

REGULAR MEETING – MAY 15, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, May 15, 2012 and was called to order by Mayor Minkoff at 7:15 PM. Mayor Minkoff read the Open Public Meetings Statement.

Present: Mayor Minkoff; Councilpersons Brill Mittler, Erickson, Foster-Dublin (7:30 PM), Millet, Welkovits; Borough Attorney Schmierer; Borough Administrator Kovach; Borough Clerk Hullings.

Absent: Councilperson Morris.

Main Street Minute was presented by Paul Lanaris. He noted that they finally moved and are now located at 212 Raritan Avenue. They plan on having a grand opening the first week of June. He invited everyone to come this weekend to participate in their Planting Day on Saturday, and the 5K Race and Street Fair on Sunday. Diane Feldman, Chairperson of the Commission for Universal Access commented about the streetscape project and the fact the new Main Street office is not handicapped accessible. She asked what is being done to address that issue and the fact that the grand opening will not be wheelchair accessible. Paul Lanaris noted that they are aware of the problem and they will address it. They are anticipating an outdoor arrangement for the grand opening. He will contact her when he knows something. Ms. Feldman also spoke about plantings along the side streets, particularly on South 4<sup>th</sup> Avenue. She has safety concern with the rain gardens. She was told the level of soil would be brought up to the level of the sidewalk so that nobody can fall as it is lower than the sidewalk. Paul Lanaris indicated that he received many phone calls about that issue but does not have an answer. He was supposed to meet with the Engineer and Contractor today but the meeting was cancelled. The matter is on their agenda for discussion. Mayor Minkoff as the Borough Administrator to look into the matter with the Engineer and Contractor.

Mayor Minkoff read the following statement:

"I would like to address 3 issues in my Mayor's report this evening. Before I leave this evening, I will be signing the interim settlement agreement between the Borough of Highland Park and River Road LLC, the developer of the approximately 10 acre site behind Cleveland and Jackson Avenues. This agreement is substantially the same as that which the Governing Body voted to approve at a special meeting several weeks ago. It calls for a total of 94 ownership units, in a combination of single family detached homes along Cleveland and Jackson, with the remainder in the form of townhome style or condominium low rise units. There will be 89 market rate units, and 5 affordable units on site, with the expectation that there will be direct access from this development via River Road. This will not be a gated community, and there may be some additional amenities in this neighborhood available for public use. We will have 60 days to rezone the property according to the interim settlement agreement and both parties are committed to a positive outcome in that process.

"The next thing I would like to discuss is the water main break which occurred on Saturday in the late afternoon/early evening. Please indulge me for a moment. First, I'd like to give you a little background on our water infrastructure, then discuss what happened, what we did and what's next. As a former Chair of our Public Works Committee, I am extremely familiar with our water and sewer infrastructure. In a word, it's old but functional. This Borough invested, about 10 years ago, approximately \$10 million dollars in water and sewer infrastructure upgrades, however there are simply some practical issues which remain very complicated and expensive challenges to address. One of these is the water main near Montgomery Street and Lawrence Avenue, which for a variety of reasons is particularly fragile. Governing Bodies have been dealing with this particular problem for years, if not generations. If the fix were easy or inexpensive, it would have been done long ago. However, as part of the waterline upgrade project, this particular section of our water main, notwithstanding this break, has been somewhat more stable with these improvements. As part of that process, we added a valve system which enables faster restoration of water throughout the community. The downside to this, if there is one, is that when we have a major break, as we did on Saturday, boiling water for consumption can sometimes be a necessity.

"Now, initially, there was a post on the Highland Park Facebook page that directed people to call the Police non-emergency number for information. You won't see a post like that again because our Police Department lines need to be open to address other potential issues. It's not that you should not call the Police; it's that so many people called the Police to get information that it could have created other complications. I take responsibility for allowing that post, but it should not have happened. In the future, if you don't have water service, and your neighbors don't, if you do not have an emergency, please try to avoid an immediate call to the Police unless you have an emergency. Had a 911 call come in, they might not have been able to field it on a timely basis.

"Without being overly specific, many things are happening when we first receive word of a water main break. Our Fire Department has mutual aid agreements to activate to enable a tanker truck to be rushed to Highland Park in case of a fire; our Water Department is dispatched to the scene to assess the damage, determine the scope of the break and begin the process of repair restoring water flow and appropriate pressure throughout the Borough. This is done in coordination with the private company that actually supplies our water. If necessary, our Emergency Management team is engaged to ensure that our first responders are aware of the situation and can assist us with communications. Members of the Governing Body, initially me and the Borough Council President are notified and provided with a status and we provide any appropriate direction in consultation with our professionals and outside experts, as necessary. The County Health Department comes to the scene and begins testing the water to determine if precautions, such as a Water Boil Advisory, are indicated. They make that decision and inform us and we are then required to notify residents utilizing a very specific set of guidelines.

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“So all of that was happening on Saturday afternoon so that we could then accurately communicate with you about what was happening and what to do about it. Do I wish we could do this faster? Yes. As you can see, there are many different aspects to this, some we control and some we do not. Our policy is to communicate accurate information as soon as we can and if someone has a bona fide emergency, we obviously need that person to dial 911. What I am saying is that we know you want and need timely information and it's our desire to give it to you as accurately and as quickly as possible.

“Currently we use the following mediate to communicate with you and these are evolving and being reviewed for additional capabilities as appropriate: Reverse 911 phone messaging system; HPTV; Nixle text message and email system; the Borough website. I am aware as many of you are that we were slow to update our site to reflect the water main break and water boil advisory. I apologize. We had a technical issue. We fixed it yesterday. We know what the problem is and I don't expect a similar problem in the future, so the website is a resource you can use, as well.

“We also notified The Home News, News 12, WCTX and the Star Ledger/NJ.com and NJ 101.5. Please realize that it is up to these media if they choose to share the information we release to them. It's been suggested that we utilize our Main Street Highland Park email list and we may well do that. We will use Facebook and possibly twitter in the future to communicate with you, but we are evolving with our communications tools and I want to be sure that we “get these things right”. One of my desires is to add a voicemail box which residents can use as a supplement to our other forms of communication which would allow us to provide you with the information you seek without necessarily creating a “traffic jam” on our phone lines.

“As you can tell from the message you've received over the past few days we will keep you updated even if we don't know anything more than simply providing a brief current status/situational reminder. The reason it took a few days to remove the advisory is because this was a particularly severe break and the County Health Department tests water samples daily and must ensure the safety of our water supply prior to removing the advisory.

“I have done a de-brief with our Administrator and appropriate department heads and told them that I believe that although I believe we did as good as we possibly could under the circumstances, that I would like them to further review how we deal with future situations like this with the appropriate Council Liaisons, our Office of Emergency Management and Department Heads to simulate power outages, major rain or snowstorms with fallen trees, and water main breaks the kind of naturally occurring conditions that can potentially wreak havoc on our utilities and identify additional opportunities for operational and communication improvements. So, in the process of continuous improvement I am glad to remind you that the water boil advisory has been lifted. Enjoy this most precious resource and we will continue looking at ways to enhance how we can even better anticipate and respond to and communicate urgent and emergent situations. If something like this occurs, we are committed to communicating with you as rapidly as possible once we have accurate information and any necessary special instructions.

“The last thing I would like to discuss is the application that will be before the Planning Board this Thursday evening. I have a number of comments I want to make, but let me start this way:

“1) Thank you for the many thoughtful and incisive messages you have shared with us and in particular with Councilman Millet and me. This is obviously a very important issue to our community so I want to dwell on this for a few minutes.

“2) I am happy to entertain public discussion on this issue, but have a few thoughts to be shared. The first is that this Governing Body does not have a role in the status of the application before the Planning Board so it's crucial that what you communicated to us be communicated to them. This is the forum where you must be “on the record” in the short term. They will be holding a public hearing on this matter this coming Thursday and from a practical perspective, they are the body that needs to address the safety/traffic or other concerns that are potential issues with this application.

“3) I would like to reserve comments on the 7-Eleven if you have them to the second of our two public discussions which will allow others who have other issues to bring to the Council to do so.

“4) When you address your comments on this issue, please address them to me and either I will answer or ask one of the members of the Governing Body or our Attorney to do so. The reason I am asking this is because Councilman Millet is a member of the Planning Board and I don't want him or for that matter any of the Governing Body members to make any comments which could later be deemed prejudicial by anyone which would create additional complications for the Planning Board without necessarily providing any benefits.

“5) By way of background only, not as endorsement, simply as an explanation, I am now going to ask our Borough Attorney a series of questions and make my report interactive:

“a) Under the Borough's current land use code, is this 7-Eleven a permitted use on the site in question? Answer: Yes.

“b) Is a gas station still a permitted use on this site? If tomorrow another gas retailer were interested they could open up shop without any modifications to the existing property? Answer: No.

“c) With an application pending on the site, is it true that we cannot amend the zoning/permitted uses of that property? What we did when we identified it as a property in need of redevelopment was to recognize that there were a combination of utilization, environmental and safety issues; by utilizing the redevelopment agency, our intent was to help alleviate as many of those concerns associated with developing the property as we could. I am not suggesting this was/is a perfect solution or that issues don't remain. That approach was taken to create a more specific approach to address the complexity of issues of properties like this one. I am neither endorsing nor criticizing the results; I am providing some added background information. Answer: No.

“d) As they are constituted are the Planning Board and Redevelopment Agencies independent bodies? We can appoint new members or commissioners, but we can't tell them how to act as independent bodies. Part of this communal conversation could include, is a redevelopment agency still a good fit for the community and what powers it would have etc. Answer: Yes.

“e) Do you know if 7-Eleven has been designated as a contingent redeveloper for the former Sunoco property and if so, does that confer any specific legal status for them? Does it allow the redevelopment agency to shop the property with other prospective parties for the time being? Answer: No.

“f) Can the Planning Board consider issues such as economic competition when evaluating an application? Answer: No.

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“g) Can the Borough regulate competition by imposing caps on the number of a particular type of business in town? Answer: No.

“4) This Governing Body is very sensitive to the desire for a broader and deeper discussion about what our downtown should look like and what we as a community envision for our Borough. Almost 10 years ago we went through this communal conversation as part of the review and update of our Master Plan. We established a Redevelopment Agency to help us market our downtown and as it looked like we had some interesting projects from external developers begin to come our way, the economy tanked and funding source evaporated. I know there are some of you who have written to say that’s changing. I don’t dispute that. I am just not certain that this Governing Body is positioned today to address the specifics of the particular 7-Eleven application that is the Planning Board’s role. It’s clear it’s time for a process of re-evaluation to begin. Candidly, the economic development committee of the Council had already begun some very conceptual discussions related to revisiting and re-envisioning our economic development and land use strategies so I am going to ask that Economic Development Committee of the Council to undertake a conversation with the Planning Board to develop a process that will enable a robust communal discussion of our land use that reflects where we are as a Borough and informs our economic development strategy. If we need professional facilitators to help us I believe that would be a wise investment that will pay dividends far into the future. It may be that some of the comments you wish to make now based on what I have shared might be more productive in that forum or feel free to make them now if you would like because that could also be beneficial, but it may be useful for that conversation to take place when we are best positioned to gather your feedback on these issues systematically and with the people present who can help us synthesize and develop an appropriate plan of action based on our collective input.

“5) I appreciate the issues of the risk this could pose to a local merchant. I invited the owner of BBBig to meet with me and explore creative ways we can support him and I did tell him that this is a delicate balance. However, since apparently the Borough cannot legally regulate competition in this way, this is not an attitude of resignation or disrespect to our local merchants, there may be practical limits on what the Governing Body can do with respect to particular applications.

“We recognize that there is a balance here. There are both issues of long-term strategy and shorter-term decision making and I look forward to the conversation on this particular issue that can help guide us as we navigate these sensitive and complex issues.

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that there will be a L.I.V.E. basketball game, Highland Park vs. Franklin, Thursday at the Highland Park High School. Spectators are asked to make a small contribution of \$5 or bring canned goods or non-perishable items. All proceeds to go to the Food Pantry and Ronald McDonald House.

Councilwoman Welkovits reported that at the Street Fair on May 20<sup>th</sup> they will kick off the Highland Park Home Improvement Program. There will be an informational meeting on May 24<sup>th</sup>. The HP Home Improvement Program has income guidelines and improvements go towards the Borough’s COAH obligations. The NJ Comfort Partners is through PSE&G for low income households. Brochures on these programs will be available at the Street Fair. These programs go hand in hand with the “It’s in our Power” Campaign. Guidelines for the program are dictated by State/County.

Councilman Millet thanked the neighborhood group for their involvement in the Cleveland Avenue matter. There is an interim agreement in place. Community involvement is one of the beauties of Highland Park and its political involvement.

Councilman Erickson - No Report

Councilwoman Brill Mittler commented that the Borough has completed negotiations with the Council 7 and PBA unions. She thanked the Borough Administrator, the Labor Counsel and the union members for their efforts. The Borough Administrator did a phenomenal job. She also noted that with having a business in town she has the advantage of having Highland Park High School students work for her as interns. She is working with DECA group who want to learn about business. Several of the teams were out in Utah for an international competition. One of the teams won 2<sup>nd</sup> prize. What a great job schools are doing, especially Highland Park High School and these students.

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.

Karina Wilkinson, 100 Lawrence Avenue, distributed information about food and water watch, including a report. She thanked the Governing Body, especially Susan Welkovits, Gayle Brill Mittler and Jon Erickson. They have more information available on their website.

Resident, Donaldson Street, asked if the 94 units were affordable units. Mayor Minkoff noted that 89 are market units and 5 units are affordable. Resident asked if the units were open to the public or just Highland Park residents. Borough Attorney noted that the units are open to the public.

David Hughes, 330 So. 3<sup>rd</sup> Avenue, commented about the Safe Water Drinking Act and the fact that there is a huge legal loophole.

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Diane Feldman, 409 North 4<sup>th</sup> Avenue, commented about sidewalks and the fact that people utilize the ramp when locking up their bicycles. She asked that bike racks be put in front of borough hall.

Connie Bongiovanni, 1623 Central Avenue, noted that two years ago she spoke to the Borough Administrator and was told that her section of Central Avenue would be paved. Also feels that on Central Avenue with primary school that there is not one speed hump. It is a dangerous situation. Borough Administrator noted when the Borough was first approached about Central Avenue they submitted application to DOT and it was rejected. This year it is the 1<sup>st</sup> street on the list. Have contacted Edison to do the work and some other roads. The problem with shared services is that the Borough is at their mercy and they tell us when they are ready. The Borough Administrator also has a list of the speed humps in town. The County of Middlesex will do paving for the Borough, but they do not do speed humps.

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

The Clerk reported that an ordinance entitled, AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF HIGHLAND PARK AND THE METHOD OF PAYMENT OF SUCH COMPENSATION", had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

On motion made by Councilwoman Brill Mittler, 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, Welkovits.

Opposed: None.

Absent: Councilperson Morris.

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

No. 5-12-160

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF HIGHLAND PARK AND THE METHOD OF PAYMENT OF SUCH COMPENSATION" has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Wednesday, June 6, 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.

On motion made by Councilman Millet, seconded by Councilwoman Brill Mittler, and carried by affirmative voice vote of all Councilpersons present, Resolution No. 5-12-171 was separated from the Consent Agenda.

Consent Agenda Resolution Nos. 5-12-161 through 5-12-176, except 5-12-171, 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, Welkovits.

Opposed: None.

Absent: Councilperson Morris.

Abstain: None.

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

No. 5-12-161

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 5/15/12, 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. 5-12-162

WHEREAS, Joseph Majoros, has 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 applicant and has reported favorably upon said application;

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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 applicant.

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

No. 5-12-163

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. 7, 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 \$107,188.88 in accordance with said Pay Estimate No. 7 for work performed from April 21, 2012 to May 8, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-801-200, in the amount of \$107,188.88, 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 \$107,188.88, as certified by the Borough Engineer in Pay Estimate No. 7, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary; and

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

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

No. 5-12-164

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Carl A. Taylor III shall be and is hereby appointed to serve as the Alternate Public Defender for the Borough of Highland Park, effective immediately, for a term to expire December 31, 2012, and to be compensated at the rate of \$175.00 per appearance.

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

No. 5-12-165

WHEREAS, Car Guys Auto Repair, Somerset, NJ, Coppa's Service Center & Towing, Inc., North Brunswick, NJ, Spartan Towing, Middlesex, NJ, and Majestic Towing & Transport, Inc., South Plainfield, 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 Finance Committee, was duly adopted as above:

No. 5-12-166

WHEREAS, the Borough of Highland Park has concluded negotiations with the Middlesex Council No. 7 New Jersey Civil Service Association (hereinafter known as Middlesex "Council 7"), on a Collective Bargaining Agreement for Calendar Years 2012 thru 2014;

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

1. The Mayor and Borough Council hereby approve the Collective Bargaining Agreement between the Borough and Council 7, which is attached hereto;
2. The Mayor and Borough Clerk are authorized and directed to execute and attest Collective Bargaining Agreement with Council 7, said Agreement in a form having been approved by the Borough Attorney;
3. The Borough Finance Department is authorized and directed to make payment of 2012 retroactive pay adjustments to members of Council 7, upon receipt and approval of formal Collective Bargaining Agreement, and adoption of the appropriate salary ordinance amendments, if necessary.

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

No. 5-12-167

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk is hereby authorized and directed to notify the Finance Director that the following are the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis:

Title	Name		2012	Longevity		2012 Total
			Base	%	Amount	Salary
Borough Administrator	Kathleen	Kovach	24,969.60			24,969.60
Administrative Secretary	Monica	Jackson	57,521.64			57,521.64
Communications	Monica	Jackson	5,000.00			5,000.00
Borough Clerk	Joan	Hullings	72,716.68	5%	2,500.00	75,216.68

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Title	Name		2012	Longevity		2012 Total
			Base	%	Amount	Salary
Finance Dir/CFO/Tax Collector	Kathleen	Kovach	108,790.14			108,790.14
Super of Public Works & Utility	Donald	Rish	97,338.78		2,500.00	99,838.78
Municipal Alliance Coordinator	Kim	Perkins	5,000.00			5,000.00
Deputy Borough Clerk	Erin	Martin	39,780.00			39,780.00
Municipal Court Administrator	Tracy	Horan	56,100.00			56,100.00
Tax Assessor	Thomas	Mancuso	37,790.45			37,790.45
Senior Program Coordinator	Kim	Perkins	43,786.27			43,786.27
Deputy Treasurer	Daphne	Marc	51,516.00			51,516.00
Deputy Tax & Utility Collector	Anita	Bansal	44,714.00	4%	1,350.00	46,064.00
Registrar of Vital Statistics	Joan	Hullings	2,500.00			2,500.00
Recycling Coordinator	Frank	Troy	1,684.00			1,684.00
Clean Communities Coordinator	Frank	Troy	1,000.00			1,000.00
Administrative Assistant	Joann	Kopetsky	51,516.00		1,350.00	52,866.00
Deputy Court Administrator	Linda	Simons	44,029.00			44,029.00
Principal Clerk Typist	Donna	Reff	43,344.00			43,344.00
Senior Clerk Typist	Karen	Valente	36,212.00			36,212.00
Violations Clerk	Margarita	Guzman	36,926.00			36,926.00
Public Safety Dispatcher	Karen	Connors	48,119.00			48,119.00
Public Safety Dispatcher	Janet	Marcik	48,119.00			48,119.00
Public Safety Dispatcher	Glenn	Seaboldt, Jr	48,119.00			48,119.00
Public Safety Dispatcher	Diane	Seaboldt	48,119.00			48,119.00
Bus Driver	Ella	Taliaferro	36,212.00	3%	1,086.36	37,298.36
Clerk Typist	Janet	Molina	36,926.00	4%	1,350.00	38,276.00
Records Clerk	Anne	Reff	36,926.00			36,926.00
Administrative Assistant	Linda	Monte	51,516.00		1,350.00	52,866.00
Finance Assistant	Anne	Stevens	44,714.00		1,350.00	46,064.00
Mstr Code Enforce/Housing Inspector	Diane	Reh	66,226.00		1,350.00	67,576.00
Mstr Code Enforce/Housing Inspector	Timothy	Coyle	38,635.00		783.00	39,418.00
Zoning Officer	Timothy	Coyle	27,591.00		567.00	28,158.00
Mstr Code Enforcement Officer	Douglas	Sipos	66,226.00			66,226.00
Recreation Coordinator	Andrea	Costas-Baay	44,217.00			44,217.00
Principal Clerk Typist	Tracy	Coman	42,658.00			42,658.00
Fire Official	Keith	Thedinga	71,918.69			71,918.69
Fire Inspector	Thomas	Abraham	45,150.24			45,150.24
Code Enforcement Officer	Scott	Luthman	58,535.23			58,535.23
Construction Official	Scott	Luthman	23,015.28			23,015.28
Building Subcode Official	Scott	Luthman	10,445.82			10,445.82
Capital Projects Manager	Scott	Luthman	10,000.00			10,000.00
Fire Subcode Official/Inspector	Dennis	Van de Mark	11,815.82			11,815.82
Plumbing Subcode Official/Inspector	Michael	Rossi	11,815.82			11,815.82
Electrical Subcode Official/Inspector	Patrick	Valente	11,815.82			11,815.82
Crossing Guard	Beverly	Robinson	9,925.00			9,925.00
Crossing Guard	Mary Ann	Kinsey	9,925.00			9,925.00
Crossing Guard	Nancy	Bernstein	9,925.00			9,925.00
Crossing Guard	Willis Ivan	Thomas	9,925.00			9,925.00
Crossing Guard	Lucille	Morris	9,925.00			9,925.00
Crossing Guard	Charlene	Rayside	9,504.00			9,504.00
Crossing Guard	Catherine	Ciorciari	9,504.00			9,504.00
Crossing Guard	Reva	Kaufman	9,504.00			9,504.00

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Highland Park following are the names of the officers and employees of he Borough of Highland Park whose salaries are on an hourly basis

Title	Name		2012	Longevity		2012 Total
			Hourly Rate	%	Amount	Hourly Rate
PT Medical Driver	Peter	Lorentz	15.57			15.57
Fire Inspector	Patrick	Keogh	21.98			21.98
Fire Inspector	Timothy	Langan	21.98			21.98
On-Call Firefighter	Hector	Malave	17.70			17.70
On-Call Firefighter	Timothy	Langan	17.70			17.70
On-Call Firefighter	Andrew	Berardo	17.70			17.70
On-Call Firefighter	John	Byrne	17.70			17.70
On-Call Firefighter	Michael	Kersey	17.70			17.70
On-Call Firefighter	Patrick	Keogh	17.70			17.70
On-Call Firefighter	Susan	Thiel	17.70			17.70
On-Call Firefighter	Norman	Shamy	17.70			17.70
On-Call Firefighter	Lawrence	Thiel Jr	17.70			17.70
Clean Communities	Joshua	Gainer	10.00			10.00
Casual Housing Inspector	Margaret	Brookes	16.53			16.53
Receptionist Senior Assistance	Maria	Austin	12.24			12.24

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

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

No. 5-12-168

WHEREAS, under the terms and conditions of the Public Contracts Law of the State of New Jersey, a municipality may purchase items without competitive bidding from a firm or corporation currently under contract with the State of New Jersey; and

WHEREAS the Highland Police Department needs to acquire certain radio equipment for the Patrol Division, said equipment as more fully described on the attached Purchase Requisition; and

WHEREAS, under State Contract Nos. A53753 & A53824, the Borough may purchase said equipment from Tactical Public Safety, West Berlin, NJ, at the State contract prices; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-220 in the amount of \$245,000.00, 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 the Chief of Police is hereby authorized and directed to purchase said radio equipment from Tactical Public Safety, 1036 Industrial Drive, West Berlin, NJ 08091 at a total price of \$245,000.00; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief of Police Stephen Rizco and Chief Financial Officer Kathleen Kovach forthwith.

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

No. 5-12-169

WHEREAS, Main Street Highland Park has requested permission to engage in merchandising fresh fruits, vegetables, and related products, more commonly known as a Farmers Market, on the public parking lot at 220 Raritan Avenue, Highland Park; and

WHEREAS, Main Street Highland Park has also requested permission to engage in an Artisan's Market on the public parking lot at 220 Raritan Avenue, Highland Park; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that approval is hereby given to Main Street Highland Park to conduct a Farmers Market and Artisan's Market, every Friday beginning at 11:00 a.m., commencing June 8<sup>th</sup> and continuing through mid November, 2012, on the public parking lot at 220 Raritan Avenue, Highland Park;

BE IT FURTHER RESOLVED that the Borough Council hereby waives the Transient Merchant permit fees for vendors who participate in this Farmers Market/Artisan's Market; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Main Street Highland Park, the Department of Public Works and the Highland Park Police Department.

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

No. 5-12-170

WHEREAS, the Borough wishes to sponsor the L.I.V.E. Event, a Charity Basketball Game to be held May 17, 2012 at the Highland Park High School; and

WHEREAS, the Borough wishes to charge \$5.00 admission fee at the door; and

WHEREAS, the Borough is asking the public to bring non-perishable food or goods to the event, with half of the items collected going to the Highland Park Food Pantry and the other half being donated to the Ronald McDonald House.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that they agree to sponsor the L.I.V.E. Event; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be furnished to the Highland Park Board of Education.

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

No. 5-12-172

WHEREAS, Highland Park's water supply comes partially from the Delaware River via the Delaware and Raritan Canal; and

WHEREAS, the Borough of Highland Park passed a resolution on May 17, 2011 in support of a statewide [and national] ban on fracking and banning the disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking; and ]

WHEREAS, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, there have been more than 1,000 documented cases of water contamination near fracking sites; some people who live near these sites can now light their drinking water on fire; and

WHEREAS, wastewater from fracking may contain radioactive elements and other toxic components and has been discharged into rivers that supply drinking water for millions; and

WHEREAS, use of these hydraulic fracturing mixes exposed air, aquifers and adjacent land and surface waters to the risk of contamination through spills and accidents, open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, Former President George W. Bush's EPA point person on water now admits fracking should never have been exempted from regulation; and

WHEREAS, New Jersey's Legislature and Governor have enacted a one-year moratorium on fracking set to expire in January of 2013; and

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WHEREAS, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking is strengthened by a US EPA report of fracking fluids in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using injection wells; and

WHEREAS, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracking process are known to contain toxic levels of contaminants, including unknown quantities of undisclosed chemical additives used in hydraulic fracturing fluid, as well as contaminants from sources underground; Benzene, naphthalene, formaldehyde, cadmium, mercury, arsenic, total dissolved solids, and radioactive material, such as radium, are among the known contaminants; and

WHEREAS, methods of treatment and disposal for fracking waste do not eliminate the risks that hydraulic fracturing wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts pose to human health and the environment; and

WHEREAS, S246/A567 is currently pending before the NJ Legislature, and would prohibit hydraulic fracturing in New Jersey; and

WHEREAS, A575/S253 is currently pending before the NJ Legislature, and would prohibit treatment, discharge, disposal, or storage of waste from hydraulic fracturing in New Jersey; and

WHEREAS, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act"), which is currently pending in Congress, would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking; and

WHEREAS, the BREATHE Act (Bringing Reductions to Energy's Airborne Toxic Health Effects Act) is currently pending before Congress and would close two gas and oil drilling exemptions which currently exist in the Clean Air Act for fracking; and

WHEREAS, the New Alternative Transportation to Give Americans Solutions ("NAT GAS Act") Act is currently pending before Congress and would create artificial demand for gas by providing billions of dollars in subsidies to the gas industry, further promoting fracking; and

WHEREAS, at least three pipelines, which will transport fracked gas, are expanding into NJ, passing through densely populated communities like Jersey City and environmentally sensitive areas in the NJ Highlands, encompassing protected land paid for and owned by the people of New Jersey to be preserved as open space to protect water resources; and

WHEREAS, historically 100% of US produced gas has been used domestically, and now 12% of US produced gas is being exported to international markets via liquefied natural gas (LNG) terminals; and

WHEREAS, previous decisions to halt the construction of LNG facilities in New Jersey and off our coast could be reversed to profit gas companies who can charge four times as much for gas in Europe as they can in the US; and

WHEREAS, the wise stewardship of our natural resources involves protection of Highland Park's air, water supplies and water resources for generations to come; and

WHEREAS, protection of Highland Park's air, water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 15<sup>th</sup> day of May, 2012, Highland Park supports a statewide and national ban on hydraulic fracturing for natural gas, banning the treatment, disposal and transport of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being used for fracking;

BE IT FURTHER RESOLVED, that Highland Park opposes the NATGAS Act; and

BE IT FURTHER RESOLVED, that Highland Park supports the FRAC Act; and

BE IT FURTHER RESOLVED that Highland Park supports the BREATHE Act; and

BE IF FURTHER RESOLVED that Highland Park opposes LNG facilities in New Jersey and off our coast; and

BE IT FURTHER RESOLVED that Highland Park will send a letter to our Congressional Representative and US Senators alerting them to our concerns with fracking and urging them to support a federal ban on fracking and co-sponsor the FRAC and BREATHE Acts and oppose the NATGAS Act; and

BE IT FURTHER RESOLVED that Highland Park will send a letter to our NJ Assembly and Senate members alerting them to our concerns with fracking and urging them to co-sponsor S246/A567 to prohibit hydraulic fracturing in New Jersey and A575/S253 to prohibit the treatment, discharge, disposal or storage of hydraulic fracturing waste in New Jersey;

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:  
No. 5-12-173

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor shall be and is hereby authorized to execute Agreement with the County of Middlesex for the "SkyWatch" Surveillance Platform, 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. 5-12-174

WHEREAS, the Borough of Highland Park has concluded negotiations with the Policeman's Benevolent Association (PBA) Local #64, on a Collective Bargaining Agreement for Calendar Years 2012 thru 2014;

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

- 1 The Mayor and Borough Council hereby approve the Collective Bargaining Agreement between the Borough and PBA Local #64, which is attached hereto;
- 2 The Mayor and Borough Clerk are authorized and directed to execute and attest Collective Bargaining Agreement with PBA Local #64, said Agreement in a form having been approved by the Borough Attorney;
- 3 The Borough Finance Department is authorized and directed to make payment of 2012 retroactive pay adjustments to members of the PBA Local #64, upon receipt and approval of formal Collective Bargaining Agreement, and adoption of the appropriate salary ordinance amendments, if necessary.



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The following resolution, introduced by the Finance Committee, was duly adopted as above:  
**No. 5-12-175**

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk is hereby authorized and directed to notify the Finance Director that the following are the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis:

Title	Name		2012	Longevity		2012 Total
			Base	%	Amount	Salary
Sergeant of Police	Joseph	Spezio	118,951.68		in base	118,951.68
Sergeant of Police	Jason	Culver	108,876.00	3%	3,266.28	112,142.28
Sergeant of Police	Jason	Culver	114,248.17	3%	3,427.45	117,675.62
Sergeant of Police	Thomas M	Hammill	114,248.17	3%	3,427.45	117,675.62
Sergeant of Police	Joseph	Olarra	118,779.49		in base	118,779.49
Police Officer	Theodore	Haas	110,351.32		in base	110,351.32
Police Officer	Adrienne	Karon	110,351.32		in base	110,351.32
Police Officer	Donald	Newton	105,989.85	3%	3,179.70	109,169.55
Police Officer	Derek	Wenskoski	105,989.85	3%	3,179.70	109,169.55
Police Officer	Ilan	Lancry	105,989.85	3%	3,179.70	109,169.55
Police Officer	Nicole	Young	105,989.85	2%	2,119.80	108,109.65
Police Officer	Richard	Abrams	105,989.85	2%	2,119.80	108,109.65
Police Officer	Theodore	Pardo	105,989.85	2%	2,119.80	108,109.65
Police Officer	Mohab	Hannout	105,989.85			105,989.85
Police Officer	Jose	Curbelo	105,989.85			105,989.85
Police Officer	Sean	Garley	69,793.84			78,842.10
Police Officer	Kevin	Garrity	105,989.85			105,989.85
Police Officer	Norman	Brown	105,989.85			105,989.85
Police Officer	Brian	O'Mara	91,780.71			91,780.71
Police Officer	Brian	O'Mara	105,989.85			105,989.85
Police Officer	John	Sachau, Jr	91,780.71			91,780.71
Police Officer	John	Sachau, Jr	105,989.85			105,989.85
Police Officer	David	Soden	91,780.71			91,780.71
Police Officer	David	Soden	105,989.85			105,989.85
Police Officer	Sean	McGraw	69,793.84			69,793.84
Police Officer	Sean	McGraw	69,793.84			78,842.10

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
**No. 5-12-176**

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:

GAETANO PALUMBO, JR., Police Officer, at an annual salary of \$40,643.00, effective May 31, 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.

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

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

Opposed: Councilperson Erickson.

Abstain: Councilperson Welkovits.

Absent: Councilperson Morris.

**No. 5-12-171**

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the Borough of Highland Park agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and

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- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the governing body of the Borough of Highland Park agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
  - The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
  - The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
    - The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
    - A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
      - A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
      - A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
      - A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
      - A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Borough of Highland Park strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

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NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highland Park, County of Middlesex, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the State Legislative District 18, State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

Abstain: None.

Absent: Councilperson Morris.

No. 5-12-177

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2012 in the sum of \$20,053.32, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$20,053.32 be and the same is hereby appropriated under the caption of:

2012 Clean Communities	\$20,053.32
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BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2012; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

Mayor Minkoff appointed Gary Potts to serve as a Regular Member of the Recreation Advisory Committee for a term to expire December 31, 2012.

On motion made by Councilwoman Welkovits, seconded by Councilman Millet, the above appointment was confirmed by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Morris.

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

Randy Solomon, 331 Felton Avenue, commented that he sent a letter expressing his opposition to the proposed 7-Eleven and wanted clarification of the Council's role in the process. The Municipal Land Use Law allows the Council to overturn decisions made by the Planning Board. He requested that the Council clarify their role and make it public. The Borough Attorney noted that the process moves to the Planning Board where they will hear the recommendations made by the Redevelopment Agency. Opponents of the plan should participate in that process, find out what decisions are made and then if they are still unhappy, then come back to the Council. The Borough Attorney also noted that case law does permit appeals of use variances, but it is not relevant in this case as it is a site plan application. If the application is approved, the Planning Board adopts a resolution, notice is published in the newspaper and then an appeal can be filed by a resident or the Governing Body within 45 days. Discussion about the gas station being abandoned and the possibility that the owners would like to return and reopen the gas station. Question was raised as to whether the underground tanks were removed. Mr. Solomon commented that a lot of the opposition, and his opposition is not about the use, but a site plan and design issue that goes against the intent of the Redevelopment Plan. It is an auto oriented design that was granted a number of variances by the Redevelopment Agency and they are seeking more variances from the Planning Board. Councilman Millet noted that a curb cut in an application is not a variance. The Redevelopment Plan calls for reduction in curb cuts, but not for the total elimination of curb cuts. Mayor Minkoff commented that the Redevelopment Agency meetings are properly noticed and the public was welcome to attend. Councilman Millet indicated that

Allan Williams, 319 Harrison Avenue, commented that the Sunoco site has been remediated. DEP has not yet approved the site, but the tanks were taken out.

David Hughes, 330 So. 3<sup>rd</sup> Avenue, noted that he served on the Pedestrian and Bicycle Safety Task Force. The Council listened to them about curb cuts on Raritan Avenue. With Sunoco closed, we have gotten rid of four curb cuts. Too many curb cuts are hazardous and it is incumbent upon the Planning Board to close those curb cuts and make them enter from South 2<sup>nd</sup> Avenue. He also

suggested making the curb cuts smaller to about the width of one car.

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Jenny Chapman, 123 Magnolia Street, commented that she wrote a letter to the Governing Body to make them aware of what is going on. There is an opposition to the proposed 7-Eleven. They have set up a forum and she invited the Governing Body to check it out.

Rob Scott, 25 So. 2<sup>nd</sup> Avenue, commented that he is opposed to the proposed development based on the fact that the design is car imposed. He is glad Sunoco is closed. The most unsafe places on Raritan Avenue are curb cuts and parking lots.

Mayor Minkoff commented that he appreciates all of the comments about the proposed 7-Eleven application and he urged them to make sure that they get all of their comments on the record for the Planning Board.

Rob Magaziner, 123 Magnolia Street, commented that his property is being developed at lower development. Current proposal is convenience store with offices above. Entrance is in parking lot. 14% of the area is being utilized and built upon. Design guidelines look for 3-4 story buildings and this is a 2-story building. Questioned why Redevelopment Agency courting something that goes against the design guidelines. Councilman Millet noted that part of the Redevelopment Plan is to improve properties. The opinion of the Redevelopment Agency is that this project improves the property over an abandoned site. It is not accessible from the 2<sup>nd</sup> floor and the offices will be used by 7-Eleven. Borough is in desperate need for new structures along Raritan Avenue. We might have a plan that works, but it does not work if nobody builds. This was the only person that has come close to this property in five years. Biggest concerns are the curb cuts. Councilwoman Brill Mittler noted that not everyone on the Council has the same opinion as Councilman Millet. This is going to be as difficult for the Council as it is for the residents. The Planning Board meeting is where opponents to the application will have the most impact.

Lanie Rockman, 201 So. 2<sup>nd</sup> Avenue, commented that she is glad to hear diverse opinions. She hopes that what she perceives as impatience does not lead to demise of up to three of our small businesses that have served so many. She does not want to see small business owners lose their livelihood because of this decision, a poor one in her opinion. She appreciates that the Mayor responded to her email. Mayor Minkoff noted that he invited the owner of B-B-Big to come see him. They cannot tell the Planning Board what to do as they are an independent body. Ms. Rockman commented that the elected officials will protect those who have been here all along, not just promote new businesses. She would like to see dialogue in the near future with the small business owners. They are the people that are threatened by this project. They have served her for so many years.

Randy Solomon, 331 Felton Avenue, commented that the Redevelopment Agency should be patient. Nothing has been built anywhere in the last five years. They should wait a little longer. Towns like Highland Park are losing out to urban sprawls.

Herb Gross, Adelaide Avenue, commented that the proposed 7-Eleven is going to be good for the tenants who live in the apartments. This 7-Eleven will be an asset to tenants. During winter months this will be an asset and he fully supports the owner and would like to see the project built.

Resident, 442 Cedar Avenue, noted that she sent information to the Mayor and Council. She loves franchises, but has concerns about storefront saturation and affects on other businesses.

Connie Bongiovanni, 1623 Central Avenue, commented that were a lot of things in Highland Park back in the day, such as miniature golf, movie theater, etc. It is hard to bring businesses into this town. Charlie Brown's was a big deal in this town. Need to have something like that again. Taxes are high and the town needs to bring in ratables. They should be fair and open minded.

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

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

No. 5-12-178

WHEREAS, the Mayor and Council are mindful of the right of the public to attend and witness meetings of governmental bodies at which public business is discussed, and to be involved in all phases of governmental action; and

WHEREAS, the Open Public Meetings Act nonetheless recognizes the authority of a public body to exclude the public from meetings in certain enumerated instances in which disclosure of matters discussed could endanger public safety, property or other public interest, or invade individual privacy; and

WHEREAS, as authorized by the Open Public Meetings Act, N.J.S.A. 10:4-12(B), the Mayor and Council have a need to meet in private session to discuss one matter affecting pending or anticipated litigation to which the public body may be party; matters within the attorney-client privilege.

BE IT RESOLVED that the Mayor and Council will meet in private session at 6:10 P.M. on May 15, 2012, to discuss the above mentioned items.

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public when no longer deemed confidential.

There being no further business, on motion made by Councilman Millet, seconded by Councilwoman Brill Mittler, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 8:57 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk