

REGULAR MEETING – APRIL 16, 2013

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, April 16, 2013 and was called to order by Mayor Minkoff at 7:06 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

Absent: Councilperson Millet; Borough Administrator Kovach.

Mayor Minkoff asked for a moment of silence in honor of the victims of the Boston Marathon. He noted that the below statement was posted on Highland Park's Facebook page and he asked that the Clerk communicate same to the Mayor in Boston.

"The thoughts and hearts of the community of Highland Park, NJ are with the people of Boston, who are suffering through the aftermath of the shock and trauma of today's horrible and tragic events. We pray for the speedy recovery of those who were injured, consolation to those who lost their friends and loved ones, and some measure of healing of the indescribable pain that now grips a great city."

Mayor Minkoff issued a proclamation designating the month of April as Sexual Assault Awareness Month and declaring Friday, April 26, 2013 as Denim Day.

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that on April 25th at 7:00 PM there will be a gun education meeting held at Borough Hall. There will be a pediatrician doing a presentation along with a representative from the Police Department. Free gun locks will be available. She has spoken with the Police Chief and a representative from the Prosecutor's Office regarding recent incident in Boston and there are no immediate threats in this area. Residents should continue to be vigilant and observant. If you see something suspicious, say something. Finally, she reported that they will be adopting a resolution to approve shared services agreement with the County for Fire Prevention Services. The Fire Official will become a County Employee. This will result in a significant savings for the Borough. Mayor Minkoff commented that he appreciated the work done by the Public Safety Committee and Freeholder Polos. There is good reason to believe that there will be no loss in the level of service provided with this change.

Councilman Potts reported that information on the summer camp is available at the senior center and on the Borough's website. Teenagers can apply to be camp counselors and the deadline to apply is April 19th. The Annual Memorial Day Parade will be held on May 27th. The Senior Prom will be held on June 6th at the Senior Center from 5:00 PM to 8:00 PM.

Councilwoman Welkovits reported that the Council will vote on a resolution to support the Township of East Brunswick Council's decision to override the decision of their Planning Board to allow expansion of a charter school in an industrial zone. Some of the students that attend the charter school come from Highland Park. She believes there is a safety issue with having a school in an industrial zone.

Councilwoman Brill Mittler reported that you can buy gifts for anyone in Highland Park. Last week she needed to buy six different gifts. She bought gifts at Over the Moon Toys (nephew), Gems Galleria (husband), Ten Thousand Villages (Purse), Highland Sparks (Assistant), Eden Organix (late Valentine's gift), and Ashley's Bead Store (niece graduation). Tomorrow at 5:30 PM is the grand opening event at BBQ Restaurant at the old Charlie Brown's site. She asked residents to join the Council in welcoming the business to town.

Councilman Erickson noted that there are two items of significance on the agenda. They will be adopting the 2013 budget and also passing a resolution for providing the school district with their funding.

Borough Attorney Schmierer – No report.

Mayor Minkoff reported that he attended the Mayor's Economic Development Meeting sponsored by the New Jersey State League of Municipalities. They met with representatives from the Lieutenant Governor's Staff and the New Jersey Economic Development Authority. He spoke with them about the role of financing for businesses of all sizes. He invited the NJ Economic Development Authority to come to Highland Park. The Middlesex County Chamber of Commerce is sponsoring road shows of Meet the Mayor and he is slated to be on the panel in Mid-June.

Mayor Minkoff deferred the public discussion until the end of the meeting.

The Clerk reported advertising a summary of the 2013 Municipal Budget and Tax Resolution, introduced and approved on first reading March 5, 2013, with the public hearing scheduled for April 16, 2013, and that affidavits of publication thereto are on file. She also reported that copies of the budget were made available to the public in Borough Hall and the Highland Park Library.

On motion made by Councilman Erickson, seconded by Councilwoman Brill Mittler, and carried by affirmative voice vote of all Councilpersons present, the public hearing on the 2013 Municipal Budget amendment was opened.

No one appearing to be heard, on motion made by Councilman Erickson, seconded by Councilwoman Brill Mittler, and carried by affirmative voice vote of all Councilpersons present, the public hearing on the 2013 Municipal Budget was closed.

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The following resolution, introduced by the Finance Committee, read by the Clerk in full, was duly adopted on motion made by Councilman Erickson, seconded by Councilwoman Brill Mittler, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Abstain: None.

Absent: Councilperson Millet.

No. 4-13-137

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$9,618,707.99 (Item 6a below) for municipal purposes
- (c) \$ 453,358.40 (Item 6c below) for minimum municipal library purposes
- \$10,072,066.39 Total tax levy

SUMMARY OF REVENUES

General Revenues

1. Surplus Anticipated	\$1,200,000.00
3. Miscellaneous Revenues Anticipated	2,312,469.61
4. Receipts from Delinquent Taxes	0.00
2. Amount to be Raised by Taxation for Municipal Purposes	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Tax	9,618,707.99
(c) Minimum Library Tax	<u>453,358.40</u>
Total Revenues	<u>\$13,584,536.00</u>

SUMMARY OF APPROPRIATIONS

8. General Appropriations	
Within "CAPS"	
(a&b) Operations Including Contingent	\$9,424,033.00
(e) Deferred Charges and Statutory Expenditures-Municipal Excluded from "CAPS"	1,346,932.00
(a) Operations – Total Operations Excluded from "CAPS"	1,093,041.00
(c) Capital Improvements	133,333.00
(d) Municipal Debt Service	1,307,197.00
(e) Deferred Charges and Statutory Expenditures – Municipal	0.00
(m) Reserve for Uncollected Taxes	<u>280,000.00</u>
Total Appropriations	<u>\$13,584,536.00</u>

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 16th day of April, 2013. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the CY 2013 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

The Clerk reported advertising an ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR WAYNE STREET ROAD PROJECT IN AND BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROPRIATING \$175,000.00 THEREFORE TO PAY 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.

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

Mayor Minkoff 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 Erickson, seconded by Councilman Potts, the ordinance entitled as above, being Ordinance No. 1845, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Absent: Councilman Millet.

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

No. 4-13-138

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR WAYNE STREET ROAD PROJECT IN AND BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROPRIATING \$175,000.00 THEREFORE TO PAY THE COST THEREOF, passed on final reading at this meeting be delivered to the Mayor for his 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 that an ordinance entitled, AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF HIGHLAND PARK AND THE METHOD OF PAYMENT OF SUCH COMPENSATION", had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

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

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Absent: Councilman Millet.

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

No. 4-13-139

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF HIGHLAND PARK AND THE METHOD OF PAYMENT OF SUCH COMPENSATION" 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 Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, May 7, 2013, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of 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 daily 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 Councilwoman Foster-Dublin seconded by Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, Resolution No. 4-13-150 was separated from the Consent Agenda and tabled from consideration.

Consent Agenda Resolution Nos. 4-13-140 through 4-13-152, except Resolution No. 4-13-150, were duly adopted on motion made by Councilwoman Brill Mittler, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Absent: Councilman Millet.

Abstain: None.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 4-13-140

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, pursuant to said resolution a contract was duly executed; and

WHEREAS, the Architect, The Goldstein Partnership, has prepared the attached Change Orders Nos. 37-41 to the said contract for the additional work outlined below that was not anticipated at the time that plans and specifications were prepared for \$38,392.45; and

<u>CHANGE ORDER</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
#37	\$ 1,934.15	Frame chase for Verizon Splice & electrical work
#38	\$27,789.72	T&M work to complete electrical finishes
#39	\$ 2,912.00	Remove rock at solar array footings
#40	\$ 4,596.80	Additional site work in vicinity of radio tower
#41	\$ 1,159.78	Modify fire house door hardware

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$38,392.45, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

WHEREAS, the Borough Council has reviewed the proposed Change Orders for this contract and has approved the same;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Mayor Gary Minkoff be and is hereby authorized and directed to execute Change Order Nos. 37-41, for \$38,392.45 to the contract of H & S Construction & Mechanical, Inc.; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to The Goldstein Partnership, H & S Construction & Mechanical, Inc., and the Finance Director forthwith.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 4-13-141

WHEREAS, in 2011, the Borough issued a Request for Proposals for Architectural Services for the Renovation/Addition to the Public Safety Building; and

WHEREAS, pursuant to Resolution No. 11-11-298 adopted by the Borough Council on November 1, 2011, the Borough selected The Goldstein Partnership to the Architect for this project; and

WHEREAS, the Borough of Highland Park needed to have additional engineering/architectural assistance with the Fire Department Roof ; and

WHEREAS, The Goldstein Partnership did additional review and inspection at said site, necessitating change orders be prepared; and

WHEREAS, the cost for said change orders are as follows:

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<u>AMOUNT</u>	<u>DESCRIPTION</u>
\$8,440.00	structural engineering services
\$11,500.00	architectural engineering services;
\$19,940.00	TOTAL

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the above changed orders are hereby approved; and

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

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

No. 4-13-142

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, 2013 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:

STACY KAPLAN, Communications Editor, part-time, at an hourly rate of \$20.00, effective April 29, 2013.

KEITH THEDINGA, Supervisor of Part-time Firefighters, part-time, at an hourly rate of \$20.00, effective May 1, 2013.

BE IT FURTHER RESOLVED that the Finance Director be and he 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. 4-13-143

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 4/16/13, can be found in the Bills List Journal Book No. 32.

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

No. 4-13-144

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. 7, 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 \$159,810.29 in accordance with said Pay Estimate for work performed from March 1, 2013 to, April 1, 2013; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$159,810.29, 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 to H & S Construction & Mechanical, Inc. the sum of \$159,810.29, as certified by the Architect in Pay Estimate No. 7, 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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 4-13-145

WHEREAS, the Borough of Highland Park desires to apply for and obtain a grant from ANJEC Open Space for signage for the Meadows Trails, in the amount of \$1,500.00, which application has been prepared by the Borough's Environmental Commission;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Highland Park Environmental Commission is hereby authorized and directed to make application for a grant, on behalf of the Borough, to ANJEC Open Space; and

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

No. 4-13-146

WHEREAS, the School Budget for the School District of the Borough of Highland Park, in the County of Middlesex, New Jersey, was approved for the School Year 2013-2014:

Current Expenses	\$ 21,717,437.00
Debt Schedule	<u>1,967,947.00</u>
	\$ 23,685,384.00

and

WHEREAS, NJSA 18A:22-34 provides that the governing body of a municipality that is co-extensive with the said school district determines the amount necessary for school purposes, and levy such aggregate amount for such school purposes;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, that there be raised, approved and collected for the school district of said Borough the following items:

January 1, 2013 to June 30, 2013	\$ 11,863,892.00
July 1, 2013 to December 31, 2013	<u>11,620,676.00</u>
Total school levy for the Year 2013	\$ 23,484,568.00

BE IT FURTHER RESOLVED that the aggregate sum of Twenty Three Million, Four Hundred Eighty-Four Thousand, Five Hundred Eighty-Six Dollars and Zero Cents (\$23,484,568.00) be certified by the Borough Clerk to the Middlesex County Board of Taxation, the Board of Education of the School District of said Borough, the County Superintendent of Schools, and the Assessor of the Borough of Highland Park.

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

No. 4-13-147

WHEREAS, on April 26, 2012, 1177 Raritan Plaza, LLC, heretofore posted with the Borough of Highland Park a surety performance bond, No. FP0017360, issued by First Indemnity of America Insurance Company in the amount of \$143,762.58 and a cash surety bond (check #1089) in the amount of \$15,973.62, for a total amount of \$159,736.20, in connection with a site plan application on the property known as Block 123, Lot 25, in the Borough of Highland Park; and

WHEREAS, 1177 Raritan Plaza, LLC has requested that the performance bond be reduced; and

WHEREAS, the Borough Engineer has conducted a site inspection of this project and found that items remain to be completed and recommends that the Bond be reduced by \$111,815.34 to \$47,920.86, subject to the payment of all current inspection fees and/or any other outstanding Borough fees;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the performance bond heretofore posted by 1177 Raritan Plaza, LLC, in the amount of \$159,736.20, on deposit for the project on Block 123, Lot 25, Highland Park, shall be and is hereby reduced to Forty-Seven Thousand, Nine Hundred Twenty and 86/100 (\$47,920.86), subject to the applicant submitting payment of all current inspection and/or other Borough fees.

BE IT FURTHER RESOLVED that, pursuant to Section C.40:55D-43-2e of the Municipal Land Use Law, no further reduction of his Bond shall be recommended until the punch list items have been satisfactorily completed.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official, and 1177 Raritan Plaza, LLC.

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

No. 4-13-148

WHEREAS, beginning on April 1, 2008, the State Recycling Fund was established, consisting of a \$3.00 per ton tax levied upon the owner or operator of every solid waste facility as well as on solid waste collectors that transport solid waste for out-of-state disposal, which amounts have been used to fund direct recycling grants to counties and municipalities; aid to counties for preparing, revising, and implementing solid waste management plans; State recycling program planning and program funding; aid to counties for public information and education programs concerning recycling programs; and for State grants to institutions of higher education to conduct research in recycling; and

WHEREAS, State law specifies that no less than 60% of the proceeds of these funds must be returned as tonnage grants to municipalities and counties; and

WHEREAS, the Borough of Highland Park relies upon this money to partially fund its curbside recycling collection program and other recycling related expenses, receiving \$12,274.15 in 2012, based upon a 2010 tonnage grant; and

WHEREAS, in his proposed FY 2014 budget, the Governor has proposed a diversion of \$21.6 million from the State Recycling Fund to the General Fund; and

WHEREAS, the loss of these funds would seriously impact the ability of the Borough to continue its recycling programs, thereby jeopardizing the efforts of Highland Park to maximize recycling among its residents; and

WHEREAS, the Borough Council believes that it is in the best interests of the residents of Highland Park for this diversion of funds to be restored to the State Recycling Fund so that these valuable recycling efforts can continue;

NOW, THEREFORE, BE IT RESOLVED on this 16th day of April, 2013, by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that:

1. The Borough Council hereby urges the Governor and the New Jersey State Legislature to restore to the State Recycling Fund the \$21.6 million proposed to be diverted from the State Recycling Fund to the FY 2014 General Fund so that these valuable recycling efforts can continue.
2. A certified copy of this resolution be served upon Governor Chris Christie, Senator Barbara Buono, Assemblyman Peter J. Barnes, III, Assemblyman Patrick J. Diegnan, Jr., and the New Jersey State League of Municipalities.

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

No. 4-13-149

WHEREAS, pursuant to Resolution No. 7-12-207 adopted by the Borough Council on July 3, 2012, Savic Construction Corp. was awarded the contract for the Police and Fire Station Renovation – Asbestos Removal; and

WHEREAS, a Blanket Purchase Order was generated, Purchase Order No. 12-01558, in the amount of \$97,800.00; and

WHEREAS, it is necessary to increase the Blanket Purchase Order by \$44,066.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Purchase Order No. 12-01558 be increased from \$97,800.00 to \$141,866.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Chief Financial Officer Kathleen Kovach and the Director of Code Enforcement.

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The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 4-13-151

BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized to execute the Shared Service Agreement Designating the Middlesex County Fire Marshal's Office as the Local Enforcing Agency for the Borough of Highland Park pursuant to the provisions of the Uniform Fire Safety Act and Regulations for Fire Code Enforcement, for the purpose of enforcing the New Jersey Uniform Fire Code and the regulations contained therein.

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

No. 4-13-152

WHEREAS, the following business/property owners have submitted a completed application to the Borough of Highland Park for matching grant under the Highland Park Façade Improvement Program and/or the Highland Park Awning Promotion Program, both funded through the Community Block Development Grant and further described on the Purchase Requisition attached to the original of this resolution for the location designated, to wit:

<u>APPLICANT</u>	<u>BUSINESS LOCATIONS</u>
Over the Moon Toys and	440 Raritan Avenue

WHEREAS, the Main Street Design Committee has reviewed the applications and has recommended that the above applications be approved by the Mayor and Council; and

WHEREAS, funds for this purpose will be available in Account No. G-02-11-CD1-210 in the amount of \$3,000.00, 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 application from the above named business/property owner be approved for funding under the Highland Park Façade Improvement and Awning Promotion Program in the amount set opposite, to wit:

<u>APPLICANT</u>	<u>AMOUNT</u>
Over the Moon Toys	\$3,000.00

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the applicants, Finance Department and the Main Street Executive Director forthwith.

The Clerk reported receipt of notification of the election of Volunteer Firefighter Tyler Morris to the rolls of the Highland Park Volunteer Fire Department.

On motion made by Councilwoman Foster-Dublin, seconded by Councilman Potts, the above confirmation was confirmed by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Absent: Councilperson Millet.

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilwoman Brill Mittler, seconded by Councilman Erickson, and carried by the following roll call vote, to wit:

Ayes: Councilpersons, Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Abstain: None.

Absent: Councilperson Millet.

The following resolution, introduced by the Council as a Whole, was duly adopted as above:
No. 4-13-154

WHEREAS, the Borough Council of Highland Park congratulates the East Brunswick Township Council for having reversed, in January 2013, a zoning board decision that would have allowed the Hatikvah International Academy Charter School to open a school in a planned industrial area of the township; and

WHEREAS, the East Brunswick Township Council is concerned about safety and with upholding current zoning and the Master Plan; and

WHEREAS, the East Brunswick Township Council acknowledges the importance of zoning; and

WHEREAS, the Hatikvah International Academy Charter School proposed to relocate to a planned industrial zone which is surrounded by similar warehouses; and

WHEREAS, an industrial zone does not provide the safe and adequate learning environment in accordance with the high standards that East Brunswick, Highland Park, and the other fine school districts that comprise Hatikvah enrollment are known to provide; and

WHEREAS, a variance would have deviated from the Township's Master Plan, would have set a precedent not favoring future industrial use, and causing potential difficulty for permitted uses to move in or expand in the future.

NOW, THEREFORE, BE IT RESOLVED, We, the Borough Council of Highland Park, commend the East Brunswick Township Council for their decision of January 2013 and encourage that their decision be upheld.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Town Councils and School Boards of the following towns: East Windsor, Dunellen, East Brunswick, Edison, Metuchen, Milltown, Monroe, New Brunswick, North Brunswick, Old Bridge, Sayreville, South Brunswick, South River, Manalapan-Englishtown Regional, Marlboro, Toms River, and Franklin Township.

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

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Gerald Pomper, 348 So. 3rd Avenue, read a statement about the redevelopment process in Highland Park. In short, he considers redevelopment in Highland Park to be fatally flawed. The recent rejection of the proposal of 7-Eleven submitted to the Board of Adjustment after their two year negotiation process with the Redevelopment Agency is a prime example of the unworkable redevelopment process. He thanked the Borough for the opportunity to serve, and he resigned as a member of the Highland Park Redevelopment Agency effective on the installation of a replacement. Mayor Minkoff noted that he appreciated his comments and his wisdom. The resignation should go to the Redevelopment Agency for their acceptance. The vote at the Planning Board has not yet been memorialized. The commentary on the 7-Eleven proposal should be directed to the Planning Board. He is saddened that the Redevelopment Agency is losing a valuable asset. Councilwoman Brill Mittler commented that she is saddened about his resignation over one issue. The Redevelopment Agency will be different without his voice. Democracy is messy. The Governing Body did not work with any specific groups. As residents they can express their opinions and people did that. Mayor Minkoff added that the Governing Body has no jurisdiction over the Planning Board or Board of Adjustment. 7-Eleven has the option to come back to the Planning Board. Mr. Pomper commented that there is a difference between form and substance when a Board with authority takes 11 months to hear an application. The site plan adopted by the Planning Board has conditions that are no okay with 7-Eleven. He has concerns about the redevelopment process. Delays and unfriendliness are there. People have said they would rather have dangerous unsightly gas station instead of a 7-Eleven. Cannot have a Redevelopment Agency be effective without having authority. He suggested that they abolish the Redevelopment Agency or change the ordinance for the Planning Board.

Juan Ratliffe, 219 So. 6th Avenue, commented about the rudeness of staff at the senior center. Someone made racial slurs. Borough Administrator said she would look into it. Person who made the slurs should apologize publicly. Mayor Minkoff advised that he does not have enough information to deal with this issue tonight. Mr. Ratliffe commented that he was discriminated against by Donna Brightman and he has a witness. He further commented about a letter he sent to Chief Rizco about issues that go on in the parking lot near his home, and problems with garbage. He does not want to be retaliated against. Borough Attorney advised if he has a complaint he needs to put it in writing and submit it to the Borough Administrator. Chief Rizco indicated that he has not received any letters from Mr. Ratliffe. Mayor Minkoff advised him to make a copy of the letter and submit it to the Chief and the Borough Administrator.

Ruth Bickhardt, 307 Magnolia Street, asked about charter school resolution. Councilwoman Welkovits explained that the East Brunswick Township Council overturned a variance approved by the Zoning Board to allow charter school to relocate and expand. The variance was to allow school to open in industrial warehouse district. Issue with safety of children as some Highland Park children go there. Ms. Bickhardt asked about sidewalk repair program. Mayor Minkoff noted that the bid specs are in the process of being prepared. Ms. Bickhardt asked about Zoning Officer position. Mayor Minkoff noted that Tim Coyle is retiring, but they tabled appointment of replacement.

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

There being no further business, on motion made by Councilwoman Brill Mittler, seconded by Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 8:06 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk