

REGULAR MEETING – JANUARY 17, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, January 17, 2012 and was called to order by Mayor Minkoff at 7:10 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

Absent: Councilperson Morris.

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

No. 1-12-25

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that due to the resignation of Councilman Gary Minkoff, Susan Welkovits is hereby appointed to fill an unexpired term on Borough Council, which term expires January 1, 2013.

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

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet.

Opposed: None.

Absent: Councilman Morris.

Mayor Minkoff administered the Oath of Office and Allegiance to Council Appointee Susan Welkovits.

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

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet.

Opposed: None.

Absent: Councilman Morris.

Abstained: Councilwoman Welkovits.

No. 1-12-26

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Resolution No. 1-12-03 adopted by said Council on January 3, 2012, shall be and is hereby amended to read as follows:

“BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Standing Committees of said Council for the year 2008 shall be and are hereby established as follows:

RECREATION AND ARTS Councilpersons FOSTER-DUBLIN, Millet, Morris.

ECONOMIC DEVELOPMENT & PLANNING Councilpersons MILLET, Brill Mittler, Welkovits.

FINANCE Councilpersons BRILL MITTLER, Welkovits, Millet.

HEALTH & HUMAN SERVICES Councilpersons WELKOVITS, Erickson, Foster-Dublin.

PUBLIC SAFETY Councilpersons MORRIS, Foster-Dublin, Erickson.

PUBLIC WORKS & PUBLIC UTILITIES Councilpersons ERICKSON, Morris, Brill Mittler.

BE IT FURTHER RESOLVED that the first Councilpersons listed above for each Committee shall serve as Chair of that Committee.”

Police Chief Rizco introduced Highland Park’s newest Police Officer Sean McGraw. He comes to Highland Park from the Holmdel Police Department where he served for four years. He attended the Monmouth County Police Academy, is a graduate of St. John Vianney High School and is pursuing his Bachelor Degree in Criminal Justice from Seton Hall University.

Mayor Minkoff administered the Oath of Office and Allegiance to Police Officer Sean McGraw.

A five minute recess was taken at 7:16 p.m. The meeting reconvened at 7:23 p.m. with all those previously in attendance still present.

The following resolution, introduced by the Council as a Whole, 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, Millet, Welkovits.

Opposed: None.

Absent: Councilman Morris.

Abstained: None.

No. 1-12-27

WHEREAS, the position of Police Officer became available due to retirement/promotions; and

WHEREAS, Sean McGraw has applied for and is qualified to fill the position; and

WHEREAS, the Public Safety Board recommends that Sean McGraw be hired as a Police Officer in the Highland Park Police Department;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highland Park, that Sean McGraw be hired for the position of Police Officer in the Highland Park Police Department, effective November 1, 2011 at a base salary of \$66,512.00.

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

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

Opposed: None.

Absent: Councilman Morris.

Commemorative Resolution for Jon Carnegie to be presented at the next meeting as Mr. Carnegie was unable to attend tonight’s meeting.

## REGULAR MEETING – JANUARY 17, 2012

Main Street Minute was presented by Paul Lanaris. He congratulated Gary, Elsie and Padraic on their election victories. Main Street looks forward to working with the new Mayor and all the members of Council. Main Street will be presenting their 2012 budget to the Governing Body. This is a new year for Main Street Highland Park and with it comes new members and new assignments. Walter Deutsch of Unity Bank, who has been a part of Main Street Highland Park since the beginning, will term-out this year. A search for his successor will begin soon. Skip Rogers will also end his term at the end of 2012. New Board Members this year include Grace Puleo of Yellow Brick Road as the new Promotions Chair and Bruce Parker. He introduced Kim Vanarthos, the new part-time Assistant Executive Director. Kim is a long-time resident of Highland Park. She and her husband John are raising three boys. She has shown great interest and enthusiasm in Main Street Highland Park and so far has been busy meeting and greeting merchants, sitting in on various meetings and beginning to take inventory of our vacant spaces.

Mayor Minkoff asked the Council members to present their reports.

Councilman Millet reported that there is a large issue in front of the community with the proposed developments along Cleveland Avenue along the rail road tracks. On the agenda is the introduction of a Bond Ordinance for improvements to certain affordable and low and moderate income properties. The ordinance will enable the borough to get started on the rehab program and to give the Borough a stronger bargaining position in negotiations with developers. The Judge was encouraged to hear that the borough was moving forward with the funding to set up the rehab program.

