

REGULAR MEETING – FEBRUARY 7, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, February 7, 2012 and was called to order by Mayor Minkoff at 7:01 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

Absent: None

Mayor Minkoff advised that due to a scheduling conflict, the Boy Scouts were unable to attend tonight's meeting and presentation of the proclamation will be postponed until the February 21, 2012 meeting.

Mayor Minkoff noted that he met Oscar Lee at a County Freeholder's Meeting where he received a proclamation for his Financial Literacy Program. He presented Oscar with a duly executed copy of the below resolution.

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

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

Opposed: None.

Absent: None.

No. 2-12-50

WHEREAS, OSCAR LEE is a Borough resident and student at Highland Park High School; and
WHEREAS, OSCAR LEE is a member of the Highland Park High School DECA Club; and
WHEREAS, OSCAR LEE is responsible for the creation of the Financial Literacy Program; and
WHEREAS, some of the activities that the DECA Club has engaged in as part of the Financial Literacy Program has been to work with the students at the Bartle School to teach them the basics of financial literacy and then to play games to reinforce what was taught to them; work with seniors to increase their financial literacy, focusing on online banking and identity theft; and

WHEREAS, the DECA Club has created book displays for the Highland Park Public Library, and the Libraries at the High School, Middle School and Bartle School so that people can learn about financial literacy in a quick and easy way; and

WHEREAS, the DECA Club has invited various speakers to come talk about different aspects of financial literacy and they plan to show the Emmy-winning documentary, "The Ascent of Money" on the 24th and 28th of February at the Highland Park Public Library; and

WHEREAS, the DECA Club has a Financial Literacy Giveaway where they distribute financial literacy pamphlets and booklets obtained from the FDIC's Money Smart Program. They also receive funding from Kinetics, a personal fitness studio in Highland Park.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highland Park do hereby congratulate OSCAR LEE for the creation of the Financial Literacy Program and also congratulate the Highland Park High School DECA Club for all of their accomplishments ; and

BE IT FURTHER RESOLVED that this Resolution be spread upon the official minutes of this meeting and that an embossed copy be forwarded to OSCAR LEE as a memento.

The DECA Advisor from the Highland Park High School appeared and noted that Oscar is a sophomore and is in his 2nd year in the DECA Program. He created a Financial Literacy Program that provides the ability to manage money in an intelligent way. Oscar asked the audience some financial questions and left financial literacy information and pencils for residents to take at the conclusion of the meeting.

Councilwoman Foster-Dublin noted that she has worked with Oscar over the last couple of weeks and that this summer they hope to put together a segment of his program for the youth recreation program. Mayor Minkoff thanked Councilwoman Foster-Dublin for working with Oscar. He commended Oscar for his leadership and passion and hopes to see great things from him as a future leader.

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Foster-Dublin advised that February is Black History Month. She referenced Shirley Chisolm, the 1st African American Black Congresswoman. She thanked her for being an educator and she is responsible for people like herself to be serving as a Councilperson. She thanked Miss Chisolm for her pioneering. Lastly, she congratulated Oscar for his achievements and noted that it has been a pleasure to work with him.

Councilman Morris noted that as of February 1, 2012, Lt. Joseph Vassallo retired from the Highland Park Police Department with 25 years of service. Lt. Vassallo served in the Detective Bureau and will be recognized at a future meeting.

Councilwoman Welkovits reported that the Housing Authority recently reorganized and Al Garlatti was re-elected as Chairperson and Evelyn Sedehi was elected to serve as Vice Chairperson.

Councilman Erickson noted that they are currently conducting interviews for the Energy Auditor. Individual homeowners can contract directly with the selected company for an energy audit.

Councilman Millet reported that the two traffic studies done for the Cleveland Avenue site are available on the borough's website. The Borough Council will be commissioning the Borough Engineer to examine those reports and conduct their own traffic study. The Borough is conducting talks with PSE&G for a source of funding for the rehab program. The next meeting in Superior Court for the COAH litigation matter is February 21st at 4:00 PM.

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Councilwoman Brill Mittler announced that residents can now pay their tax and water & sewer bills online. They can log onto www.hpboro.com to access the link.

Mayor Minkoff announced that on February 9, 2012, he will visit the Township of Marlboro to get a better understanding of the workings of their Mayor's Teen Advisory Council. Another goal is to work with Main Street Highland Park and the business owners to have regular business breakfast meetings.

Borough Administrator – No Report.

Borough Attorney Schmierer – No Report.

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

Ruth Bickhardt, 307 Magnolia Street, complained about the new system of garbage and recycling pickup. Pickup on the South Side is Thursday and Friday. Cans are put out on the wrong days. On the North Side, the garbage and recycling just sits out there. The Borough should enforce the twilight hours to bring money into the coffers. Councilman Erickson noted that enforcement should be done and he will speak to the Police Chief.

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

The Clerk reported advertising 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, 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 Morris, seconded by Councilman Millet, 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 Millet, the ordinance entitled as above, being Ordinance No. 12-1827, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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 unanimous affirmative voice vote:

No. 2-12-51

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the 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, 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 advertising 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, 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 Millet, seconded by Councilwoman Brill Mittler, 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.

The Borough Attorney advised that the bond issue appropriates \$525,000.00 to begin the Rehab Program in the Borough for people who qualify. Study was done before COAH was abolished that Highland Park should rehab 75 units of substandard housing – failing heating, new roofing, water heaters. The Borough has been identified as one that has rehab obligations. The Borough will determine if there are 75 units in the Borough. The Court appointed Master suggested that the Borough start the program and appropriate funds to hire consultant to administer the program and to start finding qualifying people. Adoption of the bond ordinance requires 2/3 vote, therefore four members of the Governing Body need to vote yes. Mayor Minkoff added that the Borough is below their bonding capacity and recently received notification that by refinancing their water and sewer bonds they would be saving \$375,000.

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Lou Pichinson, 200 Jackson Avenue, asked if the Borough has received any applications for rehab program. Borough Attorney explained that the County has a program, but the Borough does not have an agency or mechanism to accept applications. It is possible that the Borough does not get a lot of people to participate. There are strict guidelines for this funding. Grant would require homeowner to remain in home for 10 years. If you sell before that time, there would be some repayment required. Mr. Pichinson asked what happens to the unused funds. Borough Administrator noted that the Borough would refund it and pay down the money that was borrowed. Mr. Pichinson commented that it is not likely that the Borough will be putting out \$500,000 unless there are qualified applicants. Councilman Millet noted that there are probably a lot of rental properties that are not in great shape. Mayor Minkoff noted that PSE&G has a program available and works well with income guidelines for affordable housing. Under that program, homeowners would receive those rehabs from PSE&G funding.

Larry Perfetti, 214 Cleveland Avenue, asked what impact ordinance will have on the litigation. The Borough Attorney noted that they will inform the Court of what they have put into place. This should help with the Borough's position in the Mt. Laurel litigation. Mr. Perfetti asked why the Borough isn't authorizing \$1.5 million dollar bond to wipe out the Mt. Laurel obligation. The Borough Attorney explained that the money will be used if they can identify people who qualify. \$1.5 million dollar figure is a large undertaking for a small borough. They have initiated negotiations with PSE&G to piggyback some of their funding with the Borough's program. This approach is more prudent and will demonstrate to the Court that the Borough is stepping up to address the obligation. Mr. Perfetti again wondered why the borough is not putting up the funding to meet all of the obligation and to give them leverage with the Judge. He also spoke about the Court Master and her statement that the Borough should have taken the deal from Avalon Bay. The Borough Attorney noted that the question was raised at the agenda meeting about the amount of funding. This is only the start. The Court Master has said that she would like to see funds appropriated to begin the program. The Borough can appropriate more money if that is what should be done for an effective rehab program. Even if the Borough appropriated \$3 million dollars and went back to court and can now do more than 75 units that would not lead to dismissal of the builder's remedy lawsuits. In 2009 and 2010, the Borough was not technically in compliance. Developers then would not have to contribute. This would not put the legal challenge on the shelf. Once the Court cases are settled, the developers would need to go to the Planning Board for approval. Mr. Perfetti asked about report of settlement committee. Borough Attorney noted that the Borough has not formally retained Mr. Surenian, but he spent several hours with him and he is completely up to date with settlement discussions. Will discuss details of settlement discussion with Governing Body in Executive Session.

Andrew Brown, 217 Cleveland Avenue, asked if there has been a study or is there information available to verify 75 unit number. The Borough Attorney noted that they could go door to door to identify homes that have substandard systems. By doing that, they could end up with more than 75 units. To qualify, a home would have to have a below standard system that needs \$10,000 worth of repairs. Mr. Brown asked how Master advise on proper remedy if we do not know exact amount of rehab units. The Borough Attorney noted that the developers are still entitled to reward because they notified the State that the Borough is not compliant. The old COAH crew did studies based on DOT, construction permits issued and did manual and assigned everyone a rehab number. That part of study is not being attacked by the Court challenge. The Court challenge is to future growth units.

James Nichols, 232 Harrison Avenue, commented that Highland Park is not a typical Mt. Laurel town. The Borough did not have Fair Housing Plan approved by deadline. He asked if it's the Borough's strategy to issue housing element in the Master Plan and for these developers to provide the new affordable housing units. Councilman Millet noted that these 2 properties are the vast majority of open space available in Highland Park. The problem in 2008 was not with rehab, but with the 100 affordable new units to be produced. In order for them to be produced you had to have a certain volume of housing. In order to come up plan, Borough would have had to change zoning and might have faced these same challenges. Doing Master Plan now won't have any impact. Mr. Nichols commented that local procedures failed. Thinks Borough should be proactive and asked what part of redevelopment plan should have affordable units. Councilman Millet commented that they are trying to establish zoning and land use that will work through negotiations. Borough Attorney added that the Borough needs compliant Fair Share Plan and is under jurisdiction of the Court, not the Planning Board. The Court Master has said she would recommend a compliant plan to the Court addressing rehabilitations and demonstrating ability to generate affordable housing units. Planning experts are putting material together. There are 9 brand new affordable units at Pulte Development and they are deed restricted. The Reformed Church has done some units and the Borough gets credit. They are putting that data together and will present it to the Court. This will demonstrate to the Court that in 2008, 100 units was the number. It is an impossible task in Highland Park with not much vacant land. They can identify units that would count towards obligation. The plan is part of the settlement discussions. There would have to be a public hearing on any proposed plan. Residents will be notified before plan is adopted.

Haddassah Geretz, 49 Cleveland Avenue, commented about a traffic study she read on Facebook. There are over 2,000 cars going up Cleveland Avenue on a daily basis. Any kind of high density will increase amount of traffic. If the Council lived on Cleveland Avenue they would be fighting this tool and nail. Mayor Minkoff noted that the traffic studies have been uploaded to the Borough's website. If residents feel there are any discrepancies with the traffic studies they should send a message to the Borough. CME Associates, the Borough's Engineer, will review those 2 traffic studies done for both properties along with the traffic study for Avalon Bay.

Karen Swaine, 55 Cleveland Avenue, commented that she read the traffic studies. She had done her own traffic study. She asked whether CME would be doing a traffic study or will they just be reviewing the information. One of the traffic studies conducted was done during Yom Kippur.

Lou Pichinson, 200 Jackson Avenue, commented that there seems to be confusion about amount of money Court Master said was need for rehabs. She told them the Borough's responsibility is to satisfy builder's remedy at \$10,000 per 75 units plus \$3,400 which comes out to \$1 million dollars. Borough has to have plan on file to come up with the rest of the money. The Borough Attorney indicated that the bond ordinance gives them sufficient funds to begin program with and Court Master is satisfied with that. Borough will have to adopt resolution pledging to fund additional obligation. Mr. Pichinson asked if there is a developer fee attached to this or is the Borough bearing this burden. The Borough Attorney indicated

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that part of the compliance package could involve establishing a residential housing fee along with a developer fee ordinance.

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

On motion made by Councilman Millet, seconded by Councilwoman Brill Mittler, the ordinance entitled as above, being Ordinance No. 12-1828, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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

No. 2-12-52

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the 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, 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 AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", CHAPTER 230 CONCERNING THE BOROUGH OF HIGHLAND PARK RIPARIAN BUFFER CONSERVATION ZONE, had been introduced in writing by the Economic Development and Planning Committee for consideration of passage on first reading by title.

On motion made by Councilman Erickson, seconded by Councilman Millet, 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, Morris.

Opposed: None.

Absent: None.

Abstain: Councilwoman Welkovits.

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

No. 2-12-53

WHEREAS, an Ordinance entitled, AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", CHAPTER 230 CONCERNING THE BOROUGH OF HIGHLAND PARK RIPARIAN BUFFER CONSERVATION ZONE, 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 21, 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.

On motion made by Councilman Millet, seconded by Councilwoman Brill Mittler and carried by affirmative voice vote of all councilpersons present, the Amendment to the Noise Ordinance was tabled from consideration.

The Clerk reported that an ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR A HVAC SYSTEM IN AND BY THE LIBRARY IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$100,000.00 THEREFOR TO PAY THE COST THEREOF, had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

On motion made by Councilman Millet, seconded by Councilman Erickson, 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, Morris, Welkovits.

Opposed: None.

Absent: None.

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

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No. 2-12-55

WHEREAS, an Ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR A HVAC SYSTEM IN AND BY THE LIBRARY IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$100,000.00 THEREFOR TO PAY 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 21, 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.

Consent Agenda Resolution Nos. 2-12-56 through 2-12-70 were 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, Morris.

Opposed: None.

Absent: None.

Abstain: Councilwoman Welkovits.

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

No. 2-12-56

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 2/7/12, can be found in the Bills List Journal Book No. 31.

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

No. 2-12-57

WHEREAS, the Borough of Highland Park entered into an Agreement with Middlesex Council No. 7 New Jersey Civil Service Association (the "Parties") for the term January 1, 2007 to December 31, 2011; and

WHEREAS, the Parties seek to amend the Agreement to include terms relating to summer hours; and

WHEREAS, the Parties have tentatively agreed to such terms; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Administrator and Council 7 Representative are authorized and directed to execute and attest an Amendment to the Collective Bargaining Agreement (the "Amendment"), said Amendment to be in a form approved by the Borough Attorney, copy of which is attached to this resolution;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Middlesex Council No. 7 New Jersey Civil Service Association and the Borough Administrator forthwith.

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

No. 2-12-58

WHEREAS, the Highland Park Police Department has a need to purchase Software for Cataloging Evidence; and

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

<u>NAME</u>	<u>PRICE</u>
Porter Lee Corporation 1901 S. Wright Blvd. Schaumburg, IL 60193	\$15,151.00

WHEREAS, the Chief of Police has recommended the purchase of said item at the above quoted prices; and

WHEREAS, funds will be available for these purposes in Account No. C-04-55-811-205 in the amount of \$15,151.00, upon adoption of the 2012 budget, 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 Chief of Police is hereby authorized and directed to purchase said items; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Chief of Police and the Finance Department forthwith.

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

No. 2-12-59

WHEREAS, Thomas Mancuso a licensed Tax Assessor and Appraiser, was appointed to the Tax Assessor position on October 16, 2007 for a term to expire June 30, 2012;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Thomas Mancuso is hereby reappointed as Tax Assessor effective July 1, 2012 through June 30, 2016.

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

No. 2-12-60

WHEREAS, the Borough of Highland Park wishes to create a recycling program for borough residents to dispose of Compact Fluorescent Light Bulbs; and

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 to execute and attest Agreement for the removal of Compact Fluorescent Light Bulbs with Hesstech, a copy of which is attached to the original of this resolution.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Hesstech and the Recycling Coordinator forthwith.

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

No. 2-12-61

WHEREAS, the Highland Park Police Department has a need to have wiring done for their relocation to Borough Hall; and

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

<u>NAME</u>	<u>PRICE</u>
New Jersey Business Systems	\$14,350.00

WHEREAS, the Chief of Police has recommended that New Jersey Business Systems, Inc. be hired to complete the said work at the above quoted price; and

WHEREAS, funds will be available for this purpose in Account No. C-04-55-811-205 upon adoption of the 2012 municipal budget, 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 Chief of Police is hereby authorized and directed to purchase said items for a total not to exceed \$14,350.00; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Chief of Police and the Finance Department forthwith.

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

No. 2-12-62

WHEREAS, pursuant to Resolution No. 2-11-56, adopted by the Borough Council on February 15, 2011, a contract was awarded to Stilo Excavating, Inc. South Plainfield, New Jersey, for 2010 Various Roadway Improvements; and

WHEREAS, it appears from Pay Estimate No. 5 and close out change order, filed by the Borough Engineer that certain work under said contract has been completed and approved, and there is due to Stilo Excavating, Inc. the sum of \$73,494.46 in accordance with said Pay Estimate No. 5 for work performed from July 21, 2011 and August 30, 2011; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-803-415, in the amount of \$73,494.46, 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 Stilo Excavating, Inc. the sum of \$73,494.46, as certified by the Borough Engineer in Pay Estimate No. 5 and close out change order, attached to the original of this resolution, subject to the posting of a one-year maintenance bond in the amount of \$50,363.39; and

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

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

No. 2-12-63

WHEREAS, Richard Buck, Jr. and Mohamed Motii 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 2012; and

WHEREAS, the Chief of Police 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 applicant is qualified and that public necessity and convenience would be served by the issuance of said Licenses.

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

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

No. 2-12-64

WHEREAS, The Goldstein Partnership, the Project Architect for the renovation of the Public Safety Building, had heretofore submitted an invoice totaling the amount of \$45,340.53 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

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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 hereby authorized and directed to issue payment in the amount of \$45,340.53 to The Goldstein Partnership, for architectural services in connection with the renovation of the Public Safety Building; and

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

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

No. 2-12-65

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor shall be and is hereby authorized and directed to execute an Agreement with the Middlesex County Department of Human Services for the provision of Municipal Alliance related activities in the Borough of Highland Park for the period covering January 1, 2012 to December 31, 2012, said Agreement to be in a form approved by the Borough Attorney.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 2-12-66

WHEREAS, the Borough of Highland Park desires to use USI New Jersey for risk management consulting services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the agreement for aforesaid services, attached to the original of this resolution, is hereby approved.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Administrator, the Garden State Municipal Joint Insurance Fund and USI New Jersey forthwith.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 2-12-67

WHEREAS, advertisement was made for receipt of bids on January 19, 2012 for the manufacture of a Aerial Platform; and

WHEREAS, one bid was received as follows:

Pierce Manufacturing

WHEREAS, the Fire Chief has recommended that the manufacture of the Aerial Platform be awarded to Pierce Manufacturing as the lowest, responsive, responsible and most advantageous bidder; and

WHEREAS funds in the amount of \$997,821.00 are available in Account No. C-04-55-812-220 for this purpose, as reflected by the certification of funds by Chief Financial Officer, Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized and directed to execute on behalf of the Borough an Agreement for the manufacture of an Aerial Platform with Pierce Manufacturing, Inc., 2600 American Drive, Appleton, Wisconsin, in an amount not to exceed \$997,821.00, said contract shall be in accordance with the specifications and bid documents and in a form approved by the Borough Attorney.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 2-12-68

WHEREAS, Joseph Vassallo, Lieutenant, has retired from the Highland Park Police Department effective February 1, 2012; and

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

	Calculation	Amount Due
Comp Time	2.75 hours x \$65.24/hr	\$179.41
Vacation	18.60 days x \$521.92	\$9,707.71
Sick	54 days x \$521.92	\$28,183.68
Personal Day	.33 x \$521.92	\$172.23
Total Payment		\$38,243.04

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that the unused accrued time payment in an amount not to exceed \$38,243.04 be approved and distributed in the next available pay cycle.

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

No. 2-12-69

WHEREAS, the Borough of Highland Park has need of the services of an engineer to provide engineering services for review of traffic studies; and

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

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

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

WHEREAS, funds for this purpose are available in Account No. 2-01-20-165-235, in an amount not to exceed \$5,762.00 as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below; and

REGULAR MEETING – FEBRUARY 7, 2012

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

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

No. 2-12-70

WHEREAS, pursuant to Resolution No. 7-11-204, adopted by the Borough Council on July 19, 2011, a contract was awarded to ConQuest Industries, LLC, Westwood, NJ, for Highland Park Streetscape: Raritan Avenue Phase I Project; and

WHEREAS, it appears from Pay Estimate No. 5, filed by the Borough Engineer that certain work under said contract has been completed and approved, and there is due to ConQuest Industries, LLC the sum of \$225,158.08 in accordance with said Pay Estimate No. 5 for work performed from November 24, 2011 to January 30, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-801-200, in the amount of \$225,158.08, 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 ConQuest Industries, LLC the sum of \$225,158.08, as certified by the Borough Engineer in Pay Estimate No. 5, 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 Borough Engineer forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman Erickson, seconded by Councilman Morris, and carried by the following roll callvote, to wit:

- Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet, Morris, Welkovits.
- Opposed: None.
- Abstain: None.
- Absent: None.

No. 2-12-71

WHEREAS, a need has arisen to provide adequate funds for certain budget items pending adoption of the Local Municipal Budget for 2011 and NJSA 40A:4-20 provides for the making of emergency appropriations in such cases; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provisions of NJSA 40A:4-20 (Chapter 96, PL 1951), as amended, including this resolution, total \$7,662,499.50;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Highland Park (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20;

1. An emergency temporary appropriation be and the same is hereby made for the budgetary appropriations herein:

	Account Number	2012
		TEMPORARY BUDGET
		#2
MAYOR & COUNCIL		
Salaries & Wages	20-110-1	16,518.00
Other Expenses	20-110-2	4,702.50
BOROUGH ADMINISTRATION		
Salaries & Wages	20-100-1	40,197.00
Other Expenses	20100-2	8,100.00
MUNICIPAL CLERK		
Salaries & Wages	20-120-1	58,545.50
Other Expenses	20-120-2	4,700.00
CENTRAL SERVICES		
Other Expenses	20-316-2	32,950.00
MOTOR POOL		
Salaries & Wages	26-315-1	32,345.00
Other Expenses	26-315-2	66,500.00
FINANCIAL ADMINISTRATION		
Salaries & Wages	20-130-1	52,581.50
Other Expenses	20-130-2	2,232.50
AUDIT SERVICES		
Other Expenses	20-135-2	15,000.00
TAX ASSESSMENT		
Salaries & Wages	20-150-1	25,994.50
Other Expenses	20-150-2	3,116.00
TAX COLLECTION		
Salaries & Wages	20-145-1	22,788.50

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Other Expenses	20-145-2	3,145.00
LEGAL SERVICES		
Other Expenses	20-155-2	63,600.00
ENGINEERING & PLANNING		
Other Expenses	20-165-2	17,000.00
BUILDING & GROUNDS		
Salaries & Wages	26-310-1	18,949.00
Other Expenses	26-310-2	22,475.00
ENVIRONMENTAL COMMISSION		
Other Expenses	27-335-2	500.00
PLANNING BOARD		
Other Expenses	21-180-2	40,500.00
ZONING BOARD OF ADJUSTMENT		
Salaries & Wages	21-185-1	13,978.50
Other Expenses	21-185-2	9,750.00
HUMAN RIGHTS COMMISSION		
Other Expenses	21-191-1	250.00
RENT LEVELING BOARD		
Other Expenses	21-192-2	
CABLE TELEVISION		
Other Expenses	30-411-2	1,000.00
INFORMATION TECHNOLOGY		
Other Expenses	20-140-2	39,000.00
MUNICIPAL COURT		
Salaries & Wages	43-490-1	91,516.50
Other Expenses	43-490-2	4,237.50
FIRE OSHA		
Other Expenses	25-268-2	
PUBLIC DEFENDER		
Salaries & Wages	43-495-1	3,000.00
FIRE DEPARTMENT		
Salaries & Wages	25-265-1	60,000.00
Other Expenses	25-265-2	29,625.00
POLICE DEPARTMENT		
Salaries & Wages	25-240-1	1,497,601.00
Other Expenses	25-240-2	43,186.00
POLICE DISPATCH/911		
Salaries & Wages	25-250-1	113,887.00
Other Expenses	25-250-2	1,050.00
PROSECUTOR'S OFFICE		
Salaries & Wages	25-275-1	17,000.00
Other Expenses	25-275-2	
FIRST AID		
Contribution	25-260-2	13,000.00
OFFICE OF EMERGENCY MANAGEMENT		
Salaries & Wages	25-252-1	
Other Expenses	25-252-2	1,000.00
FIRE OFFICIAL		
Salaries & Wages	25-266-1	50,886.50
Other Expenses	25-266-2	2,200.00
UNIFORM FIRE SAFETY ACT		
Fire Prevention - OE	25-267-2	6,500.00
BOARD OF HEALTH		
Other Expenses	27-330-2	700.00
COMMISSION FOR UNIVERSAL ACCESS		
Other Expenses	27-331-2	95.00
COMMUNITY SERVICES - AGING		
Salaries & Wages	28-371-1	86,662.00
Other Expenses	28-371-2	11,250.00
COMMUNITY SERVICES - RECREATION		
Salaries & Wages	28-370-1	61,509.00
Other Expenses	28-370-2	4,800.00
PUBLIC WORKS		
Salaries & Wages	26-290-1	465,576.00
Other Expenses	26-290-2	57,837.50

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COMMUNITY & ECONOMIC DEVELOPMENT		
Other Expenses	20-170-2	12,500.00
ARTS COMMISSION		
Other Expenses	28-374-2	375.00
SHADE TREE COMMITTEE		
Other Expenses	28-375-2	250.00
UNIFORM CONSTRUCTION CODE		
Salaries & Wages	22-195-1	169,634.50
Other Expenses	22-195-2	3,200.00
UNCLASSIFIED		
Gasoline	31-460-2	47,500.00
Electricity & Gas	31-430-2	86,475.00
Telephone & Telegraph	31-440-2	24,650.00
Street Lighting	31-435-2	65,000.00
Sanitary Landfill	32-465-2	120,000.00
Accumulated Sick & Vacation	30-415-1	
STATUTORY EXPENDITURES		
Social Security System	36-472-2	138,594.50
Unemployment Compensation Insurance	23-225-2	
INSURANCE		
General Liability/Workers Compensation	23-211-2	304,667.00
Employee Group Health	23-220-2	573,015.00
LIBRARY		
Library S & W	29-390-1	264,201.50
Library OE	29-390-2	149,911.50
GARBAGE COLLECTION		
Apartment Collection	26-305-2	
LOSAP		
Other Expenses	25-265-2	
INTERLOCAL MUNICIPAL SERVICE AGREEMENTS		
County Health Services OE	42-401-2	21,000.00
M.C.I.A. RECYCLING		
Other Expenses	42-402-2	4,500.00
ANIMAL CONTROL SERVICES		
Other Expenses	27-340-2	16,000.00
SUBTOTAL		5,075,838.50
GRANTS		
Business Stimulus Grant		
EPA Cherry Hill		
Municipal Alliance		\$ 14,510.00
Bias County Grant		
Body Armor		
NJ DDEF		
Recycling MCIA Grant		
Smart Growth		
Clean Communities		
Subtotal		5,090,348.50
CAPITAL IMPROVEMENT FUND	44-901-2	
STATUTORY EXPENDITURES (OUTSIDE OF CAP)		
Public Employees' Retirement System	36-471-2	344,016.00
PFRS Other Expenses	36-475-2	662,920.00
DEBT SERVICE		
Bond Principal	45-920-2	740,000.00
BAN Principal	45-925-2	0.00
Interest on Bonds	45-930-2	175,916.00
Interest on Notes	45-935-2	0.00
Lease Agreement	45-950-2	192,196.00
EDA Loan	45-955-2	6,500.00
EMERGENCY APPROPRIATION	46-870-2	0.00
SPECIAL EMERGENCY	46-875-2	5,430.00
RESERVE FOR TAX APPEAL	46-876-2	0.00
RESERVE FOR UNCOLLECTED TAXES	50-899-2	280,000.00
Grand Total		7,662,499.50

WATER & SEWER

	2012
	TEMPORARY
	BUDGET
	#2
OPERATING	
Salaries & Wages	105,813.50
Other Expenses	509,098.00
Middlesex County MUA	456,257.50
CAPITAL IMPROVEMENTS	
Capital Outlay	
DEBT SERVICE	
Payment of Bond Principal	575,000.00
Interest on Bonds	92,754.00
Interest on Notes	900.00
DEP Waste Water Loan Repayment	310,330.00
STATUTORY EXPENDITURES	
Public Employees' Retirement System	15,000.00
Social Security System	25,000.00
Deferred Charges	
TOTAL	\$ 2,090,153.00

2. Said emergency temporary appropriations will be provided for in the 2012 budget under the various captions listed herein.

3. A certified copy of this Resolution will be filed with the Director of the Division of Local Government Services.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted on motion made by Councilman Erickson, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

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

Opposed: None.

Abstain: Councilperson Welkovits.

Absent: None

No. 2-12-72

WHEREAS, the Highland Park Department of Public Works has a need to make repairs to catch basins at various locations, as more fully described on the attached quotation; and

WHEREAS, quotes were solicited and only one quote was received as follows:

J. Fletcher Creamer and Son, Inc. \$10,282.57

And

WHEREAS, the Superintendent of the Department of Public Works has recommended that said repairs be done by J. Fletcher Creamer and Son, Inc. based on their quote; and

WHEREAS, funds for this purpose are available in the amount of \$10,282.57 in the following account, as reflected by the certification of funds by Finance Director Kathleen Kovach shown below:

<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
U-06-55-801-210	\$10,282.57

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Superintendent of Public Works is hereby authorized and directed to arrange for said repairs from J. Fletcher Creamer and Son, Inc, 101 East Broadway, Hackensack, NJ 07601, at a total price of \$10,282.57; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Superintendent of Public Works Donald Rish and Finance Director Kathleen Kovach, forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilwoman Foster-Dublin, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

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

Opposed: None.

Abstain: None.

Absent: None.

No. 2-12-73

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for Engineering Services for the Library HVAC Upgrade;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for Engineering Services for the Library HVAC Upgrade.

The following resolution, introduced by the Finance Committee, was 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, Morris, Welkovits.

Opposed: None.

Abstain: None.

Absent: None.

No. 2-12-74

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:

SUSAN WELKOVITS, Councilperson, at an annual salary of \$4,239.00, effective January 17, 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.

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

Karen Swaine, 55 Cleveland Avenue, suggested that the Borough get a copy of the traffic study she did that was handed in to the Borough Engineer. She asked if the Borough would do a complete traffic study. Councilman Millet indicated that it depends on what is found in the Engineer's review.

Lou Pichinson, 200 Jackson Avenue, commented that he wanted to convey comments from Master Mackenzie and about how vulnerable they feel. They met with both developers to convey their needs and to try and understand their needs. They tried to contact Ms. Mackenzie and was able to talk to her at the last hearing. They were told that American Properties was a for sale only property. They were told that they are going to build for-rent properties only because for sale properties won't sell. Pulte property homes sold quickly. Ms. Mackenzie said there is not a market right now and developer cannot get financing. Borough Attorney noted that bank financing is not available for ownership units only for rental units. Ms. Mackenzie indicated that if you have sources for financing that would be great and we will tell them about it. Mr. Pichinson noted that the Court Master has indicated that the developers should go back and tweak their plans. The Court Master scares them. We are dealing with a neighbor who bought Cenacle property and then flipped it to Pulte. They got financing to buy Cenacle and cannot get financing for property on Cleveland. He put in a plan that calls for density of 36 units per acre. The neighbors are scared of what will be built. Councilman Millet noted that if they cannot come to negotiated settlement the Court Master becomes an expert witness in the trial and loses power. If Borough can't leave with proposals they go to trial. Everything would then be up for examination. If we can't get them down to reasonable numbers through negotiations, then a trial is the next step. Mr. Pichinson commented that they are aware that the Governing Body hears them and is addressing the issue. He thanked them for their help but this is not just a Cleveland Avenue problem. This problem will affect all and have irreversible impacts.

Marsha Wasserman, 24 Grant Avenue, asked if the approval gets to be 500 units, how would it affect the schools, property values and taxes. Mayor Minkoff commented that those things are being looked at and data is being gathered.

Hadassah Garetz, 49 Cleveland Avenue, commented that they need feedback about the traffic studies. It is feasible to have additional traffic with 15 units per acre. Cleveland Avenue is a residential street that gets highway traffic.

Harold Rubenstein, 42 Grant Avenue, commented that litigation is an option and the Borough should prepare for it. He understands that the cost for litigation. This development will have a significant impact on the Borough. The attitude of the Court Master is an issue. The Council should not only think about settling and that litigation may be the best option.

Andrew Brown, 217 Cleveland Avenue, noted that he agreed with the last statement made by Mr. Rubenstein. Litigation vs. settlement comes down to matter of priorities of Council and the residents. This is a quality of life issue for the whole Borough and they should make that a priority. Councilman Millet commented that the danger of going to trial is the fact that the Borough could lose. Have to weigh all the options and be confident we can win to go to trial. Mayor Minkoff indicated that the Governing Body is not predisposed to any point of view right now.

Harold Rubenstein, 42 Grant Avenue, commented that it seems to him that settlement is now working right now. A trial brings them to the table and maybe they don't get what they want. Think about both processes as the groundwork for litigation. All of it has to be on the table as an option to move forward. Councilman Millet indicated that the Borough must make decision with input of a lot of people. Mr. Rubenstein suggested that they go after officials who dropped the ball and got the borough into this mess. Councilman Millet noted that the plan was found to be non-compliant. Borough did not come to grips with necessary zoning changes required. The fault is with the Borough Council. Borough Attorney added that the plan was prepared by Professional Planner and delivered on time. The plan was rejected by COAH and no timeframe was given to issue correction. Matter was discussed with the Mayor and Council at that time and nothing additional was filed. Councilman Millet noted that the real issue is about zoning changes on these properties that would have allowed a certain type of development. Same challenges are being faced today with these properties.

James Nichols, 232 Harrison Avenue, commented that he believes there is a professional liability on the consultant.

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 Councilman Millet, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 9:14 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk