

REGULAR MEETING – JULY 3, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, July 3, 2012 and was called to order by Mayor Minkoff at 7:16 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

Absent: None.

Main Street Minute – No report.

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that the Arts Commission and the Highland Park Arts Conservative is working on “Project Owls”. Different types of owls will be on display throughout town as part of the streetscape project from 2nd Avenue to 5th Avenue. Some of the owls will be displayed at Borough Hall and the Senior Center. Official placement dates to be announced. The Senior Prom was held last week and she received a letter from one of the seniors about how wonderful it was. The Police Department comes out to serve and dance with the residents. Lastly, she reported about Pinwheels for Peace Project that was brought to her by a teacher from the Bartle School. They plan to make pinwheels and place them around town on September 11th for a day of peace with no wars.

Councilwoman Welkovits reported that the Food Pantry will be reintroducing the Farmer’s Market Voucher Program. Applications are available at the senior center. Vouchers will be distributed on July 10th. The Housing Authority Executive Director from Sayreville has ended their shared service agreement and a new agreement was reached with the Executive Director from Woodbridge. Lastly she reported that procedures are in place for notification to residents about spraying for mosquitoes.

Councilman Millet reported that he had a wonderful time at the fireworks event. This event happened because a lot of people helped out from various towns/agencies. He thanked all those who volunteered and he complimented the local talent that played at the event.

Councilman Erickson - No report.

Councilwoman Brill Mittler commented about the number of residents who have email accounts and the fact they can sign up for Nixle and/or the E-newsletter. Residents who have not yet signed up for alerts are missing out on great opportunities. She thanked Matt Hersh and Monica Jackson for their efforts. The first E-newsletter came out on July 2nd. It is available on the Borough’s website. Borough Administrator advised that forms to sign up for Nixle alerts are available at the Borough Clerk’s office. Council President Brill Mittler urged residents to fill out the form to be able to get the E-newsletter delivered to them.

Mayor Minkoff commented that the fireworks were terrific. He thanked everyone who organized the event as well as the City of New Brunswick. He gave special thanks to Councilwoman Foster-Dublin for coordinating this event. He announced that Councilman Jeff Morris has resigned from the Council and they regretfully accept his resignation. He thanked him for his service to the Borough over the last six years. Later, the Council will interview Council candidates and select his replacement. The streetscape project appears to be moving along. Benches have been installed, receptacles are in place and damaged concrete pads have been repaired. The rain gardens have been installed and fencing is slated to be put in place. PSE&G is working on the lighting boxes in the living room areas. The planters are due in soon and another planting day will be scheduled. The NJDOT completed paving of Raritan Avenue from 2nd Avenue to 5th Avenue. They will be back soon to mark out the parking spaces and complete striping. He read the following letter:

“Recently, inspectors from the Borough of Highland Park, at the direction of the Governing Body, began a community-wide sidewalk inspection program. The program was in response to mounting complaints from residents who suggested that numerous sidewalks were in disrepair, and potentially unsafe. Rather than “target” individual property owners, we chose to conduct a comprehensive inspection since it was clear that numerous sidewalks were in need of repair. To date, this inspection has identified over 800 sidewalks in need of repair-including some Council members’ properties-which leaves us with the impression that our infrastructure upgrade was long overdue. Highland Park is a walking community, which means we must be sensitive to the safe needs of all our residents.

“I have served on the Governing Body for approximately 10 years and candidly sidewalk maintenance and related issues are one of the most challenging issues and controversial issues we are asked to address. During my tenure, I have had countless conversations with residents because they were broken or raised, and who simply cannot understand how Highland Park can describe itself as a “walking and accessible town” when we have such poorly maintained sidewalks. Many property owners have experienced frustration, if not resentment, that the Borough enforces its ordinance requiring property owners to maintain their sidewalks. Additionally, poor sidewalk conditions compound our safety problems; pedestrians then choose to walk in the street, which creates yet another hazard.

“I would be the first to admit that the notices we initially issued were unclear. I cannot take back that initial correspondence. However, we have revised the notice to provide more detail about the inspection process and repair options, and I am personally monitoring the timeliness of our follow-up to questions. Additionally, the reasons the Borough utilizes a town-wide sidewalk improvement program is NOT to enrich a contractor, it’s for property owner convenience and affordability. The Borough also does not earn any money (we don’t “add an administrative markup”) from the sidewalk improvement program; it would not be legal or ethical to do so and we are not seeking to “profit” in any way from these inspections. Moreover, there is a misperception that we have already selected a sidewalk repair contractor for the Borough’s sidewalk improvement program or that we have a “preferred provider” of those currently performing work individually for property owners. Neither of these are true. We are still accepting interest

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applications, so we have not even begun the process of selecting a contractor yet and no contractor is “favored” by the Borough. Property owners are free to choose any sidewalk repair contractor with whom they feel they can reach an agreement that meets their needs.

“To the extent that sidewalk repairs can be time consuming and possibly an unplanned (and perhaps burdensome) expense, I am sympathetic. I also appreciate the concerns that “trees may be compounding the problems”. For the future, we can ask our Council Committee on Public Works to explore how to manage the balance of the benefits of our thousands of shade trees with their impact on sidewalk safety. Further, if our communications or inspection process induced some confusion, hopefully our follow-up efforts to clarify will suffice.

“However, as currently written, our ordinance and accompanying code standard is clear; property owners in Highland Park have a responsibility to maintain their sidewalks so that they are safe and accessible. That’s it. No other “agenda” is at work here. Additionally, regarding the “constitutionality” of our sidewalk ordinance and our ability to enforce it, Highland Park’s sidewalk ordinance has actually been challenged in a case that was heard in Superior Court; and the Court upheld our ordinance. Thus, be assured we are not violating any civil or constitutional rights in mandating that property owners maintain their sidewalks as required by the ordinance.

“We recognize that the economy is not great and that this is a challenging time financially for many, and this is why we view the “Sidewalk Improvement Program” as a convenient and affordable alternative to hiring a private contractor. It provides property owners with added time and flexibility to help cushion any potential meaningful financial impact associated with these repairs.

“Participation in the Borough’s program is completely optional; however repairing a sidewalk violation is not optional. Once the town is notified of a hazard, or once we identify a hazard, it must be addressed. So, any resident may engage a private contractor to ensure that their sidewalks are repaired. This process requires a zoning permit (for which there is no charge) so that we can inspect the repairs upon completion to ensure they comply with appropriate ordinances and ADA standards. Whether you decide to hire a contractor to help you with this through our program, or on your own, is totally up to you. All we ask is that within 60 days of receipt of a notice of an unsafe sidewalk condition, that you either, complete and file an interest form for potential participation in the Borough’s sidewalk improvement program (available from the Borough Clerk or on our website, www.hpboro.com), or file a zoning permit indicating your intent to make the repairs. Either approach is your confirmation that there is a potentially unsafe condition to be remediated; you are not required to have the sidewalk fixed in that same 60 day period. The following page provides further details about the Borough’s sidewalk improvement program.

“We appreciate your cooperation as we work together to continue making Highland Park a safe, accessible and walkable community. If you have additional questions or concerns; please contact Scott Luthman, Director of Code Enforcement at 732-819-3795 or email him at sluthman@hpboro.com. You might imagine that he is a little busy right now addressing questions related to the program but we have asked him to maintain a 24-48 hour response time. If that does not happen, please contact our Borough Administrator, Kathy Kovach, at kkovach@hpboro.com or 732-819-3780 and she will be glad to assist you”

Borough Administrator – No Report.

Borough Attorney Waterbury - No Report.

Mayor Minkoff commented that the Governing Body met in Executive Session with the Special Master and their Professionals. They shared their concerns and will follow up with her within the next two weeks. Before he opened the meeting for public discussion, he noted that there are probably four categories that residents would be addressing: (1) 7-Eleven; (2) Cleveland Avenue; (3) Sidewalks; and (4) all other matters. He asked that the first public comment session be dedicated to those residents who have comments in the all other matters category.

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

Phyllis Goldstein, 30 So. Adelaide Avenue, commented that a considerable percentage of the population in Highland Park is at a disadvantage with the newsletter only being offered via e-mail. She suggested that copies be made available at the Library. Mayor Minkoff noted that copies would be made available at Borough Hall, the Library, the Senior Center and the Housing Authority.

Matt Hersh, Felton Avenue, commented that he is Chair of the Communications Committee. He is sensitive to people not having e-mail. They intend to work with local retailers to make the newsletter more accessible. This is a work in progress and any feedback should be sent to Monica Jackson. They intend to issue the newsletter twice a month.

Ed Thomas, 115 Alcazar Avenue, asked that the Governing Body improve their noise ordinances. There are two in place. The Board of Health ordinance addresses his concerns better. He discussed the ordinance with the Police Department and they can enforce it. The ordinance is not clear about excessive noise during the daytime. One should be able to get away from noise in their own home. He noted that a rock band will be playing in his neighborhood on Saturday. He thinks it is wrong to allow this to happen. He also noted that he lives 10 blocks away from the high school and can hear them announcing the football games. He objects to this and was told that nothing could be done until after 10PM.

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Lou Pichinson, 200 Jackson Avenue, commented that he received a leaflet and got feedback that the language was inappropriate and that their group was speaking out against renters. He and his wife and the organization they are involved with are not anti-rental. For this particular parcel of land they would prefer to see owner occupied units. He asked for status update on negotiations and whether or not American Properties lowered their density. Mayor Minkoff advised that he cannot speak to that. Borough Attorney noted that there is no pressure from the Special Master to conclude the matter as long as progress is being made.

Karen Swaine, 55 Cleveland Avenue, asked if Honeywell received letter from the DEP. Councilman Millet noted that nothing can be built without it and they have to go through Planning Board phase. The Borough cannot negotiate that requirement away.

J. Knight, 47 Cleveland Avenue, commented that the Council should remember what is in the best interest of this town for that parcel as well as for 7-Eleven. He appreciates that the Council is trying and will do the best for the town.

Israel Botnick, 309 Harrison Avenue, commented that there was a presentation a couple of months ago and they were going to build for sale units. He asked if that was still true. Councilman Millet commented that if a developer comes for approvals, the Borough cannot dictate rental vs. ownership. They can negotiate it in a contract. Mayor Minkoff added that the only way to get that from River Road was through a settlement agreement. Mr. Botnick commented that the public presentation was for sale units and now it has changed and he does not remember being notified. Mayor Minkoff indicated that they are not allowed to discuss certain items as per the Judge. Mr. Botnick believes they should make a subsequent presentation. Councilman Millet noted that if they reach an interim agreement, it will be made public.

Lois Lebbing, No. 2nd Avenue, commented that a 1 bedroom/1 bath unit at Illuminating Experiences sight would go for \$269,000. The Highlander has the same type of unit for \$100,000 less. She plans to boycott 7-Eleven and Century 21. Mayor Minkoff noted that the approval for 7-Eleven was from the Redevelopment Agency. They have not yet received approval from the Planning Board yet as it is still an active application.

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

Consent Agenda Resolution Nos. 5-12-200 through 5-12-214 were duly adopted on motion made by Councilman Millet, seconded by Councilman Erickson, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

Abstain: None.

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

No. 7-12-200

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 7/03/12, 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. 7-12-201

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:

Gary Potts, Councilman, at an annual salary of \$4,239.00, effective July 3, 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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 7-12-202

WHEREAS, the Borough of Highland Park has a need to repave Montgomery Street; and

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

J. Fletcher Creamer & Son, Inc. \$7,865.00

and

WHEREAS, funds for this purpose are available for this purpose in Account No. C-04-55-803-315 in an amount not to exceed \$7,865.00 without further resolution of Council, 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 Borough Engineer is hereby authorized and directed to arrange for said repairs from J. Fletcher Creamer & Son, Inc. 101 East Broadway Hackensack, NJ 07601, at a total price of \$7,865.00; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Engineer, forthwith.

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The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 7-12-203

WHEREAS, Shaukat Bhatti and Getachew Korme, have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2012; and

WHEREAS, the Chief of Police has investigated said applicants and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicants are 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 applicants.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 7-12-204

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2012 taxes for the period set opposite for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>PERIOD</u>	<u>AMOUNT TO BE REMITTED</u>
137	16.01	Lea Kambitsis 28 No. 8 th Ave Highland Park, NJ 08904	2nd Qtr.	\$21.54

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

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 7-12-205

WHEREAS, the Borough of Highland Park Fire Department, desires to apply for and obtain a grant from FEMA in the amount of \$7,050.00 for assistance to Firefighters;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Fire Official is hereby authorized and directed to make application for the grant, on behalf of the Borough, to FEMA; and

BE IT FURTHER RESOLVED that if such a grant is approved, the Borough Council will provide a local match of 5% from Account No. G-02-08-MAT-210.

The following resolution, introduced by the Recreation and Arts Committee, was duly adopted as above:
No. 7-12-206

WHEREAS, the Borough of Highland Park desires to apply for and obtain a 2013 Municipal Alliance Grant from the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor is hereby authorized and directed to execute the application for the 2013 Municipal Alliance Grant on behalf of the Borough to Middlesex County;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Director of the Department of Community Services.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 7-12-207

WHEREAS, bids were duly advertised for and received on June 19, 2012 for the Police and Fire Station Renovation – Asbestos Removal; and

WHEREAS, two (3) bids were received as follows:

<u>NAME</u>	<u>BID AMOUNT</u>
Savic Construction Corp. Totowa, NJ	\$97,800.00
D&S Abatement, Inc. Totowa, NJ	\$175,000.00
MTM Metro Corp. Paterson, NJ	\$182,000.00

WHEREAS, the Director of Code Enforcement has reviewed said bids and recommended that a contract be awarded to Savic Construction Corp. based on their bid of \$97,800.00 and compliance with specifications; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-220 in the amount of \$97,800.00, as reflected by the Certification of Funds Available by Finance Director Kathleen Kovach, shown below; and

WHEREAS, the Mayor and Council are of the opinion that said bid should be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk shall be and are hereby authorized and directed to execute a contract on behalf of said Borough with Savic Construction Corp. 205 Route 46, Suite 15, Totowa, NJ 07512, for the Police and Fire Station Renovation – Asbestos Removal for the total amount of \$97,800.00, said contract to be in a form approved by the Borough Attorney.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted as above:
No. 7-12-208

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor shall be and is hereby authorized and directed to execute an Agreement with CGP&H for administration of the Borough's Housing Rehabilitation Program Phase II, said Agreement to be in a form approved by the Borough Attorney.

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

No. 7-12-209

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, in an amount not to exceed \$2,165,095.00; and

WHEREAS, pursuant to said resolution a contract was duly executed; and

WHEREAS, the Borough Engineer has prepared the attached Change Order No. 1 to the said contract to allow the adjustment of the contract quantities to reflect the actual field conditions and the additional work outlined that was not anticipated at the time that plans and specifications were prepared for no additional cost; and

WHEREAS, the Borough Council has reviewed the proposed Change Order for this contract and has approved the same;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Mayor Gary Minkoff be and is hereby authorized and directed to execute Change Order No. 1, dated June 28, 2012 to the contract of Conquest Industries, LLC.; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Engineer, Conquest Industries, LLC., and the Finance Director forthwith.

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

No. 7-12-210

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. 9, 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 \$238,024.68 in accordance with said Pay Estimate No. 9 for work performed from June 5, 2012 to June 28, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-801-200, in the amount of \$238,024.68, 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 \$238,024.68, as certified by the Borough Engineer in Pay Estimate No. 9, 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 Council as a Whole, was duly adopted as above:

No. 7-12-211

WHEREAS, application 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 applicant, and

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 application is complete in all respects, including submission of the club member list.
2. The officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The club maintains all records required by N.J.A.C. 13:2-8.8. (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursements).
4. The Mayor and Council are of the opinion that said application 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:

CLUB LICENSES

The White Mountains Cretans Fraternity, 1152-1154 Raritan Avenue - 1207-31-012-002

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 Recreation and Arts Committee, was duly adopted as above:

No. 7-12-212

WHEREAS, the Arts Commission of the Borough of Highland Park has come up with a plan for the placement of "Pinwheels for Peace" at various locations; and

WHEREAS, these "Pinwheels" shall be placed at Borough Hall, the Senior/Youth Recreation Center, the Highland Park Public Library and along Raritan Avenue and Woodbridge Avenue as per the attached plan and as approved by Main Street Highland Park;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Highland Park, that the Arts Commission Project be approved.

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BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Arts Commission and Main Street Highland Park.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 7-12-213

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

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 and consistent with 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

Arta, LLC. d/b/a The Italian Bistro, 441 Raritan Ave. – 1207-33-010-009

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 7-12-214

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. 2, 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 \$20,250.00 in accordance with said Pay Estimate No. 2 for work performed from May 15, 2012 to June 19, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-701-215 in the amount of \$20,250.00, 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 \$20,250.00, as certified by the Capital Project Coordinator in Pay Estimate No. 2, 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.

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

Karen Swaine, 55 Cleveland Avenue, commented that she sent e-mail to Scott Luthman, Don Rish, the Environmental Commission and the Shade Tree Advisory Committee about the sidewalk letter and the fact that the wording is not as clear as it should be. Homeowners who hire their own contractors should be made aware that if they do their own repairs and a healthy tree is injured, they should be held responsible. If tree or tree root is involved, they should be made aware of issue. Code Enforcement Director noted that applicants are told to mark down if tree is involved. They need to contact DPW to schedule root evaluation. Mayor Minkoff commented that he has been made aware that there are contractors representing themselves as being involved with the Borough. These contractors have been contacted and were told that it is a misrepresentation and misleading and they need to stop or they will not work in Highland Park. When the Borough marks out a sidewalk, it flags contractors that work needs to be done and they contact the homeowners. Councilman Millet added that if you are doing the work yourself, you need to get a permit so that you can obtain all the appropriate information.

Ellen Mohn, 240 Wayne Street, noted that her concerns about the sidewalk issue are threefold. She received a letter like a lot of residents from Mr. Luthman that their sidewalk was in violation and it further said that no patching or leveling would be allowed. She read the Ordinance No. 941 plus the section 368-14 et. seq. There is clearly defined standard in there about what constitutes an unsafe sidewalk. She contacted Mr. Luthman about two weeks ago and left message asking for that information and did not get a response. Her concern with the ordinance is that there is some vagueness about the enforceability of it. Second, when she read the ordinance there was no prohibition against patching or leveling. She is at a loss about how the town can enforce that sort of thing. Where she lives on Wayne Street between No. 2nd and No. 3rd. she took a quick survey on her way home by bicycle from the train station this evening. There are 46 patches on the road in one block. It is routinely done as she has lived there for 23 years. She has never had a problem with the patching and she thinks it is a reasonable and

economical and perfect response for holes in the street. She does not think a street needs to be repaved every time there is a hole there. She is at a loss to understand both because there is no language in the ordinance that prohibits patching and because of the Borough's own conduct why patching would not be an acceptable situation. I think that there could be a possibility of reasonable standards promulgated that would allow residents to patch their sidewalks economically and safely. The third concern she has is that while we all want this to be a safe walking town there are certainly aesthetic concerns and environmental concerns. Her concern for the trees is as follows: She grew up in a small town in Northern New Jersey called Woodridge which is about the size of Highland Park with old trees and they suffered through a similar problem of sidewalks being uprooted. The town at that time did come in and do some root grinding and within a couple of years of the root grinding a storm blew through. The tree was so unstable and it did fall, fortunately in the driveway and totaled two cars. She would be concerned with messing with the roots of old trees. She has an old oak tree in front of her house and she does not see an uprooting problem on her sidewalk but would be concerned about doing anything about that for safety reasons. Mayor Minkoff commented that the Borough is trying to adhere to a 24-48 hour response time and he apologized for the Borough's lack of response. Code Enforcement Director commented that the biggest problem with patching is that there is not a product out there that he knows of that lasts for more than a year. If the patching pops during cold weather season, it could not be fixed until warmer weather and the tripping hazard would exist over an extended period. Patching in the street is different. Ms. Mohn commented that we should try patching before we assert that it won't last. Mayor Minkoff commented that patching is not considered as permanently stable. The Borough can look at that aspect of the ordinance based on materials available. The Borough has tightened the ordinance with regard to paving. If a contractor has a legal ability to come in and dig up street they are now required to replace it with what was there or better. The Borough recently purchased a hotbox to use instead of doing cold patching of roads. The Borough is working with the Library and the Public Schools to repair sidewalks along with Borough properties. Supt. of Public Works noted that as far as root grinding goes, they have a contractor come out and do an evaluation on the roots. He is a certified arborist and takes very good care of the Borough's trees. It is his decision as to whether the roots can be ground, if the tree has to be removed or if the sidewalk can be re-routed around the tree. Borough Administrator noted that the Borough has met with the Shade Tree Advisory Committee and the Tree Contractor to discuss other ways to save trees and to protect trees. Do not want roots ground down that would make trees unstable. Code Enforcement Director indicated that the design standard for sidewalks is set by the State of NJ for replacement or installation. Borough Attorney noted that the validity of the ordinance was already upheld by the Supreme Court. A lot of times with safety, it is an Engineering question. The fact that there are not specific criteria does not invalidate the ordinance. Code Enforcement Director noted that they considered a 1/2" raised sidewalk as a tripping hazard. They went out and strictly looked for tripping hazards. Ms. Mohn thanked him for that information but still asserted the issues are not that clear for a homeowner and they would need more guidance to understand why their sidewalks are unsafe and to remediate it. Mayor Minkoff will have Public Works Committee take a look at this issue. Ms. Mohn commented that the white patches in the roads look like they have held up very well and have been there for years and she is surprised that there are no leveling agents the borough feels would be effective. She hopes that would all be considered so that it stops the running of the 60 days for people who are seeking more information from the borough or challenging it. Mayor Minkoff clarified that the 60 days is not for the repairs, but to get zoning permit or to put in interest application for sidewalk program.

Marilyn Reich, 324 Lincoln Avenue, commented that the trees are uplifting her sidewalks. She had her sidewalks repaired in 2007. There is a big issue in town with so many diseased trees. There are properties that have trees very close to the sidewalks on their properties. She asked what the Borough and the Shade Tree Committee are doing about this. Karen Swaine, STAC member, noted that there are proper ways to report problem trees. Residents should contact the Department of Public Works, email someone on STAC, or go to Borough Hall and let them know. The Shade Tree members are volunteers, not experts. There are a lot of trees all over town that need attention and they do receive grant money. Council President Brill Mittler suggested providing information to Matt Hersh so that it can be put in the E-newsletter. Mayor Minkoff noted that there are 3,000+ trees in town and only 50-100 are trimmed each year.

Ruth Bickhardt, 307 Magnolia Street, commented that she received a notice of a problem with her sidewalk and it has been repaired. She has reported on hedges covering major portions of sidewalks on more than one occasion and those issues have not been tended to. She asked if that is considered part of safe walking. Code Enforcement Director noted that they gave out 1,200 sidewalk violations. Mayor Minkoff advised that they decided to focus on tripping hazards first and will look at hedges and fences next. Ms. Bickhardt commented that she has been waiting for 8 years for this issue to be addressed. She also noted that a tree was planted in front of her house against her wishes.

Lou Pichinson, 200 Jackson Avenue, commented that he is a retired letter carrier and has walked almost every sidewalk in town. He understands the difficulty of public administration, having served on Council. What is being done by the Borough is highly commendable. They took on a tough issue. The challenge exists to administer the problem in an even and fair fashion. His notice of non compliance was followed by a contractor knocking on their door to provide an estimate. He notified the Mayor and got feedback from the Code Enforcement Director. The Borough has the lowest staffing of municipal employees that they have ever had. He encouraged the Council to take this matter on squarely and react courageously.

REGULAR MEETING – JULY 3, 2012

Lois Lebbing, No. 2nd Avenue, commented that in the 5th paragraph of the letter the Mayor read and sent out did not contain a citation. She wanted to know the citation number, the year and what street it was. Mayor Minkoff noted that they would get the citation and provide her with the information. Councilman Millet added that any court the ordinance has gone before has approved it and none have rejected it. Ms. Lebbing commented that the Borough should read N.J.S.A. 40:65-14. She referenced that there is a residential exception in the 2012/2013 update. She mentioned that years ago both Helmetta and Jamesburg replaced their sidewalks as it falls under the ADA. She also noted that the sidewalks in front of people's homes are not on their property. She asked if the sidewalks are indeed private property why can't the sidewalks be removed and grass planted. She is an advocate for people with disabilities. She provided copies of the homeowner's exception to the Governing Body.

Steve Urow, 41 Highland Avenue, commented that there is no doubt sidewalks are a problem, but he finds it ironic and it seems excessive to cite ½" problems. He is environmentally oriented and does not want to dig up a cement pad to put in another pad.

Randi Solomon, 331 Felton Avenue, commented that Sustainable Jersey is investigating rubberized pavers. He encouraged the Borough to do the same. It is a more sustainable option. He asked if that is something that will be considered by Borough's contractor. Mayor Minkoff noted that they have not explored that option as they are still in the inspection mode. They will need to go out to bid. He asked if the information can be provided to the Borough so that they can share it with the Engineer to include as part of the bid spec. Mr. Solomon noted that sidewalks were repaired in his area, but curb cuts were not put in

Jane Rein, 47 Cleveland Avenue, asked what candidates they would be interviewing for the vacant Council seat. Mayor Minkoff noted that they are Matt Hersh, Gary Potts and Robert Roesener.

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 Councilman Millet, seconded by Councilwoman Brill Mittler, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Foster-Dublin

No. 7-12-215

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 Personnel matters concerning the employment, appointment, evaluation, promotion or termination of a public officer or employee;

BE IT RESOLVED that the Mayor and Council will meet in private session at 9:15PM to discuss the above mentioned items.

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

The meeting reconvened at 10:35 PM with all members previously in attendance still present with the exception of Councilwoman Foster-Dublin who left the meeting at 8:55pm.

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

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

Opposed: None.

Absent: Councilperson Foster-Dublin

No. 7-12-216

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that due to the resignation of Councilman Jeffrey Morris, Gary Potts is hereby appointed to fill an unexpired term on Borough Council, which term expires January 1, 2013.

Mayor Minkoff administered the Oath of Office to new Councilman, Gary Potts.

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, Erickson, Millet, Potts, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin

No. 7-12-217

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Resolution No. 1 -08-03 adopted by said Council on January 3, 2012, shall be and is hereby amended to read as follows:

REGULAR MEETING – JULY 3, 2012

“BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Standing Committees of said Council for the year 2012 shall be and are hereby established as follows:

RECREATION AND ARTS	Councilpersons POTTS, Brill Mittler, Foster-Dublin.
ECONOMIC DEVELOPMENT & PLANNING	Councilpersons BRILL MITTLER, Millet, Welkovits.
FINANCE	Councilpersons ERICKSON, Welkovits, Brill Mittler.
HEALTH AND HUMAN SERVICES	Councilpersons WELKOVITS, Erickson, Potts.
PUBLIC SAFETY	Councilpersons FOSTER-DUBLIN, Potts, Millet.
PUBLIC WORKS & PUBLIC UTILITIES	Councilpersons MILLET, Foster-Dublin, Erickson.

BE IT FURTHER RESOLVED that the first Councilpersons listed above for each Committee shall serve as Chair of that Committee.”

The following resolution, introduced by the Council as a Whole, was 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, Millet, Potts, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin

No. 7-12-217a

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 matters 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 10:45 PM to discuss the above mentioned items.

BE IT FURTHER RESOLVED that 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 Executive Session at 10:40 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk