

REGULAR MEETING – MARCH 6, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, March 6, 2012 and was called to order by Council President Brill Mittler at 7:00 PM. Council President Brill Mittler read the Open Public Meetings Statement.

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

Absent: Mayor Minkoff; Councilperson Morris.

On motion made by Councilman Millet, seconded by Councilman Erickson, the minutes of the Regular and Conference Meetings held on December 6, 2011 and December 20, 2011 were approved as distributed by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Morris.

Abstain: None.

Council President Brill Mittler asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that there are tickets available to the play "Will of a Woman" on March 15, 2012 at the State Theater in New Brunswick. Interested parties should contact the Department of Community Services. Free tax assistance is being offered at the Senior Center on Wednesdays from 10AM to 2PM.

Councilwoman Welkovits reported Lew Fishberg, Chairman of the Board of Health, is stepping down as Chairman. Diane Heimlich and Laurel Kornfeld will serve as Co-Chairs. The Annual Health Fair will be held on April 22nd. The free rabies clinics in Highland Park will be held on June 7th and June 10th.

Councilman Millet noted that he will defer some of his report to the question and answer period. The Redevelopment Agency signed a Developer's Agreement with 7-Eleven to put up a 2-story building. There will be limited access off of Raritan Avenue. The sign on the corner will only be 6' tall. The applicant will go before the Planning Board. The Redevelopment Agreement is a binding agreement.

Councilman Erickson - No Report.

Borough Administrator – No Report.

Borough Attorney Schmierer noted that they filed a motion to dismiss lawsuit filed by River Road Highland Park. The motion will be heard on March 30th in Judge Paley's Courtroom.

Councilwoman Brill Mittler noted that Mayor Minkoff is celebrating his anniversary with his wife. The Borough will be introducing their 2012 budget tonight.

Council President Brill Mittler opened the meeting for public discussion for a fifteen minute period and called upon all those wishing to speak to identify themselves.

No one appearing to be heard, the Council President closed the public discussion.

Main Street Minute – Paul Lanaris appeared to present the Main Street Minute. He noted that the Charlie B deal closed last Friday. The Broker indicated it is a Highland Park family who will rehab the property to recreate "environment. The Main Street Highland Park office has not yet been relocated.

s
s

The Clerk reported that an ordinance entitled, CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14), 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 Councilwoman Welkovits, 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, Welkovits.

Opposed: None.

Absent: Councilperson Morris.

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

No. 3-12-92

WHEREAS, an Ordinance entitled, CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14) has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221, South Fifth Avenue, Highland Park, New Jersey, on Tuesday, March 20, 2012 at 7:00 PM, 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 daily 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.

REGULAR MEETING – MARCH 6, 2012

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

The Clerk reported that the 2012 Municipal Budget and Tax Resolution were introduced in writing by the Finance Committee for consideration of passage on first reading. Copies of the full text will be available at the Highland Park Public Library and Borough Hall. The full final budget as adopted and approved will appear in the minutes of the meeting at which the budget is finally adopted.

On motion made by Councilman Erickson, seconded by Councilman Millet, the 2012 Municipal Budget and Tax Resolution were duly adopted on first reading by the following roll call vote, to wit:

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

Opposed: None.

Abstained: None.

Absent: Councilperson Morris.

The following resolution, introduced by the Finance 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. 3-12-93

Municipal Budget of the Borough of Highland Park, County of Middlesex for the Year 2012

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012

BE IT FURTHER RESOLVED that said Budget be published in the Home News Tribune, Neptune, N.J. in the issue of March 9, 2012.

The governing Body of the Borough of Highland Park does hereby approve the following as the Budget for the year 2012:

General Appropriations

Appropriations Within "CAPS"

Municipal Purposes \$10,561,562.00

Appropriations Excluded from "CAPS"

Municipal Purposes 2,382,993.00

Reserve for Uncollected Taxes – Based on

Estimated 99+ Percent of Tax Collections 280,000.00

Total General Appropriations 13,224,555.00

Less: Anticipated Revenues Other Than Current

Property Tax 3,676,425.98

Difference: Amount to be Raised by Taxes

For Support of Municipal Budget:

Local Tax for Municipal Purposes Including

Reserve for Uncollected Taxes \$9,097,023.26

Water & Sewer Utility Operating Fund:

Total Water & Sewer Utility Revenues \$3,582,675.46

Total Water & Sewer Utility Appropriations \$3,582,675.46

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, on March 6, 2012.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on April 3, 2012 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF HIGHLAND PARK, "CHAPTER 380 TAXICABS," CONCERNING 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 Millet, seconded by Councilwoman Welkovits, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

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

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

On motion made by Councilman Millet, seconded by Councilwoman Welkovits, the ordinance entitled as above, being Ordinance No. 12-1831, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Morris.

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

No. 3-12-94

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," CONCERNING 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.

REGULAR MEETING – MARCH 6, 2012

The Clerk reported advertising an ordinance entitled, AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK, "CHAPTER 368, CONCERNING SIDEWALK REPAIRS for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

Ruth Bickhardt, 307 Magnolia Street, asked if raised sidewalks were a part of this ordinance. Council President Brill Mittler noted that this ordinance deals with the sidewalks on Raritan Avenue.

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

On motion made by Councilman Millet, seconded by Councilman Erickson, the ordinance entitled as above, being Ordinance No. 12-1832, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Morris.

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

No. 3-12-95

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK, "CHAPTER 368, CONCERNING SIDEWALK REPAIRS, 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.

Consent Agenda Resolution Nos. 3-12-96 through 3-12-106 were duly adopted on motion made by Councilman Millet, seconded by Councilman Erickson, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Morris.

Abstain: None.

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

No. 3-12-96

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 3/06/12, can be found in the Bills List Journal Book No. 31.

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

No. 3-12-97

BE IT RESOLVED that Highland Park Resolution No. 2-12-89 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 following schedule of proposed use of CDBG funds allocated to the Borough of Highland Park for the funding period 2012-2013 be and the same is hereby approved and a certified copy hereof be submitted to the Middlesex County Housing and Community Development Committee for their approval:

Main Street Highland Park - Awning and Façade Commercial Projects	\$10,644.00
Theatre Arts/ Comm. Therapy	1,065.00
Dept. of Community Services Senior In-Town Transportation Bus	7,096.00
Dept. of Community Services Senior Medical Transportation Bus	7,096.00
Dept. of Community Services Outreach Program	10,644.00
Dept. of Community Services Teen/Youth	7,096.00
HP Food Pantry – Freezer/Refrigerator	4,250.00
Dept. of Community Services Summer Camp	10,644.00
TOTAL	\$58,535.00

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

No. 3-12-98

WHEREAS, Dominick Genova, Arthur Lipson and George Valenta 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;

REGULAR MEETING – MARCH 6, 2012

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. 3-12-99

WHEREAS, George Valente and SHMBA LLC, AA Discount Taxi have filed with the Clerk of this Borough an application for an Owners License to operate taxicabs in this Borough under the provisions of the Ordinance providing for such license 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 that this Council hereby determined that said applicants are qualified and that public necessity and convenience would be served by the issuance of such Licenses.

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

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

No. 3-12-100

BE IT RESOLVED by the Borough Council of Highland Park of the Borough of Highland Park that the Fire Official is hereby authorized and directed to sign the contract agreement with Garden State Fireworks for the Fireworks Display to be held on Sunday, July 1, 2012.

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

No. 3-12-101

BE IT RESOLVED by the Borough Council of Highland Park of the Borough of Highland Park that the Borough Administrator shall be and is hereby authorized and directed to advertise for receipt of bids for the 2012 Spring Tree Planting Project for the Borough of Highland Park, said bids to be received at a date and time to be determined by the Borough Administrator.

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

No. 3-12-102

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of the Borough of Highland Park to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized the ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough of Highland Park hereby endorses the submission of the 2011 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Frank Troy to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

No. 3-12-103

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following shall be and is hereby appointed to serve as a Commissioner of the Highland Park Redevelopment Agency for a term to expire as indicated:

<u>Name</u>	<u>Term to Expire</u>
Padraic Millet	q January 2, 2014

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

No. 3-12-104

WHEREAS, the Borough of Highland Park is involved in Mount Laurel litigation involving two (2) sites proposed for development within the Borough; and

WHEREAS, the Borough Council has determined that specialized professional planning services are required o assist the Borough in connection with the defense of said litigations.

NOW, THERFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that an Agreement be executed between the Borough of Highland Park and Clarke, Caton & Hintz as referenced above.

REGULAR MEETING – MARCH 6, 2012

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

No. 3-12-105

WHEREAS, The Goldstein Partnership, the Project Architect for the renovation of the Public Safety Building, had heretofore submitted an invoice totaling the amount of \$58,019.18 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 \$58,019.18 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 Council as a Whole, was duly adopted as above:

No. 3-12-106

WHEREAS, the Borough of Highland Park pursuant to the provisions of the New Jersey Local Public Contracts Laws, N.J.S.A. 40A:11-1 et seq., Notice to Bidders was issued for a Toilet Addition at Maintenance Building; and

WHEREAS, fifteen (15) bids were received on February 16, 2012 for said work; and

WHEREAS, the Notice to Bidders did reserve to said Borough the ability to waive any informalities and accept any bid that in the Borough's judgment would be in the best interest of the Borough; and

WHEREAS, the Borough wishes to waive the request for alternate bids on premium color fixtures and seats; and

WHEREAS, the Borough Council has determined that the lowest responsible bidder is Hellos Construction, Inc.

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

1. The bid for Toilet Addition at Maintenance Building is hereby awarded to Helios Construction, Inc., 1321A Allenhurst Avenue, Ocean, New Jersey 07712 in the amount of eight-seven thousand (\$87,000.00) dollars.
2. The Mayor and Clerk are hereby authorized and directed to execute a Contract with Helios Construction, Inc. in this amount for said work.

On behalf of the Mayor, the Council President appointed the following Borough Professionals for 2012:

Borough Attorney	Edwin Schmierer, Esq.
Tax Appeal Attorney	Martin Allen, Esq.
Labor Attorney	Arthur Thibault, Esq.
Bond Counsel	Wilentz, Goldman & Spitzer
Borough Prosecutor	Patrick Bradshaw
Borough Engineer	David J. Samuel
Borough Planner	Allen Schectel
Borough Auditor	Andrew Hodulik
Public Defender	Francesco Taddeo

On behalf of the Mayor, the Council President appointed the following to serve as members of the Commission for Universal Access for terms to expire as indicated:

Ed Rockoff	March 2, 2015
Kim Kershaw	March 2, 2013
Timothy Stark, Alt #1	March 2, 2015

On behalf of the Mayor, the Council President appointed Susan Kadezabek to serve as a member of the Community Food Pantry for a term to expire December 31, 2012

On behalf of the Mayor, the Council President appointed the following to serve as members of the Council on Aging for terms to expire as indicated:

Irene Dworeck	April 1, 2014
Florence Hoffman	April 1, 2015
Selma Goldblatt	April 1, 2014
Lilas Saltiel	April 1, 2014
Loleta Mitchell	April 1, 2015
Gertrude Gerr, Alt. #1	April 1, 2014
Evelyn Katz, Alt. #2	April 1, 2014

The above appointments were confirmed 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, Welkovits.

Opposed: None.

Absent: Councilperson Morris.

On behalf of the Mayor, the Council President appointed the following to serve as members of the Environmental Commission for terms to expire as indicated:

Laurel Kornfeld	April 1, 2014
Jonathan Abrahams	April 1, 2015
Allan Williams, PB Rep	April 1, 2015

REGULAR MEETING – MARCH 6, 2012

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

Ruth Bickhardt, 307 Magnolia Street, commented that sidewalk slabs are lifted due to tree trunks and walking in the evening is hazardous. Councilman Erickson noted that people can apply to be part of the voluntary sidewalk program. Code Enforcement does investigations when there is a complaint about a particular property.

Lou Pichinson, 200 Jackson Avenue, asked about Councilman Millet speaking to the issues. He is sad, but happy for Lew Fishberg on his retirement as Chairman. He strongly encouraged the Council to recognize him. Council President Brill Mittler noted that they are going to recognize him and that he did a phenomenal job as Chairman and in grooming his successors. Mr. Pichinson thanked the Governing Body for hiring Special Counsel. He hopes that it gives them more of an opportunity to bring about reasonable development. He heard scuttlebutt around town about NIMBY attitude. Not too long ago Avalon Bay came with a plan that include for sale units. The process was deliberated by the Zoning Board for six months with 26 units per acre and went down to 15.8 units per acre. He implored the Governing Body to walk the site, especially now that the Pulte Development is there. He asked that they take a ride up Cedar Lane. It is 82 units on 12.65 acres which is less than 7 units per acre. That property is not adjacent to the railroad. Consider 20 units per acre that is proposed on rear parcel and 35 units per acre on the front parcel.

Karen Swaine, 55 Cleveland Avenue, asked whether anyone found out who would poll managers of existing garden apartments about affordable units. Councilman Millet noted that with the money they bonded for they are starting process of identifying rehab system. Difficult part is to identify owner occupied units. Ms. Swaine asked why someone can't call to find out how many vacant units there are. Councilwoman Welkovits noted that they are working on multi pronged approach. Certain programs are being created right now, not just rental apartments that can be converted, but also homes. Councilman Millet added that COAH obligation does not have anything to do with vacancy rate. Highland Park has to have a certified apartment and rehab it. Have to show that they are rehabbing low income units, which would be deed restricted for 10 years. A vacant apartment does not mitigate obligation.

Joseph Digiampaolo, 45 Cleveland Avenue, asked how many vacant apartments there are in Highland Park. Councilman Millet noted that they are 90% filled. Highland Park does not have a high vacancy rate. People want to live here because of close proximity to transit and hospitals. Councilwoman Foster-Dublin noted that vacancies for low income (section 8) housing have a waiting list and nothing has become available for the last 3 years.

Mimi Hickman Perfetti, 214 Cleveland Avenue, noted that the vacancy rate is listed in the 2010 census. Councilman Millet commented that it is useful information but does not address Mt. Laurel obligation. Council President Brill Mittler added that a Planner has just been hired who would address these concerns. Ms. Hickman Perfetti asked why Council doesn't know this information and why they didn't know this information 2 years ago. Highland Park is stuck in this situation because nobody followed up. Councilman Millet noted that it doesn't matter how many apartments we have. The Borough has an obligation to rehab 75 units. We are also in process of finding units to rehab. When Borough was sued under builder's remedy, the rehab obligation was small potatoes. The huge issue was the 100 new affordable housing units in place to build. Same issues would have had to be decided on such as traffic and density. Properties are not publicly owned. Since that time, 3rd round obligations have been put on hold and emphasis has switched to rehab. The Borough failed to meet challenges at that time, but the challenges are similar now. Ms. Hickman Perfetti commented that the Council needs to get educated about what needs to be done. Councilman Millet noted that the lawsuit will determine the number of units per acre and the number of units. Ms. Hickman Perfetti stated that she does not care about the property being built, but cares about the density. She drove thru the Pulte property and there is no room to turn around. They are talking about 3-4 story buildings and it will cause a lot of traffic. She has lived on Cleveland Avenue for 30 years. The ambulance company takes up all the parking. Council President Brill Mittler noted that the residents concerns are the Council's concerns.

Jeffrey Bowden, 35 Cleveland Avenue, asked for an update on the litigation. Borough Attorney noted that the matters are pending before Judge Paley in Superior Court. The Borough filed request to Court to dismiss lawsuit by River Road HP on the 10 acre site. Have to respond to River Road HP's request for summary judgment for 356 garden apartments by March 19th. They go to Court on March 30th in the afternoon and will hear cross motions. The Judge may issue opinion from the bench or orally at another date. Special Counsel Jeff Surenian is working with the Borough Attorney and the Borough Planner is working with Special Planner Phil Caton. Councilman Millet added that they want to finalize development issues on both properties but want to take that gun off the Mt. Laurel table. Trying to exclude that lawsuit as it has no direct bearing on American Properties lawsuit. Special Planner hired to review the issues and make sure all bases are covered in town.

Dominic Cerminaro, 244 Harrison Avenue, asked what the Special Planner is going to provide for this lawsuit. Borough Attorney noted that they will provide affordable housing compliance plan and realistically identify and construct new units. Need to convince the Court Master and the Judge that the Borough has a fully compliant affordable housing plan. Mr. Cerminaro asked if the objective is to focus on one site. Borough Attorney noted that they will look at entire Borough and come up with a plan. Mr. Cerminaro asked if Borough has taken position that they want to eliminate one of the sites for affordable housing. He also commented that with the vacancy rate and scarcity of developable land most affordable housing units will have to be on those sites. Councilman Millet disagreed and noted that there are a lot of units on the South Side of town. Borough Attorney noted that the Planner will go thru entire town to identify what might qualify for the plan. Units identified would have a 10 year deed restriction.

REGULAR MEETING – MARCH 6, 2012

Hadassah Geretz, 49 Cleveland Avenue, asked about the number of COAH units. Councilman Millet noted that there are 6 units at Irayna Court and 11 units at the Veteran's Housing. There are a lot of residential units on the South Side and there is a section on the North Side on the presidential register.

Mimi Hickman Perfetti, 214 Cleveland Avenue, indicated that the rehab units at the church have not been approved by COAH. Borough Attorney noted that they are in the process of getting deed restriction.

Lou Pichinson, 200 Jackson Avenue, asked what will happen on March 19th. Borough Attorney indicated that they are filing response to motion. Mr. Pichinson commented that the density question is being associated to affordable housing units. They are trying to ensure that all members of the Governing Body understand their responsibility and taking leverage away from the developers. Council President Brill Mittler commented that she hopes they understand that the Council spends hours per week dealing with this subject and different elements of this situation on the town's behalf. Mr. Pichinson noted that he wants Planner to address issue of vacancy rate. He referenced a letter to Karen Waldron from Ed Schmierer, specifically paragraph G, page 10. Borough has to decide on whether it is reasonable. He asked them to please remain diligent.

Tom, 324 Grant Avenue, asked if the traffic impact study is on the table. The cut thru traffic has a higher base line. He is curious if the Council is doing analysis of all cut thru traffic. Councilman Millet indicated that it is being looked at.

James Nichols, 232 Harrison Avenue, asked if other sites in the Borough are under discussion such as the Y property. Councilman Millet noted that an application will be coming before the Planning Board.

Hadassah Geretz, 49 Cleveland Avenue, commented that the traffic on Cleveland Avenue and Harrison Avenue is bad. Traffic is also bad on North 4th Avenue and it is difficult to turn onto Raritan Avenue at the light. Major concern of hers is the increase in cars on a daily basis.

Lou, 120 So. 1st Avenue, asked about Governor Christie repealing Mt. Laurel initiative. Borough Attorney noted that he did abolish the Council on Affordable Housing but it does not change the obligation. Lou asked if they are earmarking certain properties such as some apartments on Benner Street that are vacant. Councilman Millet noted that they met owner of that property but does not know what is going on. Dealing with private property and cannot mandate that.

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

There being no further business, on motion made by Councilman Millet, seconded by Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 8:29 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk