

REGULAR MEETING – MAY 1, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, May 1, 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, Foster-Dublin, Millet, Morris, Welkovits; Borough Attorney Schmierer; Borough Administrator Kovach; Borough Clerk Hullings.

Absent: Councilpersons Erickson.

On motion made by Councilman Millet seconded by Councilwoman Brill Mittler, the minutes of the Adjourned and Organization Meeting held on January 3, 2012 were approved as distributed by affirmative voice vote of all Councilpersons present, with Councilwoman Foster-Dublin abstaining.

Mayor Minkoff asked the Council members to present their reports.

Councilman Millet - No Report.

Councilwoman Foster-Dublin reported that the Highland Park 5K run will be held on May 20<sup>th</sup> with registration starting at 8AM and the race begins at 9AM. People who are participating are encouraged to bring food items to donate to the Food Pantry. On May 25<sup>th</sup> there will be a kite flying event held in Donaldson Park. Information is available on the Borough's website. The Independence Day Celebration will take place on July 1<sup>st</sup> in Donaldson Park. The event will begin at 3PM and fireworks are set to go off at 9:15PM. There will be a lot of activities in between.

Councilman Morris - No Report.

Councilwoman Welkovits thanked everyone for attending the Earth Day/Health Fair event. It was a great success. The 23<sup>rd</sup> Annual Street Fair will take place after the 5K race on May 20<sup>th</sup> from 11AM to 4PM.

Councilwoman Brill Mittler – No Report.

Borough Administrator – No Report.

Borough Attorney Schmierer provided update on Mt. Laurel case. The interim settlement agreement with River Road LLC is being reviewed by Mr. Caton. Motions due on May 11<sup>th</sup> have been withdrawn. Still have litigation going with American Properties and he has been in touch with them and will schedule a meeting with them in the near future.

Mayor Minkoff commented that they are cautiously pleased with where we are in our Mt. Laurel proceedings and are hopeful for more positive developments soon.

Mayor Minkoff opened the meeting for public discussion for a fifteen minute period and called upon all those wishing to speak to identify themselves. He will limit this session to the fifteen minutes as there is another session at the end of the meeting. He asked that people respect rules of order and limit their comments to five minutes. He also asked that they be recognized by the Chair and state their name and address for the record.

Keith Jaffe, 225 Raritan Avenue, spoke about the work being done on Raritan Avenue and the fact that there are cement blocks that are cracked and trees are dying because they have not yet been planted. He does not want to see taxpayer money being wasted. Need someone to keep an eye on the project. Mayor Minkoff indicated that a letter was sent last week to the Borough Engineer about this project and there are Borough staff involved monitoring the work. He is a frequent walker and has created a list of concerns and places where there might be issues. A number of the issues he raised have already been addressed. They will have weekly meetings going forward to review status of the project. The money for this project was from a Federal grant. The professionals are keenly aware of the issues and will have adequate means of redress with the contractor to complete the project satisfactorily. Mr. Jaffe asked when Raritan Avenue would be repaved. Mayor Minkoff noted that they have not received notification from DOT when that will occur. Mr. Jaffe spoke about the access from the old senior center lot being blocked off. It impacts usage of the handicapped parking spaces as there are none available on Raritan Avenue. He contacted Trenton and was told that there needs to be a certain percentage of handicapped spots. Chief Rizco to check with DOT.

Ruth Bickhardt, 307 Magnolia Street, spoke about garbage pickup in her neighborhood. There is an office building being converted to stores and there are social activities being held on the weekends. Garbage bags are put out on Saturday night and not picked up until the following Friday. They use the public receptacle on South 3<sup>rd</sup>. Mayor Minkoff noted that the Borough Administrator will address this issue with Councilman Erickson and the Department of Public Works. Councilwoman Brill Mittler will speak to the property owner for the Pomerantz building to make sure they notify the tenants of the rules and regulations for garbage pickup. Mrs. Bickhardt spoke about broken window in vacant building on North 3<sup>rd</sup> Avenue, the fact that she stubbed her toes walking because something was sticking up just beyond driveway of eye Center on North 3<sup>rd</sup> Avenue.

Lou Pinchinson, 200 Jackson Avenue, stated thank you, thank you, thank you.

Keith Jaffe, 225 Raritan Avenue, commented about the old Charlie B building and fact that heo was told by officials that the building is a problem and needs to be removed.

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

REGULAR MEETING – MAY 1, 2012

The Clerk reported advertising an ordinance entitled, BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 1810 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON MAY 3, 2011 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE RENOVATION OF THE PUBLIC SAFETY BUILDING, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE " B APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,809,523 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$2,900,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$2,761,904 TO FINANCE PART OF THE ADDITIONAL COSTS 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 Morris seconded by Councilman Millet, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

On motion made by Councilman Morris, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 12-1834, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilpersons Erickson.

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

No. 5-12-149

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 1810 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON MAY 3, 2011 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE RENOVATION OF THE PUBLIC SAFETY BUILDING, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE " B APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,809,523 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$2,900,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$2,761,904 TO FINANCE PART OF THE ADDITIONAL COSTS 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.

Consent Agenda Resolution Nos. 5-12-150 through 5-12-158 were duly adopted on motion made by Councilwoman Brill Mittler, seconded by Councilman Morris, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilpersons Erickson.

Abstain: None.

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

No. 5-12-150

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 5/1/12, 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. 5-12-151

WHEREAS, Robert Pacconi, Robert Jay Schickner and Brian Shutz, 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 Economic Development and Planning Committee, was duly adopted as above:

No. 5-12-152

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

REGULAR MEETING – MAY 1, 2012

WHEREAS, it appears from Pay Estimate No. 6, 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 \$106,399.47 in accordance with said Pay Estimate No. 6 for work performed from January 31, 2012 to April 20, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-801-200, in the amount of \$106,399.47, 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 \$106,399.47, as certified by the Borough Engineer in Pay Estimate No. 6, 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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 5-12-153

WHEREAS the Raritan River is a vital regional resource that sustains the communities in its watershed by maintaining water supply, providing habitat for wildlife, providing recreational and scenic benefits that contribute to both quality of life and the local economies, and which also has been a prominent feature in the culture and history of the region and the state; and

WHEREAS the Raritan River, after a century of environmental degradation due to massive pollution from industry and municipal sewage and waste disposal, has been restored to the point where natural systems are functioning and recreation is once again viable; and

WHEREAS removal of old dams and weirs along the Lower Raritan is now in process to further restore the recreational and ecological capacity of the river; and

WHEREAS communities along the Lower Raritan, which gradually abandoned river-oriented activities due to poor water quality and changes in manufacturing and transportation, now have a relatively low awareness of the river as a resource, and very few options for getting to, or into, the river; and

WHEREAS residents that see, experience and learn about the Raritan through river walks, kayaking, fishing, and river-oriented educational and recreational events, will be more likely to support continued efforts to restore and protect the river, through both government initiatives and individual behaviors; and

WHEREAS municipalities can contribute to increased awareness and stewardship of the Raritan through educational outreach and by providing safe and convenient access to the river, so that residents can experience it firsthand; and

WHEREAS the Association of NJ Environmental Commissions, in collaboration with Middlesex County Planning Department, Middlesex County Improvement Authority, Rutgers Sustainable Raritan River Initiative and the Raritan Riverkeeper, is conducting a Lower Raritan River Educational and Waterfront Awareness Project to increase awareness of and access to the Raritan through education and improved signage at access points.

NOW, THEREFORE, BE IT RESOLVED that on the 1<sup>st</sup> day of May, 2012, the Borough of Highland Park will participate in the Lower Raritan River Access Project by providing representatives to participate in project meetings (through August 2012) and participate in project activities such as distributing/posting educational materials about the Raritan and opportunities for river recreation and stewardship; investigating opportunities to provide improved access to the Raritan at locations within Highland Park ; and facilitating installation of signage, requested by the Environmental Commission and provided by the project, at access points within the municipality. No expenditure of municipal funds is required for participation in this project.

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

No. 5-12-154

WHEREAS, the School Budget for the School District of the Borough of Highland Park, in the County of Middlesex, New Jersey, was approved for the School Year 2012-2013:

Current Expenses	\$ 21,291,605.00
Debt Schedule	<u>2,056,929.00</u>
	\$ 23,348,534.00

and

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

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

January 1, 2012 to June 30, 2012	\$ 11,643,754.85
July 1, 2012 to December 31, 2012	<u>11,484,642.51</u>
Total school levy for the Year 2012	\$ 23,128,397.36

BE IT FURTHER RESOLVED that the aggregate sum of Twenty Three Million, One Hundred Twenty-Eight Thousand, Three Hundred Ninety-Seven Dollars and Thirty-Six Cents (\$23,128,397.36) be certified by the Borough Clerk to the Middlesex County Board of Taxation, the Board of Education of the School District of said Borough, the County Superintendent of Schools, and the Assessor of the Borough of Highland Park.

REGULAR MEETING – MAY 1, 2012

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

No. 5-12-155

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that approval is hereby given to Main Street Highland Park to hold their Arts Festival activities on September 30, 2012 from 9:00 AM to 6:00 PM; and

BE IT FURTHER RESOLVED that permission is hereby granted to the Highland Park Police Department to make application to the New Jersey Department of Transportation for a permit to close a portion of Raritan Avenue (Route #27) between 2nd and 5th Avenues on September 30, 2012 between 9:00 AM and 6:00 PM; and

BE IT FURTHER RESOLVED that Main Street Highland Park will work in close cooperation with the Highland Park Police Department to insure minimum inconvenience to Borough residents; and

BE IT FURTHER RESOLVED certified copies of this resolution be forwarded to Main Street Highland Park; Stephen Rizco, Chief of Police; Police Dept. Traffic Safety Bureau; Highland Park First Aid Squad Capt.; Jeff Morris, Emergency Management Coordinator; Donald Rish, Dept. of Public Works Supt..

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

No. 5-12-156

WHEREAS, the Police Department of the Borough of Highland Park is in need of a upgrade to their Enforsys Police System, as more fully described on the attached Purchase Requisition; and

WHEREAS, Enforsys Police Systems, Inc. is able to provide and install the necessary computer upgrade, including new server, and to provide 5 year annual maintenance commencing December 1, 2012; and

WHEREAS, funds are available for this purpose in Account No. C-04-55-811-211 in the amount of \$54,000.00, 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 Police Chief Stephen Rizco is hereby authorized and directed to purchase said upgrades for Enforsys Police System from Enforsys Police Systems, Inc., 200 Lanidex Plaza, Suite 2103, Parsippany, NJ 07054, at a net price of \$54,000.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Police Chief and Finance Director forthwith.

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

No. 5-12-157

WHEREAS, Guaranteed Motor Towing Service, New Brunswick, NJ, and LoganTowing, North Brunswick, NJ have filed with the Clerk of this Borough for a Wrecker/Towing License to operate heavy duty wreckers in this Borough under the provisions of the Ordinance providing for such license; 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 determines 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 be and is hereby authorized and directed to issue Heavy Duty Wrecker/Towing Licenses to the aforesaid applicants.

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

No. 5-12-158

WHEREAS, Lawrence and Lisa Taitel ("Taxpayer"), the owner of Block 147, Lot 9 on the Borough of Highland Park Tax Assessment Maps, commonly known as 63 Brookdale Court (the "Property"), filed an appeal of their 2011 tax assessment in the Tax Court of New Jersey, Docket No: 011348-2011; and

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

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

WHEREAS, the total tax assessment on the Property in 2011 was \$455,700 or an equalized value of \$1,222,700 ( $\$455,700/.3727$ ); and

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

WHEREAS, the Taxpayer presented an appraisal opinion of \$775,000; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal was negotiated which results in a reduction in the total tax assessment in 2011 to \$445,700 (an equalized value of \$1,195,900), application of the Freeze Act for the 2012 Tax Year, and subject to there being no sale of the property for more than \$435,700 divided by the 2013 Common Level Ratio for 2013, and there being no "change in the market value" (as that phrase has been interpreted under the Freeze Act), then the Borough Tax Assessor will set the 2013 total tax assessment at \$435,700 on the books, and, if that assessment is adjusted as agreed the parties, their successors and assigns, agree to waive any rights they may have to appeal the 2013 assessment; and

WHEREAS, the Taxpayer agrees to waive interest on any refunds; and

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

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

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

REGULAR MEETING – MAY 1, 2012

1. The Special Tax Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto relative to the tax appeal of Lawrence and Lisa Taitel (the "Taxpayer"), Docket No: 011348-2011, which settlement results in a reduction in the total tax assessment in 2011 to \$445,700, application of the Freeze Act for the 2012 Tax Year, and subject to there being no sale of the property for more than \$435,700 divided by the 2013 Common Level Ratio for 2013, and there being no "change in the market value" (as that phrase has been interpreted under the Freeze Act), then the Borough Tax Assessor will set the 2013 total tax assessment at \$435,700 on the books, and, if that assessment is adjusted as agreed the parties, their successors and assigns, agree to waive any rights they may have to appeal the 2013 assessment on Block 147, Lot 9; at the allocations between land and improvements reviewed and approved by the Borough Tax Assessor; which further provides that the Taxpayer waives interest.
2. The settlement outlined above shall be without prejudice to the Borough's dealings with any Borough's taxpayers' request for tax assessment reductions.

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

Keith Jaffe, 225 Raritan Avenue, made significant comments about the parking lot near Main Street Highland Park and the fact that it should be used as a community lot for all purposes.

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

There being no further business, on motion made by Councilman Millet, seconded by Councilman Morris, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 7:39 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk