

REGULAR MEETING – JUNE 6, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Wednesday, June 6, 2012 and was called to order by Council President Brill Mittler at 7:10 PM. Council President Brill Mittler read the Open Public Meetings Statement.

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

Absent: Mayor Minkoff.

Chief Rizco noted that new Police Officer Gaetano Palumbo hails from Laurence Harbor, New Jersey. He graduated from Stockton College and attended the Monmouth County Police Academy. He was previously a Class 2 Officer in Long Branch, served as a Corrections Officer with Middlesex County, and was a Dispatcher for the Township of Holmdel. Chief Rizco is happy that he is joining the ranks of the Highland Park Police Department.

Council President Brill Mittler administered the Oath of Office and Allegiance to Police Officer Gaetano Palumbo.

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

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

No. 6-12-179

WHEREAS, the position of Police Officer became available due to retirement/promotions; and  
WHEREAS, Gaetano Palumbo, Jr. has applied for and is qualified to fill the position; and  
WHEREAS, the Public Safety Board recommends that Gaetano Palumbo, Jr. be hired as a Police Officer in the Highland Park Police Department;  
NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highland Park, that Gaetano Palumbo, Jr. be hired for the position of Police Officer in the Highland Park Police Department, effective May 31, 2012 at a base salary of \$40,643.00.

Council President Brill Mittler noted that it is not very often that we get to see the faces of the people who keep Highland Park safe. The Police Department does an amazing job on behalf of all the residents. She is thrilled to be able to commend some of those Police Officers. Chief Rizco thanked the Police Officers for their outstanding work. Tonight the Governing Body will be honoring five Police Officers for three different events. They will be presented with proclamations from the Governing Body and citations from the Police Department. The presentation of the commendations was done by Council President Brill Mittler, Councilman Jeff Morris, Chief Rizco, Capt. Golden & Lt. Panichella. The first commendation went to Detective Nicole Young and Detective John Sachau for their swift investigation and apprehension of a suspect in regard to vandalism on Raritan Avenue. The second commendation went to Lt. Gary Panichella and Officer Sean Garley for coming to the aid of a resident in need at a house fire. Linda Haasz, daughter of the fire victim, Rudolph Haasz, came to the meeting to personally thank both officers on behalf of their family and presented both of them with a plaque. The third commendation went to Officer Derek Wenskoski for his role in the apprehension of a robbery suspect.

Council President Brill Mittler noted that Mayor Minkoff received letter from Rabbi Schraeger Gross commending the Highland Park Police Department. Rabbi Pesach Raymon Yeshiva showered accolades on Sgt. Joseph Olarra and Officer Adrienne Karon for their assistance at a school outing in Johnson Park involving a suspicious individual.

On motion made by Councilwoman Foster-Dublin and seconded by Councilman Millet and carried by affirmative voice vote of all members present, the Council took a brief recess at 7:22 PM.

The meeting reconvened at 7:48 PM with all members previously in attendance still present.

Main Street Minute – None.

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

Councilwoman Foster-Dublin reported that the Spring Luncheon would be held on Monday. She also reported that the senior center has begun charging a nominal fee for participants to be able to utilize the senior center. The Independence Day Celebration will take place on July 1<sup>st</sup> in Donaldson Park. Borough Hall and the Senior Center are now closed on Fridays during the summer. There are extended hours Monday through Thursday.

Councilman Morris congratulated the Highland Park Police Department and all emergency service workers for their efforts. He also thanked Chief Rizco for instituting recognition events that are held twice a year.

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Councilwoman Welkovits reported that the Board of Health will be holding a free rabies clinic on Thursday from 7-9PM and Sunday from 10AM-12PM at the Public Works Garage. Dog and cat licenses will be available for purchase. The Housing Authority will be updating 90 kitchen ranges. Sheila Highsmith, Chairperson of the Human Relations Commission, was recently honored. Rabbi Hilsenrath will talk to Highland Park High School graduates about holocaust survivors. The Food Pantry gives out \$5 vouchers to be used at the Farmer's Market. The farmers donate leftover produce items to the Food Pantry at the end of the day. She thanked all her committees and their volunteers for their assistance. Lastly, she mentioned the Home Improvement and Energy Efficient Programs as well as the It's in Our Power Program. Information about the programs is available on the Borough's website and in Borough Hall.

Councilman Millet noted that he has decided to recuse himself from discussions and voting on the 7-Eleven application. He is not in violation of any ethical rules, but has decided to abstain from further discussions. He will still be a member of the Planning Board, but will not participate in the hearing on this application. The role of the Council is separate from that of the Planning Board. He can hear comments, but cannot give opinions on the matter. He commended all the first responders on the amazing job that they do.

Councilman Erickson noted that if residents would like a tree planted in front of their home they should contact the Department of Public Works. The Code Enforcement Department is going out and doing inspections of sidewalks and notifying those residents who need to make repairs. The Borough has a Sidewalk Improvement Program where the Borough goes out to bid and payments are made over a 5 year period. He participated in the It's In Our Power Program and had an energy audit done at his home. The cost for the audit is \$50 and he received a report detailing items that need to be addressed along with photos.

Borough Administrator noted that Resolution 6-12-190 authorizes the purchase of an energy efficient 2012 Ford Focus to close out the 2009 MCIA leasing program.

Borough Attorney Schmierer reported that there was a settlement conference with Judge Paley on June 4, 2012. There will be a telephone conference on June 12, 2012. There is a final settlement agreement with River Road HP. Work is now being done on concept plan and zoning ordinance.

Councilwoman Brill Mittler commented that Resolution 6-12-194 calls for reduction of performance bond for Overlook Project. This is a reduction in the bond and not an elimination of the bond. Borough still has sizeable bond until project is completed. She noted that any past elected officials can have opinions, but they are not the opinions of this Governing Body.

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

Jenny Chapman, 123 Magnolia Street, commented that she is opposed to the 7-Eleven project. She read letter from Jeffrey Aaron, 240 So. Adelaide Avenue. She also left a packet of information for each member of the Governing Body outlining their community concerns. The information included two articles, site criteria and an article on civic economics of retail. Borough Attorney noted that the redevelopment process began in the Borough of Highland Park in September, 2005 with the adoption of an ordinance. When anyone wants to rehab or build new, they start with the Redevelopment Agency that was appointed by the Governing Body as per the ordinance. They look at the design standards and guides set forth in the redevelopment plan. If the agency believes it has merit to go forward to the Planning Board, they vote to send it there. The Planning Board will hear the application for site plan approval. The Planning Board gets to make the call to see if it lines up with the redevelopment plan. If the Planning Board feels it does, they can approve it. If they feel some things should be changed, they can grant it or they can deny it. This matter is pending before the Planning Board. The information provided to the Governing Body should be shared with the Planning Board. They can provide testimony to the Planning Board about this matter and the Planning Board considers all testimony, deliberates and makes a decision. The Council has no real direct jurisdiction over this matter. Appeals of decisions are made to Superior Court. Ms. Chapman asked where they could obtain documentation about concessions made by the Redevelopment Agency. Borough Attorney noted that there should be minutes and recordings. Ms. Chapman asked if there is an ordinance that prohibits 24/7 operations. Borough Attorney indicated that the Planning Board could make the hours of operation a condition of approval. Ms. Chapman asked if the Redevelopment Agency conducted impact studies. Councilman Millet indicated that no impact studies were done.

Councilwoman Foster-Dublin left the meeting at 8:06 PM as she was not feeling well.

Karen Swaine, 55 Cleveland Avenue, asked about the makeup of the Redevelopment Agency. Councilman Millet noted that members are appointed by resolution of Council as per the Ordinance.

Fred Marchitto, 213 Karsey Street, commented about generic letter he received about sidewalk repairs and the threatening tone of the letter. The letter does not state what the problem is with the sidewalks. Borough Administrator advised that he could contact the Code Enforcement Department and have an Inspector come to his property to go over what needs to be improved. The notice indicated that residents had 60 days to apply for a zoning permit. The Borough of Highland Park is collecting names for a sidewalk improvement program. The Borough will go out to bid and try and get cheaper price. The Borough will assess the costs to participating residents and they can pay it over 5 y interest fee. e Residents also have option to fix their sidewalks on their own.

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Randy Solomon, 331 Felton Avenue, commented that the sidewalk program sounds great but wondered how residents can get the information. Borough Administrator noted that information has been sent out via Nixel and email. The information is also available on the Borough website. Mr. Solomon spoke about the plan in Our Power program and the energy audit. Sustainable Jersey is modeling a new action and if municipalities copy the Highland Park program they can get sustainable jersey points. He held workshops throughout the State where they are teaching other towns how to implement program. There are approximately 30 towns interested and he thanked Mayor Minkoff and the Council for doing this. Highland Park was the first town to do this and it was a leap of faith. He asked for clarification about information he received from Planning Board Attorney about what constitutes a variance before the Planning Board after going to the Redevelopment Agency. Borough Attorney noted that there are variances and design standards. The law defers to the Redevelopment Agency to comment or forward issues related to the design standards. The actual bulk requirements and permitted uses and regulations in the zoning ordinance are matters that only the Planning Board could vary. There are things that the Redevelopment Agency has jurisdiction over and the more significant black letter law is what the Planning Board has jurisdiction over. Councilman Millet noted that one of the issues before the Board is the side entrance that the Redevelopment Agency granted. Borough Attorney indicated that the side entrance is a design standard. If it was too close to Raritan Avenue it would be a variance. Mr. Solomon noted that he would make available information from the Brookings Institution about the value of walking and walkable communities for economic development, property values and retail sales. They have a system where they can score the walkability of a neighborhood. It is a 90 point scale and they noted that a 20 point increase in that scale results in an 80% increase in retail sales and similar increases in property values. When you go down in the scale there is a decrease in retail sales and property values. Things in the index include curb cuts, mixed use, consistency of design standards, and number of gaps in between businesses. When the 7-Eleven matter is over he and others are willing and able to work with the Borough to implement the redevelopment plan.

Council President Brill Mittler noted that she spoke with Mayor Minkoff earlier and they hope that everyone who has been vocal about this will be willing to supply their name and contact information. They are always looking for volunteers to help move the Borough forward.

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

The Clerk reported advertising 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" for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

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

On motion made by Councilman Erickson, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 12-1835, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Millet, Minkoff, Morris.

Opposed: None.

Absent: Councilwoman Foster-Dublin.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman Erickson, seconded by Councilman Millet, and carried by unanimous affirmative voice vote:  
No. 6-12-180

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the 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" 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. 5-12-181 through 5-12-196 were duly adopted on motion made by Councilman Millet, seconded by Councilman Erickson, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Millet, Morris, Welkovits.

Opposed: None.

Absent: Councilwoman Foster-Dublin.

Abstain: None.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 6-12-181

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.

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The bills approved for payment at this meeting, Bills List 6/06/12, 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. 6-12-182

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 | Jason | Culver | 108,876.00 | 3%        | 3,266.28 | 112,142.28 |
| Police Officer     | Sean  | Garley | 78,842.10  |           |          | 78,842.10  |

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

| Title               | Name    |            | 2012        | Longevity |        | 2012 Total  |
|---------------------|---------|------------|-------------|-----------|--------|-------------|
|                     |         |            | Hourly Rate | %         | Amount | Hourly Rate |
| On-Call Firefighter | Lester  | Rosenhouse | 17.70       |           |        | 17.70       |
| Foreman             | Francis | Troy       | 36.44       |           |        | 36.44       |

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. 6-12-183

WHEREAS, Joseph Consolo of 31 South 4<sup>th</sup> Avenue received an erroneous water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that there was an incorrect meter reading thereby causing the issuance of an erroneous water and sewer bill; and

WHEREAS, the Tax Collector recommends that this account be credited for the erroneous charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit in the amount of \$114.41 for the water and \$68.40 for sewer, for a total of \$182.81 to the account of Joseph Consolo, 31 South 4<sup>th</sup> Avenue.

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

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

No. 6-12-184

WHEREAS, the Department of Public Works obtained quotations for the 2012 Tree Planting Project; and

WHEREAS, two (2) quotes were received as follows:

| NAME                                   | AMOUNT     |
|--|------------|
| Silagy Landscaping, Inc.               | \$6,350.00 |
| Chestnut Arboricultural Forest Service | \$5,945.00 |

And

WHEREAS, after review by the Shade Tree Committee and Department of Public Works, the Borough Administrator has recommended that the contract be awarded to Chestnut Arboricultural Forest Service based on their low bid; and

WHEREAS, funds are available for tree planting in the amount of \$5,945.00 in Account No. T-12-56-806-100 upon adoption of the 2012 municipal budget, as reflected by the certification of funds by Chief Financial Officer Kathleen Kovach;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest a contract on behalf of the Borough with Chestnut Arboricultural Forest Service, P.O. Box 564, Old Bridge, NJ 08857, in the amount of \$5,945.00, for the planting of trees as listed in the contract, said contract to be in a form approved by the Borough Attorney.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 6-12-185

WHEREAS, John D. Anderson, 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;

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 License.

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 Finance Committee, was duly adopted as above:  
No. 6-12-186

WHEREAS, applications for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicants, and

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WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said applications are complete in all respects.
2. The applicants and the premises are qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to Title 33.
3. The applicants have disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
4. The Mayor and Council are of the opinion that said applications should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

PLENARY RETAIL CONSUMPTION LICENSES

H.P. Wine & Liquor, LLC., 97 Woodbridge Ave., WITH BROAD PACKAGE PRIVILEGE - 1207-32-003-006

Pad-Thai, Inc., d/b/a Pad Thai, 217 Raritan Ave. - 1207-33-005-004

Wilhelm & Young, Inc. d/b/a Park Pub, 180-182 Woodbridge Ave. - 1207-33-011-002

Come Starving Leave Spoiled, LLC., Inactive – 1207-33-004-007

PLENARY RETAIL DISTRIBUTION LICENSES

Rite Aid of New Jersey Inc. d/b/a Rite Aid, 332 Raritan Ave. – 1207-44-001-005

Briart Corporation d/b/a Pino's Fruit Basket Shoppe and Wine Cellars, 13 North 4th Ave. – 1207-44-006-008

New Athens Corner, Inc. t/a New Athens Corner, 28 Woodbridge Avenue – 1207-44-007-005

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2012 and shall expire June 30, 2013.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:  
No. 6-12-187

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 E-Waste Subsidy Program, 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. 6-12-188

WHEREAS, Raritan Valley Broadcasting received an extremely high water and sewer bill; and  
WHEREAS, it has been determined by the Highland Park Water & Sewer Department that there was an incorrect meter reading causing the issuance of an erroneous water and sewer bill; and  
WHEREAS, the Tax Collector recommends that this account be credited for the erroneous charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to account #20191300-0 of \$8,746.70 for water to the water and sewer account of Raritan Valley Broadcasting.

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 6-12-189

WHEREAS, Eric Lipton & Kristen Springer of 423 Denison Street received an extremely high water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the water meter malfunctioned thereby causing the issuance of an erroneous water and sewer bill; and

WHEREAS, the Tax Collector recommends that this account be credited for the erroneous charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to account #10070140-0 of \$790.47 for water and \$428.35 for sewer for a total amount of \$1,218.82 to the water and sewer account of Eric Lipton and Kristen Springer of 423 Denison Street.

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 6-12-190

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 Borough Council is desirous of purchasing one 2012 Ford Focus S, as more fully described on the attached purchase order; and

WHEREAS, under State Contract No. A78757 the Borough may purchase said vehicle from Malouf Ford, North Brunswick, New Jersey at the State Contract price of \$13,071.00; and

WHEREAS, funding for this purpose is available in the amount of \$13,071.00, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator be and is hereby authorized and directed to arrange for the purchase and delivery of one 2012 Ford Focus S from Malouf Ford, North Brunswick, New Jersey at a total cost of \$13,071.00; and

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

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

No. 6-12-191

WHEREAS, the following have posted Road Opening Performance Bonds in the amounts indicated for various projects as indicated below:

| <u>ACCOUNT NO.</u> | <u>NAME</u>   | <u>AMOUNT</u> | <u>PROJECT DESCRIPTION</u> |
|--------------------|---|---------------|----------------------------|
| T-12-56-832-039    | John Modla<br>11 Longview Drive<br>Holmdel NJ 07733 | \$500.00      | 7 Alcazar Street           |

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director shall be and is hereby authorized and directed to remit to the above the amounts indicated, the same being the amount of refund due for return of performance bond for the Road Opening Permits referenced.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Director of Code Enforcement and the Finance Director forthwith.

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

No. 6-12-192

WHEREAS, pursuant to Resolution No. 3-12-106, adopted by the Borough Council on March 6, 2012, a contract was awarded to Helios Construction, Inc., Ocean, NJ, for Toilet Addition at Maintenance Building; and

WHEREAS, it appears from Pay Estimate No. 1, filed by the Capital Project Coordinator that certain work under said contract has been completed and approved, and there is due to Helios Construction, Inc. the sum of \$26,865.00 in accordance with said Pay Estimate No. 1 for work performed from March 6, 2012 to May 15, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-701-215 in the amount of \$26,865.00, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay to Helios Construction, Inc. the sum of \$26,865.00, as certified by the Capital Project Coordinator in Pay Estimate No. 1, 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 Capital Project Coordinator forthwith.

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

No. 6-12-193

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.

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

No. 6-12-194

WHEREAS, on May 17, 2010, Overlook at Highland Park, Pulte Homes, heretofore posted with the Borough of Highland Park a surety performance bond, No. 1034844, issued by Lexon Insurance Company in the amount of \$2,865,330.18 and a cash surety bond (check #0080224340) in the amount of \$1,370,000.00, for a total amount of \$4,235,330.18, in connection with a site plan application on the property known as Block 190, Lots 4 and 4.01, also known as the Cenacle Property, in the Borough of Highland Park; and

WHEREAS, the developer for the referenced project had requested that the performance bond be released and pursuant to Resolution No. 3-11-91, said performance bond was reduced by \$1,353,996.00 to \$2,881,334.18 as per the recommendation of the Borough Engineer; and

WHEREAS, the developer for the referenced project has again requested that the performance bond be released; and

WHEREAS, the Borough Engineer has inspected the site and in a letter dated April 24, 2012, has recommended that the bond be further reduced by \$874,594.14 down to \$2,006,740.04;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that subject to payment of all current inspection fees together with any other outstanding Borough fees, the performance bond heretofore posted may be reduced to \$955,110.06; and

BE IT FURTHER RESOLVED that no further reduction of this bond will be approved until all work covered by same is satisfactorily completed.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Engineer, the Construction Official and Over Look @ Highland Park (Pulte Homes).

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

No. 6-12-195

WHEREAS, The Goldstein Partnership, the Project Architect for the renovation of the Public Safety Building, had heretofore submitted an invoice totaling the amount of \$57,703.71 for services in connection with the said project; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director shall be and hereby authorized and directed to issue payment in the amount of \$57,703.71 to The Goldstein Partnership, for architectural services in connection with the renovation of the Public Safety Building; and

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

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

No. 6-12-196

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. 8, 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 \$44,824.07 in accordance with said Pay Estimate No. 8 for work performed from May 8, 2012 to June 5, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-801-200, in the amount of \$44,824.07, 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 \$44,824.07, as certified by the Borough Engineer in Pay Estimate No. 8, 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.

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

Larry Perfetti, 214 Cleveland Avenue, commented that he has concerns about the Illuminating Experience lot. He asked whether Mr. Surenian was still involved. Borough Attorney indicated that Mr. Surenian is still working with the Borough. Mr. Perfetti noted that he knows Judge Paley wants to wrap this matter up, but he is concerned with what is ahead, specifically the numbers on the table. He asked whether study has been done by American Properties about feasibility of plan they are proposing. Borough Attorney noted that concept plan was presented at public meeting held at center. The program has changed from that time and the numbers have gone down but he is not at liberty to share them at this time during negotiation process. The Judge did express that he wants to retire in September and would like to clean up his calendar. He encouraged both parties to continue to work it out. If they cannot reach settlement he would like to schedule the matter. Mr. Surenian would handle the matter should it go trial.

Eileen Pichinson, 200 Jackson Avenue, commented that on June 25, 2010 before River Road filed their lawsuit, American Properties proposed 138 owner occupied townhomes with 28 COAH affordable housing units or 18.33 units per acre. Subsequent to the River Road settlement which was 9 owner occupied units per acre, American Properties brought to the table a new plan calling for 158 units or 20.8 units per acre. Prior to River Road it had been asserted again and again that density owner occupied was not doable because of market conditions. This opinion pre-dominated even in the face of the Pulte project just across the track which is 6.5 units per acre. The River Road proposal of 9 units per acre certainly has debunked the state of the market rationale. Please remember that Highland Park spoke through its Board of Adjustment when it overwhelmingly rejected the Avalon Bay project of 15.8 owner occupied units per acre on the exact same parcel of land. Why is it that American Properties isn't listening to the voices of the people of Highland Park? Further, why are they negotiating with eyes and ears closed? Is it because of the inflated asking price of the parcel or is it simply the greed on their behalf or the owner of the land, Bernie Gross, who received tax abatements from Highland Park. Please support the need for low density and not the greed of the developers.

Rob Roslewicz, 123 Magnolia Street, asked about 30% condition required to be part of the sidewalk program. Borough Administrator encouraged him to submit application anyway. Mr. Roslewicz asked how he could obtain information from the Planning Board. Borough Attorney advised that he can file an OPRA request. Direct requests can be made to the Board Secretary.



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Mary Curran, 6 Cleveland Avenue, commented that she is in agreement with previous comments made by her neighbors. She feels like they have been frozen out in talks about this development and wanted to know how they could be heard. Borough Attorney advised that the decision to settle or not is made by the Borough Council. There has been give and take back and forth about number of units. If Borough were to reach closure process would be followed like River Road HP. Interim agreement would be drafted and then there can be input.

Marilyn Rhein, 120 Lawrence Avenue, asked whether impact study and traffic studies have been done. Borough Attorney noted that traffic studies have been done and they are posted on the borough's website. The Borough's Engineer has reviewed all of the traffic reports.

Karen Swaine, 55 Cleveland Avenue, asked if there was an updated traffic study done. She also asked why citizen traffic study was not taken into consideration. Borough Attorney indicated that the Borough Engineer does have that study and it is mentioned in their report.

Larry Perfetti, 214 Cleveland Avenue, asked if impact studies would be conducted as they move forward in negotiations. Borough Attorney noted that they have retained Phil Caton as the Special Planner for this matter. He can point out impact of this development on the Borough and can take a look at income that would be generated and make projection on number of kids that would be added to present to the Court Master and the Judge. Mr. Perfetti expressed his displeasure with the Court Master and asked whether she could be removed. Borough Attorney noted that the Borough did not appoint the Court Master and they do not have the right to go to the Judge to ask that she be fired.

Matt Hersch, Felton Avenue, indicated that he received a notice from Code Enforcement about his sidewalk. Registering in the Borough program lifts the 60 day deadline. Two mature pin oaks are causing the problem with his sidewalk.

Bobbi, 442 Cedar Avenue, asked whether 7-Eleven is a 24 hour operation. Borough Attorney directed her to the Planning Board for that information. She asked whether noise and traffic were considered by the Redevelopment Agency. Councilman Millet commented that it was the opinion of the Redevelopment Agency that this plan would be beneficial. There was no specific discussion about hours of operation. Bobbi submitted information from the Dept. of Justice on convenience store robberies, parking, etc. Council President advised that the information should be provided to the Planning Board.

Jenny Chapman, 123 Magnolia Street, asked about submitting information to the Planning Board and whether or not it could be sent by email. Borough Attorney noted that information has to be presented via live testimony. The other side has to be able to ask questions. They should gather all materials and have some present it during the public portion. It does not good sending emails around or to send information to the Board Secretary. It is a quasi judicial proceeding and they need to be able to ask questions of objectors.

Sam (BBBig Mart), 14 So. 2<sup>nd</sup> Avenue, commented that matter has been going on for last 2 years. He was never approached by the Redevelopment Agency about how they feel about the project. Council President Brill Mittler asked about procedure to follow for notification of surrounding properties. Borough Attorney indicated that the notification occurs at the Planning Board level, properties within 200'. This does not prevent anyone from around town from going to Planning Board meeting. They have done statutorily what is required per the Municipal Land Use Law. Sam asked how cleanup works with the DEP. Borough Attorney noted that there is a whole protocol for cleaning up gas stations. NJDEP is in charge of that. The tanks are pulled out, the soil is tested and information is sent to the State. Monitoring wells are usually put in..

Allan Williams, 319 Harrison Avenue, commented that the remediation is virtually complete. They expect to issue okay in September or October.

Larry Perfetti, 214 Cleveland Avenue, commented that the tree at 215 Cleveland Avenue is in need of removal.

Jenny Chapman, 123 Magnolia Street, commented that Highland Park is 60% rental. Only sending letters to homeowner is an inadequate way to inform the public. Discussion about the Municipal Land Use Law process regarding notification.

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 Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 9:04 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk