12,087.41
4-01-44-901-299	CAPITAL IMPROVEMENT FUND	\$ 16,000.00	
4-01-20-100-233	ADMINISTRATOR		\$ 6,000.00
4-01-26-310-2AD	PUBLIC WORKS ADMIN		\$ 5,000.00
4-01-31-435-235	STREET LIGHTING		\$ 5,000.00
		\$ 177,043.22	\$177,043.22

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 12-14-359

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 12/02/2014, 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. 12-14-360

WHEREAS, Stanley Josph Ostreyko, James Jerome Coyle, Gregory Scott Reynolds, Sukhchain S. Gill, Robert Clementi, David Paul Presseisen, Arthur Lipson, Ely Kotin, Daniel Myers, Michael Valor, Rajinderpal Lahal, Jeffrey Freund, Richard Buck, Nicholas George Lagakas, Louis Dimaso, Yahya Kamal Eleiwa, Linda Marie Andersen, and Suzanne Glovak 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 applicants and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicants are 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 Safety Committee, was duly adopted as above:
No. 12-14-361

WHEREAS, James Coyle (JJKEC, LLC), Sukhchain S. Gill (Gill Car 3, LLC), Ely Kotin (EK NO.11, LLC) and Robert Clementi (Car Six, 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 applicant and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determined that said applicant is 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.

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The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted as above:

No. 12-14-362

WHEREAS, pursuant to Resolution No. 7-12-218, adopted by the Borough Council on July 17, 2012, a contract was awarded to H & S Construction & Mechanical, Inc. Elizabeth, NJ, for Highland Park New Police Building Capital Project; and

WHEREAS, it appears from Pay Estimate No. 26, filed by the Goldstein Partnership, architects that certain work under said contract has been completed and approved, and there is due to H & S Construction & Mechanical, Inc. the sum of \$132,485.63 in accordance with said Pay Estimate for work performed from October 1, 2014 to October 31, 2014; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$125,760.13 and Account No. C-04-55-813-220 in the amount of \$6,725.00 for a total amount of \$132,485.63, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay H & S Construction & Mechanical, Inc. the sum of \$132,485.63, as certified by the Architect in Pay Estimate No. 26, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief Financial Officer Kathleen Kovach and the Goldstein Partnership forthwith.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted as above:

No. 12-14-363

WHEREAS, the Borough of Highland Park has a need to purchase tree grates; and

WHEREAS, quotes for said purchase were requested and only one quote was received from the following, to wit:

NAME	PRICE
Campbell Foundry Co.	\$ 7,504.00

WHEREAS, the Director of Code Enforcement has recommended the purchase of said tree grates, from the Campbell Foundry Co., at the above quoted price; and

WHEREAS, funds will be available for this purpose in Account No. C-04-55-801-211 as reflected by the certification of funds available by the Chief Financial Officer Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Director of Code Enforcement is hereby authorized and directed to purchase said tree grates for a total not to exceed \$7,504.00; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Director of Code Enforcement and the Finance Department forthwith.

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

No. 12-14-364

WHEREAS, employees have the option to waive medical insurance coverage from the New Jersey State Health Benefits Plan; and

WHEREAS, the following employees waived said medical coverage and are therefore entitled the following payouts in the amounts listed below:

NAME	AMOUNT DUE
Richard Abrams	\$3,008.87
Janet Marcik	\$3,620.84
Sean Bibby	\$2,047.30
Leann Cosley-Richardson	\$2,245.43
Jason Culver	\$ 649.41
Theodore Pardo	\$ 324.71

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that the medical insurance waiver payouts be approved and distributed in the next available pay cycle.

The following resolution, introduced by the Health and Human Services Committee, was duly adopted as above:

No. 12-14-365

WHEREAS, local and state civic leaders should be encouraged to make solar energy a key element of New Jersey's energy portfolio; and

WHEREAS, by using solar energy to power homes, businesses, schools, farms and government buildings, we can reduce pollution, save consumers on their energy bills, and boost local economies; and

WHEREAS, New Jersey has long been a leader in solar energy, yet has still barely tapped the full potential of their solar resources; and

WHEREAS, solar is growing in New Jersey and across the country and has grown by more than 46 percent per year between 2010 and 2013; and

WHEREAS, in the first half of 2014, more than half of the new electric power capacity installed in the United States was solar. This recent progress shows solar is poised to grow in leaps and bounds; and

WHEREAS, solar helps the environment and boosts local economies in the process; and

WHEREAS, jobs in the solar industry grew ten times faster than the rest of the economy in 2013, as the solar industry added more new jobs than any other industry; and

WHEREAS, because solar has no fuel costs, it helps protect us from fluctuating fossil fuel prices; and

WHEREAS, using solar here in New Jersey will help to protect our environment while creating local jobs that cannot be outsourced; and

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WHEREAS, by committing New Jersey to expanding solar, we are investing in a virtually limitless energy source with no fuel costs; and

WHEREAS, the cost of solar is declining and the cost of air and water pollution from fossil fuels is growing, along with the threats posed by climate change; and

WHEREAS, for the sake of the environment, our health and the economy, we ask that the State Legislature of New Jersey generate 20 percent of the State's electricity from solar by 2025. That goal can be achieved if solar grows by approximately 21 percent annually.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highland Park urges the State Legislature of New Jersey to set strong goals for solar in New Jersey, to put us on a path to clean energy leadership.

BE IT FURTHER RESOLVED that Highland Park will send a copy of this signed resolution to the mayors of municipalities in Middlesex County, Middlesex County Freeholders, Highland Park's State Representatives, Congressional Representative, US Senators, and Governor Christie, alerting them of our action and urging them to do everything they can to support solar energy at the national, state, county and municipal level;

The following resolution, introduced by the Council as a Whole, was duly adopted as above:
No. 12-14-366

WHEREAS, Pulte Homes of NJ LP ("Taxpayer"), was the owner of Block 190, Lots 4.02 through 4.06 on the Borough of Highland Park Tax Assessment Maps (the "Property"), and the Taxpayer filed an appeal of their 2011 tax assessment in the Tax Court of New Jersey, Docket No. 011512-2011; and

WHEREAS, the Mayor and Council of the Borough of Highland Park met and discussed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

WHEREAS, the ratio of assessed value to true value was 37.27% for the 2011 tax year; and

WHEREAS, the total aggregate of the tax assessments on the Property in 2011 was \$5,185,700 or an equalized value of \$13,913,900 (\$5,185,700/.3727); and

WHEREAS, the Borough Assessor has reviewed the relevant market data for the properties, and has determined that the Assessment should be reduced and adjusted; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal was negotiated which results in a reduction in the total aggregate of the tax assessments in 2011 to \$3,408,600 (an equalized value of \$9,145,700) as allocated between the lots, land and improvements, on the schedule annexed to the Stipulation of Settlement; and

WHEREAS, the property having been residentially developed and subsequently sold to individual homeowners by the Taxpayer, the Freeze Act is waived; and

WHEREAS, the Taxpayer agrees to waive interest on any refunds provided that refunds are paid within 60 days of judgment; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Borough as a result of the aforesaid specific fact situation; and

WHEREAS, the Mayor and Council make this settlement with Taxpayer without prejudice to its dealing with any other Borough taxpayer's request for tax assessment reduction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, as follows:

1. The Special Tax Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto relative to the tax appeal of Pulte Homes of NJ LP, Docket No. 011512-2011, which settlement results in a reduction in the total aggregate of the tax assessments in 2011 to \$3,408,600; that the Freeze Act is waived for 2012 and 2013; that interest is waived on any refunds provided they are paid within 60 days of judgment; at the allocations between the lots, land and improvements, as more fully set forth on the schedule annexed to the Stipulation of Settlement.
2. The settlement outlined above shall be without prejudice to the Borough's dealings with any Borough's taxpayers' request for tax assessment reductions.

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

No. 12-14-367

WHEREAS, the following have posted Road Opening Performance Bonds in the amounts indicated for various projects as indicated below:

<u>ACCOUNT NO.</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>PROJECT DESCRIPTION</u>
T-12-56-832-053	AAA All Service 1606 Rt. 27 Edison, NJ 08817	\$1,000.00	25 No. 8 th & 426 Grant Aves.
T-12-56-832-055	Helen Plumber 735 Mador Court Far Rockaway, NY 11691	\$ 500.00	314 Harper Place
T-12-56-832-056	Mattco Plumbing & Heating LLC 26 Evergreen Avenue Fords, NJ 08863	\$ 500.00	221 Denison Street
T-12-56-832-058	Dolan Plumbing 696 Franklin Blvd. Somerset, NJ 08873	\$ 500.00	12 South 8 th Avenue
T-12-56-832-060	Root 24 Plumbing 130 Ferry Avenue Camden, NJ 08104	\$ 500.00	115 South 5 th Avenue

WHEREAS, the Director of the Department of Code Enforcement has determined that Road Opening Performance Bonds can be released;

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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 the above the amounts indicated, the same being the amount of refund due for return of performance bond for the Road Opening Permits referenced.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Director of Code Enforcement and the Finance Director forthwith.

The following resolution, introduced by the Health and Human Services Committee, was duly adopted as above:

No. 12-14-368

WHEREAS, N.J.S.A. 40:8-1 et seq. authorizes municipal local units to enter into contracts with one another for the purpose of providing shared services; and

WHEREAS, the Borough of Highland Park is desirous of procuring Animal Control Shelter Services for the period of January 1, 2015 through December 31, 2017 inclusive, to comply with the laws of the State of New Jersey; and

WHEREAS, the Township of Edison is desirous of supplying and undertaking the duties of Animal Control Shelter Services and fulfilling the obligations thereof as prescribed by law; and

WHEREAS, the Borough of Highland Park represents that the funds to meet the costs of this contract are included in the current budget of appropriations, or in the alternative, that there has been and there will continue to be an Ordinance authorizing the appropriation sufficient to meet the costs of carrying out the provisions of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, Middlesex County, State of New Jersey as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute the attached shared service agreement with the Township of Highland Park for the purpose of providing Animal Control Services to said Borough.
2. The Borough Clerk is directed to forward and execute shared service agreement to the Edison Township Clerk, at 100 Municipal Boulevard, Edison, New Jersey 08817, with the instructions to return a fully signed copy of the Borough for its records.

The following resolution, introduced by the Council as a Whole, was duly adopted as above:

No. 12-14-369

WHEREAS, Bernard Gross ("Taxpayer"), is the owner of 233 Cleveland Avenue, Block 170, Lots 5 and 6 on the Borough of Highland Park Tax Assessment Maps (the "Property"), and the Taxpayer filed an appeal of his 2010 tax assessment as to Block 170, Lot 5 only, in the Tax Court of New Jersey, Docket No. 012708-2010 claiming in part that there had been a material destruction of the Property and in part that the assessment should be reduced because it was over assessed; and

WHEREAS, Taxpayer demolished the improvements on the Property, but, there is a material factual dispute as to when that demolition was completed; and

WHEREAS, Taxpayer did not file an appeal of his 2011 tax assessments on the Property, the Borough Tax Assessor having removed the improvement assessment for that year; and

WHEREAS, Taxpayer subsequently filed appeals of his 2012, 2013 and 2014 tax assessments as to Block 170, Lots 5 and 6, in the Tax Court of New Jersey, Docket Nos. 011371-2012, 010734-2013 and 013704-2014; and

WHEREAS, Block 170, Lot 5 was assessed in 2010 at a total tax assessment of \$1,980,400, which assessment included an improvement assessment of \$1,279,800; and

WHEREAS, Block 170, Lot 5 was assessed in each of the years, 2012, 2013 and 2014, at a total tax assessment of \$700,600; and

WHEREAS, Block 170, Lot 6 was assessed in each of the years, 2012, 2013 and 2014, at a total tax assessment of \$48,500; and

WHEREAS, the Mayor and Council of the Borough of Highland Park met and discussed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

WHEREAS, the ratio of assessed value to true value was 35.62% for the 2010 tax year, 39.55% for the 2012 tax year, 39.50% for the 2013 tax year, and 42.13% for the 2014 tax year; and

WHEREAS, the equalized value of Block 170, Lot 5 was \$5,559,800 in 2010, \$1,771,400 in 2012, \$1,773,700 in 2013, and \$1,662,900 in 2014;

WHEREAS, the equalized value of Block 170, Lot 6 was \$122,600 in 2012, \$122,800 in 2013, and \$115,100 in 2014;

WHEREAS, the Taxpayer obtained and supplied an appraisal report opining as to the true market value of the Property (Block 170, Lots 5 and 6) for the 2010 tax year, notwithstanding whether or not there was a demolition of the improvements, of only \$450,000, the appraisal also opined that the 2012 and 2013 true value of the Property in each year was only \$825,000, after the demolition of the improvements; and

WHEREAS, the Borough obtained an appraisal of the Property that opined that the true market value with improvements in place for 2010 was \$3,420,000; and

WHEREAS, the Borough also obtained an appraisal of the Property that opined that the true market value after demolition of the improvements in 2012 was \$2,521,000; and

WHEREAS, the Borough appraiser's opinions relied upon factual determinations relating to the ability to develop the property for residential multifamily purposes which required proofs, and the determination of novel legal issues, that were not predictably resolvable prior to trial, particularly in light of then pending disputes between the owner and the Borough pertaining to the Taxpayer's development rights at the Property; and

WHEREAS, the Borough Assessor has reviewed the relevant market data for the properties, and has determined that the Assessment should be reduced and adjusted; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal was negotiated which results in a reduction in the tax assessments for all of the tax years under appeal, as more specifically set forth in the Stipulations of Settlement annexed to this Resolution, which have been reviewed by the Mayor and

Council; and

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WHEREAS, the settlement results in a removal of the improvement assessment for the 2010 tax year, resulting in a total tax assessment of \$700,600, which is an equalized value of \$1,966,900; and

WHEREAS, the settlement results in a reduction of the total assessment on Block 170, Lot 5 in the 2012 tax year to a total tax assessment of \$569,200, which is an equalized value of \$1,439,200; and

WHEREAS, the settlement results in a reduction of the total tax assessment on Block 170, Lot 5 in both the 2013 and 2014 tax years to a total tax assessment of \$603,000, which is an equalized value of \$1,526,600 in 2013 and \$1,431,300; and

WHEREAS, pursuant to the settlement, the assessments on Block 170, Lot 6 will be affirmed and/or remain unchanged from the total tax assessment of \$48,500 for all of the years under appeal; and

WHEREAS, as an intrinsic part of the settlement, the Borough Tax Assessor has agreed to set the 2015 total aggregate tax assessments on the Property at \$651,500, that it will remain at that total regardless of intervening/subsequent approvals or zoning changes at the Property, except in the event of the addition of taxable improvements (including site improvements); and

WHEREAS, as an intrinsic part of the settlement, the Borough Tax Assessor has agreed, that if the Property is subdivided the agreed upon total of the 2015 assessments of \$651,500 will be allocated over the subdivided lots; and

WHEREAS, the Taxpayer may file an appeal to affirm the agreed upon assessments for 2015, or, if the Borough Assessor fails to make the agreed upon adjustments for 2015, then the Taxpayer may file an appeal to correct that failure, in either of which case the Borough will consent; and

WHEREAS, the Borough Tax Assessor, notwithstanding any other provision of the settlement, may impose added, omitted, and/or added/omitted assessments on the Property for taxable improvements (including site improvements) made to the Property after October 1, 2014; and

WHEREAS, interest on any refunds has been waived by the Taxpayer; and

WHEREAS, all refunds, pursuant to the settlement will be made payable to "Bernard Gross" as to the 2010 settlement, and made payable to "American Properties at Highland Park, LLC" as to the 2012, 2013 and 2014 settlements, and shall all be received by their attorneys, Skoloff & Wolfe, P.C., 293 Eisenhower Parkway, Livingston, New Jersey 07039, within 60 days from the date of entry of the judgments; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Borough as a result of the aforesaid specific fact situation; and

WHEREAS, the Mayor and Council make this settlement with Taxpayer without prejudice to its dealing with any other Borough taxpayer's request for tax assessment reduction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, as follows:

1. The Special Tax Attorney is hereby authorized to execute the Stipulations of Settlement, copies of which are annexed hereto relative to the tax appeals captioned Bernard Gross vs. Highland Park, Tax Court of New Jersey, Docket No. 012708-2010; Gross, Bernard by American Properties at Highland Park, LLC v. Highland Park, Docket Nos. 011371-2012 and 013704-2014; and Gross, Bernard v. Highland Park, Docket No. 010734-2013, which settlements result in the reductions and adjustments, at the allocations between the lots, land and improvements, and pursuant to the terms and conditions, as more fully set forth in the annexed Stipulation of Settlement.
2. The settlement outlined above shall be without prejudice to the Borough's dealings with any Borough's taxpayers' request for tax assessment reductions.

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

No. 12-14-370

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:

REBECCA TAYTS, Seasonal Recreation Employee, at an hourly rate of \$8.25, effective December 15, 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.

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

Ruth Bickhardt, 307 Magnolia Street, commented about condition of sidewalk in the area of Benner Street between 3rd and 4th. There is a chunk of concrete missing and someone almost tripped and fell. Councilman Millet replied that they will make sure there are warnings posted around open areas and will follow up with Code Enforcement. Ms. Bickhardt commented that it has been broken for a month or so. Borough should repair the sidewalk if after notice is given and work is not done. She asked about the markings on Raritan Avenue. Mayor Brill Mittler noted that the State DOT painted sharrows on Route 27. They are doing their best to get the word out. The Complete Streets Group is working on a pamphlet to give out to residents. They have posted information on Facebook and the kiosk on Raritan Avenue. This is new to Highland Park, but it is something that has been in Princeton and New Brunswick.

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

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilman Millet, seconded by Councilman Potts, and carried by affirmative voice vote of all Councilpersons present:

No. 12-14-371

WHEREAS, the Mayor and Council are mindful of the right of the public to attend and witness meetings of governmental bodies at which public business is discussed, and to be involved in all phases of governmental action; and

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WHEREAS, the Open Public Meetings Act nonetheless recognizes the authority of a public body to exclude the public from meetings in certain enumerated instances in which disclosure of matters discussed could endanger public safety, property or other public interest, or invade individual privacy; and

WHEREAS, as authorized by the Open Public Meetings Act, N.J.S.A. 10:4-12(B), the Mayor and Council have a need to meet in private session to discuss one matter affecting pending or anticipated litigation to which the public body may be party; matters within the attorney client privilege.

BE IT RESOLVED that the Mayor and Council will meet in private session at 6:15 P.M. on December 2, 2014, to discuss the above mentioned items.

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public when no longer deemed confidential.

There being no further business, on motion made by Councilman Millet, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 7:28 p.m.

Respectfully submitted,

Joan Hullings
Borough Clerk