Borough Attorney Schmierer advised that the Borough has been involved with Mt. Laurel lawsuits since 2009 with 2 developers for just over 17.5 acres of land. They have come up with concept plans and there was a public meeting held in November and the concept plans were presented and discussed. There have also been traffic studies done on both properties. They were directed by Judge Paley to appear at settlement and status conference in New Brunswick this afternoon. At that meeting they reported on status of settlement discussions and initiative for introduction of bond ordinance for \$500,000 with a \$25,000 down payment which would assist the borough with its rehab/affordable housing obligation, which is the only known obligation. The Court confirmed that the Borough satisfied all prior obligations for rounds 1 and 2. Confirmed that until the NJ Supreme Court rules on some appeals on the NJ Fair Housing Act and Affordable Housing no one knows what the future obligation of any town in the State of New Jersey will be. The Appellate Courts confirmed for all towns that had a rehabilitation obligation calculated for them by the old Council on Affordable Housing, now abolished, and indicated that this community had a 75 unit obligation to try to reach out to houses that are substandard and provide funding either through grants or loans in order to repair those homes and have those count toward their affordable housing obligation. Our discussions with the two developers thus far have assumed that those developers would be meeting the obligation for the borough. In order to do so, they would need certain densities and those densities trigger certain traffic. The Borough Council has decided to assume some of the responsibility for the rehabilitation. \$525,000 will go a long way towards setting up a program to help rehabilitate homes and he thinks the Court was very much impressed with that initiative. The Court directed that they come back on Tuesday to see if the bond ordinance was introduced and to report the status of the ordinance and the borough's commitment to set up a rehab program. If that occurs, it will allow the borough to negotiate densities and therefore traffic impacts on both these sites that will be better than currently discussed. This step is a positive step by the Borough in order to get these two litigation matters resolved. The Court did stress that it is preferable to try and work out these litigations by ourselves with the Court and Court Master's oversight. We have an excellent Planner who knows our community. He would help develop ordinances that would protect the community at appropriate densities. If the ordinances were adopted it would go through the Planning Board process where any person who had any interest in the application would be heard. The Judge indicated that any potential settlement would have to be discussed and aired with the residents of this community publicly before that settlement was consummated. There will be another meeting the Judge on the 24<sup>th</sup>. The actions that the Borough Council will take tonight on bonding to get the rehab program going is a clear signal to the Court that this community takes seriously its obligation.

Mayor Minkoff noted that Borough Administrator Kovach reported to him that they did better on refinancing their utility bonds and will save over \$375,000 in interest expenses.

Councilman Erickson - No report.

Councilwoman Foster-Dublin reported that on January 19<sup>th</sup> they will receive a grant from the Board of Chosen Freeholders for \$100,000 for the upgrade of the HVAC system at the Library. They are moving forward with the long awaited installation of bathrooms at the municipal recreation complex, with the project being put out to bid. On January 23<sup>rd</sup> they will be celebrating Chinese New Year at the Senior Center.

Councilwoman Welkovits – No report.

Councilwoman Brill Mittler reported that the Human Relations Commission held its annual Dr. Martin Luther King Event last night and it was well attended. The Commission performed a rendition of Mountaintop which kept the entire audience mesmerized. They had students from the High School sing and there were gifts and prizes given out. The process for the 2012 budget is well under way under the guidance of Chief Financial Officer Kathy Kovach.

Borough Administrator – No report.

REGULAR MEETING – JANUARY 17, 2012

Mayor Minkoff noted that awhile back he had asked Chief Financial Officer Kathy Kovach about researching the possibility of online bill paying. That project is about 6 weeks away from completion. You can now pay taxes/water & sewer payments with a credit card at the window. Until this year due to State banking regulations, our bank did not charge a fee to use a credit card. Recently, as of the 1<sup>st</sup> of the year, those regulations changed and there is now a 2% fee to use a credit card. The Human Relations Commission on the extraordinary job that they did with last night's Martin Luther King Celebration. He also congratulated Linda Tondow on receiving the award.

Mayor Minkoff moved the public discussion to after the consent agenda.

The Clerk reported that an ordinance entitled, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 380, "TAXICABS", REGARDING THE QUALIFICATIONS FOR THE ISSUANCE OF TAXICAB LICENSES had been introduced in writing by the Council as a Whole for consideration of passage on first reading by title.

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

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet.

Opposed: None.

Absent: Councilman Morris.

Abstain: Councilwoman Welkovits.

The following resolution, introduced by the Public Safety Committee, was duly adopted on motion made by Councilman Erickson, seconded by Councilman Millet, and carried by affirmative voice vote of all Councilpersons present:

No. 1-12-29

WHEREAS, an Ordinance entitled, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 380, "TAXICABS", REGARDING THE QUALIFICATIONS FOR THE ISSUANCE OF TAXICAB LICENSES, 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 February 7, 2012 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.

Consent Agenda Resolution Nos. 1-12-30 through 1-12-47 were duly adopted on motion made by Councilwoman Brill Mittler, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet.

Opposed: None.

Absent: Councilman Morris.

Abstain: Councilwoman Welkovits.

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

No. 1-12-30

BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 3, 2012 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:

KATHLEEN KOVACH, Borough Administrator, at an annual salary of \$24,480.00, effective January 1, 2012.

MONICA JACKSON, Administrative Secretary, at an annual salary of \$56,393.76, effective January 1, 2012.

ANITA BANSAL, Deputy Tax & Utility Collector, at an annual salary of \$43,838.00, with 3% longevity of \$1,350.00, for a total annual salary of \$45,188.00, effective January 1, 2012.

MOHAB HANNOUT, Police Officer, at an annual salary of \$101,006.00, effective January 1, 2012.

JOSE CURBELO, Police Officer, at an annual salary of \$101,006.00, effective January 1, 2012.

BE IT FURTHER 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 3, 2012 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:

FRANK TROY, Foreman, at an hourly rate of \$33.81, with longevity of \$1.20, for a total hourly rate of \$35.01, effective January 1, 2012.

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.

REGULAR MEETING – JANUARY 17, 2012

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

No. 1-12-31

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 1/17/12, can be found in the Bills List Journal Book No. 31.

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

No. 1-12-32

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
161	38	George & Miriam Frankel 300 North 4 <sup>th</sup> Avenue Highland Park, NJ 08904	\$400.11

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

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

No. 1-12-33

WHEREAS, N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

WHEREAS, Mr. Hayden Hsiung has presented an offer to purchase, by assignment, the following certificates of Sale which were issued to the Borough of Highland Park at a tax sale held on December 12, 2011:

1. #11-00050 Block 69, Lot 3, 124 Woodbridge Avenue, assessed to Pisciotta, Alexander & Kathryn for \$2,439.14
2. #11-00087 Block 137, Lot 28, 705 Raritan Avenue, assessed to 705 Raritan Avenue, LLC for \$5,763.71.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highland Park hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment documents to effect assignment of the above referenced Certificates of Sale.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

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

No. 1-12-34

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>
Green Topia, Inc. and	401 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-02-08-CD8-210 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>
Green Topia, Inc.	\$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 following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 1-12-35

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2010 taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
21	12	Carol Freedman 804 South 2 <sup>nd</sup> Avenue Highland Park, NJ 08904	\$733.30

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

REGULAR MEETING – JANUARY 17, 2012

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

No. 1-12-36

WHEREAS, the Borough Council of the Borough of Highland Park has determined that an inter-local services agreement with the County of Middlesex would permit reimbursement to the Borough for manpower, equipment and supplies when the Borough's emergency response personnel respond to a Hazardous Materials Incident; and

WHEREAS, under such agreement, the County of Middlesex would provide NJ Department of Environmental Protection certified programs within the Borough of Highland Park to carry out Hazard Emergency Response and Cost Recovery Services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk shall be and are hereby authorized and directed to execute an inter-local services agreement with the County of Middlesex for purposes of coordinating response and cost recovery efforts in the County, said agreement to be in a form approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded forthwith to the Borough Attorney, the Borough Administrator, the Highland Park Board of Health, the Highland Park Environmental Commission, the Highland Park Office of Emergency Management, and the Middlesex County Department of Health.

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

No. 1-12-37

WHEREAS, Critter Properties, LLP, 65 Woodbridge Avenue received an extremely high estimated water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the water meter malfunctioned thereby causing the issuance of an erroneous water and sewer bill; 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 in the amount of \$1,375.18 for water and \$778.73 for sewer, for a total amount of \$2,153.91 to the water and sewer account of Critter Properties, LLP, 65 Woodbridge Avenue.

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. 1-12-38

WHEREAS, on July 20, 2010, Pramukh Properties, LLC, heretofore posted with the Borough of Highland Park a Cash Surety Bond in the amount of \$3,019.68 along with Bond No. 70867909 in the amount of \$27,177.12, in connection with a site plan application on the property known as Block 91, Lots 2, 12 and 13, also known as 97 Woodbridge Avenue, in the Borough of Highland Park; and

WHEREAS, the developer of the project has requested that said Performance Bond be released; and

WHEREAS, CME Associates, Borough Engineer, has reviewed the site in the field and found all of the required work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the cash surety bond and performance bond heretofore posted by Pramukh Properties, LLC, in the amount of \$3,019.68 (cash surety bond) and \$27,177.12 (performance bond) for the Site Plan, shall be and is hereby released subject to the posting of a maintenance bond in the amount of \$4,529.52 for a period of two (2) years, as well as the payment of any outstanding engineering inspection or other Borough fees.

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

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

No. 1-12-39

WHEREAS, lighting was installed behind the Highland Park High School at the new Municipal Recreation Complex; and

WHEREAS, the Borough has agreed to pay a portion of the maintenance costs associated with said lighting; and

WHEREAS, funds are available in Account No. C-04-55-701-215 in the amount of \$18,213.44, as reflected by the certification of funds by Finance Director Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director is hereby authorized and directed to pay to the One Call Electrical Service, 1271 New Market Avenue, Suite B, South Plainfield, NJ 07080, the sum of \$18,213.44;

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Finance Director Kathleen Kovach.

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

No. 1-12-40

WHEREAS, The Goldstein Partnership, the Project Architect for the renovation of the Public Safety Building, had heretofore submitted an invoice totaling the amount of \$34,526.36 for services in connection with the said project; and

WHEREAS, the Mayor and Council have reviewed the said invoice and have approved the same for payment; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director shall be and hereby authorized and directed to issue payment in the amount of \$34,526.36 to The Goldstein Partnership, for architectural services in connection with the renovation of the Public Safety Building; and

REGULAR MEETING – JANUARY 17, 2012

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Finance Director forthwith.

The following resolution, introduced by the Recreation and Arts Committee, was duly adopted as above:

No. 1-12-41

WHEREAS, the Borough of Highland Park Public Library desires to apply for and obtain a grant from the Middlesex County Sustainable Economic Growth Improvement Fund for HVAC upgrade.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Director of Library Services is hereby authorized and directed to execute the application for the Grant to the Middlesex County Sustainable Economic Growth Improvement Fund on behalf of the Borough of Highland Park;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Library Director.

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

No. 1-12-42

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-12-56-832-035	AAA All Services 1606 Rt. 27 Edison NJ 08817	\$500.00	125 Donaldson Street
T-12-56-832-036	Adelaide Gardens 31 South Adelaide Ave. Highland Park NJ 08904	\$500.00	31 South Adelaide Ave.
T-12-56-832-037	John Burton Plbg. & Htg. Inc. 400 Amboy Ave. Metuchen NJ 08840	\$500.00	64 Johnson Street
T-12-56-832-038	Highland Develop LLC 100 Federal Blvd. Carteret NJ 07008	\$500.00	28 North 8 <sup>th</sup> Ave.
T-12-56-832-040	Jack Dolan & Sons Inc. 696 Franklin Blvd. Somerset NJ 08873	\$500.00	211 Donaldson Street
T-12-56-832-041	Karen Rabe 122 North 10 <sup>th</sup> Ave. Highland Park NJ 08904	\$500.00	122 North 10 <sup>th</sup> Ave.
T-12-56-832-042	AAA All Services 1606 Rt. 27 Edison NJ 08817	\$500.00	100 South 2 <sup>nd</sup> Ave.
T-12-56-832-043	AAA All Services 1606 Rt. 27 Edison NJ 08817	\$500.00	703 South 1 <sup>st</sup> Ave.

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

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 Road Opening Performance Bonds 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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 1-12-43

WHEREAS, advertisement was made for receipt of bids on December 9, 2010, for an annual contract for repairs and maintenance of the water distribution and sanitary sewer systems in the Borough of Highland Park for the years 2011 and 2012; and

WHEREAS, five bids were received as follows:

J Fletcher Creamer and Son Inc, Hackensack, NJ

2011: \$262,320.00  
2012: \$274,720.00  
Total \$537,040.00

CRJ Contracting Corp, Plainfield, NJ

2011: \$293,320.00  
2012: \$293,320.00  
Total \$586,640.00

John Garcia Construction Co. Inc., Clifton, NJ

2011: \$297,075.00  
2012: \$315,050.00

Total \$612,125.00

B&W Construction Co, South River, NJ

2011: \$299,960.00

2012: \$313,210.00

Total \$613,170.00

REGULAR MEETING – JANUARY 17, 2012

Montana Construction Corp., Lodi, NJ

2011: \$527,300.00  
2012: \$527,300.00  
Total \$1,054,600.00

WHEREAS, the bid for the annual contract for repairs and maintenance of the water distribution and sanitary sewer systems in the Borough of Highland Park was awarded to J. Fletcher Creamer & Son, Inc., as per Resolution No. 12-10-381, adopted by the Highland Park Borough Council on December 21, 2010; and

WHEREAS, funds for this purpose will be made available in Account No. U-06-55-801-210 upon adoption of the 2012 Municipal and Water & Sewer Budgets in the amount of \$274,720.00, as reflected by the certification of funds 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 Finance Director shall be and is hereby authorized and directed to remit to the above the amount indicated, the same being the amount due for said services.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Superintendent of Public Works and Public Utility and the Finance Director forthwith.

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

No. 1-12-44

WHEREAS, advertisement was made for receipt of bids on December 8, 2010, for the 2011/2012 Annual Maintenance Contract for Tree Pruning, Tree Removal, Stumps Removal and/or Root Grinding; and

WHEREAS, two bids were received as follows:  
Andy Matt Inc., Wharton, NJ

	<u>2011/2012</u>
Pruning of various shade trees	\$219.00 2 person crew per hour
Removal of trees	\$239.00 3 person crew per hour
Grinding of stumps	\$89.00 per hour
Optional root grinding	\$109.00 per hour

Chestnut CAFS, LLC., Old Bridge, NJ

	<u>2011/2012</u>
Pruning of various shade trees	\$125.00 2 person crew per hour
Removal of trees	\$189.00 3 person crew per hour
Grinding of stumps	\$130.00 per hour
Optional root grinding	\$130.00 per hour

WHEREAS, the bid for the annual maintenance contract for tree pruning, tree removal, stumps removal and/or root grinding was awarded to C.A.F.S., Inc., as per Resolution No. 12-10-375, adopted by the Highland Park Borough Council on December 21, 2010; and

WHEREAS, funds for said contract shall be made available in Account No. 2-01-26-290-237 upon adoption in the 2012 Municipal Budget in an amount not to exceed \$50,000.00, as reflected by the certification of funds of Chief Financial Officer, Kathleen Kovach, shown below;

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 amount indicated, the same being the amount due for said services.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Superintendent of Public Works and Public Utility and the Finance Director forthwith.

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

No. 1-12-45

WHEREAS, pursuant to Resolution No. 12-11-315 adopted by the Borough Council on December 6, 2011, Architect Obi Agudosi, DMR Architects, was authorized to prepare specification and bidding documents for Construction of the Bathrooms at the Municipal Recreation Complex;

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to advertise for said bids to be received at a date and time to be determined by the Architect and Borough Clerk.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Architect Obi Agudosi and Code Enforcement Director Scott Luthman forthwith.

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

No. 1-12-46

WHEREAS, pursuant to Resolution No. 07-10-202, adopted by the Borough Council on July 6, 2010, a contract was awarded to R&B Builders, Inc., South River, NJ, for Various Sidewalk and ADA Compliant Ramp Improvements; and

WHEREAS, it appears from Pay Estimate No. 3 and Close-out Change Order, filed by Borough Engineer David J. Samuel, that certain work under said contract has been completed and approved, and there is due to R&B Builders, Inc. the sum of \$7,063.88, which is an overall decrease in the original contract in the amount of \$21,513.63 in accordance with said Pay Estimate No. 3 for work performed from September 17, 2010 to December 21, 2010; and

WHEREAS, funds for this purpose are available in Account Nos. C04-55-891-220, C-04-55-891-222 and C-04-55-891-221 in the amount of \$21,513.63, 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 Finance Director be and is hereby authorized and directed to pay to R&B Builders, Inc. the sum of \$21,513.63 as certified by the Borough Engineer in Pay Estimate No. 3, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports from the Contractor and posting of a one year maintenance bond in the amount of \$32,528.46; and



REGULAR MEETING – JANUARY 17, 2012

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief Financial Officer Kathleen Kovach and Borough Engineer David J. Samuel.

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

No. 1-12-47

WHEREAS, PL 2011, c. 78, was adopted on June 28, 2011 and provides for major reform for pension and health benefits for public workers in the State of New Jersey; and

WHEREAS, this law now requires the Borough of Highland Park to provide our employees with a Section 125 flexible spending account and Premium Only Plan; and

WHEREAS, the flexible spending account allows an employee to voluntarily set aside a portion of their earnings to pay for qualified medical expenses thereby reducing their tax liability as well as reducing the Social Security/Medicare liability of the Borough of Highland Park.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highland Park as follows:

1. That the Chief Financial Officer and/or any other Borough Official if necessary, are hereby authorized to implement the flexible spending accounts with Blue Cross/Blue Shield effective January 15, 2012 through December 31, 2012, and to prepare and sign all necessary Section 125 Plan documents.

Mayor Minkoff appointed the following to serve as members of the Community Food Pantry for terms to expire December 31, 2012:

Lori Freedman

Muffin Lord, Alt.

Mayor Minkoff appointed Peter Mickulas to serve as the Mayor's Alternate Member on the Library Board of Trustees for a term to expire December 31, 2012.

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

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet.

Opposed: None.

Absent: Councilperson Morris.

Abstain: Councilperson Welkovits.

The Clerk reported that an ordinance entitled, BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO CERTAIN AFFORDABLE AND LOW AND MODERATE INCOME REAL PROPERTY TO SATISFY STATE OF NEW JERSEY COUNCIL ON AFFORDABLE HOUSING MANDATES AND OBLIGATIONS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$525,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, had been introduced in writing by the Economic Development and Planning Committee for consideration of passage on first reading by title and that the Supplemental Debt Statement had been filed in her office prior to introduction by Chief Financial Officer Kathleen Kovach.

On motion made by Councilman Millet, 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, Millet.

Opposed: None.

Absent: Councilperson Morris.

Abstain: Councilperson Welkovits.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted on motion made by Councilman Millet, seconded by Councilwoman Brill Mittler and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet.

Opposed: None.

Absent: Councilperson Morris.

Abstain: Councilperson Welkovits.

No. 1-12-48

WHEREAS, an Ordinance entitled, BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO CERTAIN AFFORDABLE AND LOW AND MODERATE INCOME REAL PROPERTY TO SATISFY STATE OF NEW JERSEY COUNCIL ON AFFORDABLE HOUSING MANDATES AND OBLIGATIONS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$525,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, 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 February 7, 2012 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.

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

## REGULAR MEETING – JANUARY 17, 2012

Karen Swaine, 55 Cleveland Avenue, asked about construction at Pulte Property and whether or not there were more COAH units being built there. She also wanted to know if they would be counted against the Borough's obligation. Councilman Millet noted that they are being counted towards the growth share obligation. 15% of the units had to be low income and are under contract. New units need to be on site and integrated throughout the development. This has no direct bearing on the current lawsuits. Borough Attorney explained that there are 9 affordable units being built, but they do not count towards the 75 unit obligation. They do count toward whatever future obligation there may be.

Sue Pitt Anderson, 63 Cleveland Avenue, commented that this is good news that Councilman Millet and Borough Attorney provided. She asked if the Borough can legally pull the rug out from under the developers who have pending lawsuits with the Borough putting forth this bond issue. She also asked if the developers are subject to existing zoning and planning regulations for those properties. The Borough Attorney advised that the developers would not be subject to the light industrial zoning regulations. Any judgment issued by Judge Paley would involve rezoning one or both of the properties for residential use. The Borough Council, with the assistance of the Planning Board would create the ordinance, setting forth the height, density, etc. The litigant would have to comply with all of the regulations as they go through the planning process. The Borough cannot entirely send the litigants away. Since they filed a lawsuit, they are entitled to builders remedy/award. There has to be some dealing with these property owners. Ms. Anderson commented that even doing 75 rehab units the developers can still get 500 residential units. The Borough Attorney noted that if they are demanding the 500 units they would have to contribute enough money to the Borough for 75 units of affordable housing. That could range from \$10,000 to \$35,000 per unit. In order to pay for that, the developers want to push up the density so that they can make more money. If we can eliminate some pressure by paying for work ourselves, their numbers would have to drop. Councilman Millet noted that the goal is to have a density that people can live with on site and some money coming towards our rehab obligation.

Jane Ryan, 47 Cleveland Avenue, asked what the projected balance is for the Borough's obligation. The Borough Attorney noted that the Court Master has indicated that if the Borough used municipal funds in the \$500,000 range to get the program off the ground and can address slightly less than half of our obligation, along with additional monies over the next 5 years, she believes the Borough would have a viable affordable housing program. The idea is to use the \$500,000 as start up seed money and there will be other developments that will occur over the next 10 years and will put in place plan for affordable units or pay into rehab fund. Ms. Ryan asked if they have a density in mind that people can live with. Councilman Millet noted that the density in that neighborhood is 8 units per acre. It would be higher than that. Borough will start with number as low as they can and negotiate. Mayor Minkoff commented that they hope to keep number as close to 8 as possible. Ms. Ryan commented that she really appreciates the work that has been done on this from September to now. The Council has woken up and started to fight and have started to listen. She thanked them, it is appreciated. A lot of this could have been avoided. In addition to resolving issue in front of us, need to start thinking long term and how to avoid this in the future.

Hadassah Garetz, 49 Cleveland Avenue, commented that she has lived in her home for 23 years. There has been no development back there and it is quiet. The problem living in this area is the terrible traffic. Other developments came previously and grass roots campaigns were formed to stop these developments. She feels that they should have known about these developments and lawsuits back in 2009 and that this information was being kept secret on purpose. She does not want her property value to decrease with the erection of apartment buildings, which will bring increased noise and increased traffic. She is concerned about the 50 foot setback, her property value and especially increased traffic. She wants to know that the settlement was that was reached and she wants to know results on traffic study conducted by the Borough. Councilman Millet noted that nothing was settled today. One developer wanted summary judgment at an exorbitant rate and that was pushed off the table. They are back to negotiating the issues you are talking about such as a traffic light at River Road. Good news is that without certain actions on Borough's part they might have had to settle. They will now go back to the table to negotiate a better deal. Ms. Garetz commented that it seems like a ploy by the developer to increase number of units and then settle for original numbers proposed. Mayor Minkoff asked if the summary judgment was dismissed. The Borough Attorney noted that at the request of the court the matter was continued to a future date without a date and they were directed to continue to negotiate. Both developers were asked to do traffic studies and those studies can be scanned and put up on the borough's website. Residents can review the studies and submit any comments/concerns to the Borough. The Borough has not done a traffic study but has a proposal from their own consultant, CME Associates, to do a study of the developers' traffic studies. There will be no follow up neighborhood meetings until the traffic study review is completed by the Borough's Engineer. Mayor Minkoff commented that he appreciates the frustration that residents have with the process. The Borough wants to be transparent and forthcoming as best they can and will provide updates whenever possible.

Larry Perfetti, 214 Cleveland Avenue, thanked everyone for working on this together, but it should have happened sooner. According to the State of NJ, rehab units cost \$10,000. Borough Attorney noted that \$10,000 is the minimum amount that can be spent to get credit. The Borough does not have someone in borough hall to run this program. Need to hire a person to administer the program. The Borough would have to set up manual, set up criteria, get a group to view the properties, get a group for the repairs, etc. All \$525,000 would not be spent on sticks and bricks; there will be some administrative costs as well. Mr. Perfetti asked if the Borough knows how many low and moderate income housing in Highland Park is in need of rehab. Mayor Minkoff indicated that they may have a way to get that information. Mr. Perfetti asked about Councilman Millet's comment about accepting multi-family housing on the lower property. Councilman Millet explained that his best guess is that condo/rental units would probably meet market needs now and that is what the builder/developer would want to do. If the Borough had started earlier, they still would have had to take their open available land and come up with agreement with developer so that they could provide us with low income housing. If we had met our obligation for an affordable housing plan, Avalon Bay would have been built. That would have been a key

REGULAR MEETING – JANUARY 17, 2012

stone to meeting our obligation. The State didn't want something on paper. Unless you have a private developer to say that they will build that it is not a viable plan. The Borough had limited resources to buy available land. The State's mechanism for enforcing its COAH goals is to force municipalities to change their land use laws to make it profitable for developers to build. The Borough is probably in a better position now because if we had an approved plan we would have been locked into higher densities. Mr. Perfetti commented that if the Borough had submitted a plan to the State and it had been accepted, Avalon Bay would have had to go through the process. He asked why the Borough didn't submit a plan that was accepted by the State when they had money available to assist the Borough in meeting their COAH obligations. Councilman Millet noted that if the Borough owned land they could have developed it themselves. The only spot the Borough had was the Upper Meadows and it would have been too expensive to develop. Borough Attorney explained that the Borough met their requirements for the 1<sup>st</sup> and 2<sup>nd</sup> rounds. The plan you are talking about is the 3<sup>rd</sup> round which was rejected. The Borough at the time that the plan was submitted had a 75 unit rehab and 100 new unit obligations over the next 6 years. Mr. Perfetti asked how they will be informed about progress of negotiations going forward and how will they have input on a real time basis going forward. Borough Attorney advised that 3 residents attended meeting today. There is another conference scheduled on the 24<sup>th</sup>. The next step of public vetting would be a follow-up meeting from September. If densities have been reasonably negotiated then the concept plans would be presented again. Any Mt. Laurel settlement has to have a public hearing. They have to negotiate in good faith and present to the public informally. Mr. Perfetti commented that he would like to be updated more frequently. Councilman Millet indicated that they will share any new developments as they occur. Mr. Perfetti asked about a cost benefit analysis being done before any settlement. The Borough Attorney noted that a fiscal impact study is done as part of any major application that goes before the Planning Board.

Wendy Saiff, 16 Lawrence Avenue, asked if the Borough has had any discussion with the Board of Education about the potential impact of development. Councilman Millet noted that a lot of that is dependent on the type of units to be built, how many units and if they are skewed to older professionals vs. young families. Ms. Saiff noted that she is concerned about space in the school buildings. Mayor Minkoff noted that the Borough agrees with her, but they are still trying to figure out demographics/amenities of the development.

Sue Pitt Anderson, 63 Cleveland Avenue, spoke out about massive rental unit development at the foot of Cleveland Avenue. She would like to see owner occupied units. She does not want Highland Park to become more of a rental town.

Joan Gartenberg, 402 Lincoln Avenue, commented about the fact that COAH was dissolved but the terminology is still used. Borough Attorney noted that COAH has been abolished. They created methodology to determine numbers. Even though COAH is gone, the numbers are not gone. The COAH group is now under the Department of Community Affairs, Local Planning Services. The new group is more user friendly, but there is still going to be this obligation. The NJ Fair Housing Act is still in place. The Borough has a constitutional obligation to provide for a realistic shot for affordable housing in one's community. The NJ Supreme Court will clarify that when they decide the cases based on the old COAH rules. Ms. Gartenberg commented that if the Borough had submitted a plan then the density would be less. Borough Attorney noted that the Borough would have had to submit a complete plan which showed how to address 75 rehabs and the projected new 100 units. In order to do that, the Borough would have had to put zoning in place so that the project could be shovel ready. Earlier on before lawsuits were filed, the Borough probably would have faced higher densities.

James Nichols, 232 Harrison Avenue, commented that he understands the Borough is negotiating now; there will be a community process and then acceptance by the Council. Councilman Millet noted that there is a possibility to settle with one of the developers and meet the Borough's obligations. There was discussion back and forth about the process of submitting a plan to COAH. Mr. Nichols asked if the Borough had consulted Steve Eisdorfer, who is a COAH specialist that works at Hill Wallack. He is also a Borough resident. Councilman Millet stated no.

Larry Perfetti, 214 Cleveland Avenue, commented that they did speak to Mr. Wiser who is a partner at Hill Wallack and they indicated that they would be available for consultation. They also spoke to a Jeff Surenian who is a principal for bringing the question of the constitutionality of COAH to the NJ Supreme Court. Their group has asked repeatedly that the Council hire a Mt. Laurel expert to assist the Borough Attorney.

Jane Ryan, 47 Cleveland Avenue, commented that they are not suggesting that the Borough Attorney is incompetent. They would like to have an expert in the field. Mayor Minkoff noted that different attorneys have different strategies and fit different situations. The matter is under discussion.

Bobbie, 442 Cedar Avenue, asked if numbers for density would be discussed on Tuesday. She also asked about cost analysis. Borough Attorney indicated that matter won't be settled on Tuesday and before any settlement an analysis would be done.

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 Councilwoman Brill Mittler, seconded by Councilman Millet, and carried by affirmative voice vote of all Councilpersons present:

No. 1-12-49

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

REGULAR MEETING – JANUARY 17, 2012

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 and one personnel matter concerning the employment, appointment, evaluation, promotion or termination of a public officer or employee.

BE IT RESOLVED that the Mayor and Council will meet in private session at 9:10 P.M. on January 17, 2012, 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 Councilwoman Brill Mittler, seconded by Councilman Millet, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 9:00 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk