

## REGULAR MEETING – SEPTEMBER 4, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, September 14, 2012 and was called to order by Mayor Minkoff at 7:17 PM. Mayor Minkoff read the Open Public Meetings Statement.

Present: Mayor Minkoff; Councilpersons Brill Mittler, Erickson, Millet, Potts, Welkovits; Borough Attorney Schmierer; Borough Administrator Kovach; Borough Clerk Hullings.

Absent: Councilperson Foster-Dublin.

Main Street Minute – Jamie McCrone appeared to present the Main Street Minute and noted that he has been back from London for over a month. The town wide garage sale will be held on September 8<sup>th</sup> and 9<sup>th</sup>. The 8<sup>th</sup> Annual Arts in the Park event will take place on September 30<sup>th</sup>. The event will feature street art with a mural painting on the Weinberg property, along with artists and musicians. Main Street Highland Park is assisting the schools with their Pinwheels for Peace initiative for 9/11 by placing pinwheels up and down Raritan Avenue to demonstrate their commitment to peace. Councilwoman Brill Mittler added that at the 9/11 event they will place a giant sized pinwheel. Jamie added that the Autumn in the Park event will take place on October 25<sup>th</sup>, coinciding with Restaurant Week which will take place October 23<sup>rd</sup> through the 28<sup>th</sup>. Lastly, Main Street is working on making their office open and accessible and they are looking at two plans. One would be a ramp into the back of the building and the other option is renting a lift. Councilwoman Brill Mittler suggested that he contact the Borough Administrator for information on procedures for the placement of banners hanging across Route 27.

Mayor Minkoff noted that the Borough Attorney will brief the public on the status of the River Road final settlement agreement.

Borough Attorney Schmierer reported that in 2010 the Borough of Highland Park was sued alleging that the Borough had not done enough for their affordable housing obligation. In May, the Borough entered into an interim settlement agreement for 94 units, 5 affordable units, all being for sale units. The final settlement agreement is on the agenda for adoption. The terms/conditions do not change and it adopts by reference the interim settlement agreement. The development is a mixture of single family homes/townhomes. The single family homes will back up to homes on Cleveland Avenue. The Borough introduced a new zoning ordinance that establishes the new zone, Residential Development Zone. There will be trees in between the yards of the single family homes and existing homes and they are to be preserved at a depth of at least 15'. The settlement agreement confirms the interim settlement agreement and authorizes them to introduce the ordinance. The Planning Board meeting is scheduled for September 20<sup>th</sup> to consider the new ordinance and to make comments to send back to the Governing Body. The Planning Board unanimously endorsed the final settlement agreement at their August 23<sup>rd</sup> meeting.

Mayor Minkoff asked the Council members to present their reports.

Councilman Potts noted that there will be a Pinwheels for Peace ceremony on 9/11 at the senior center at 9AM. Kits are available at the senior center. The Pinwheels will be placed at Borough Hall, the Senior Center, the Library, Main Street Highland Park and the Doughboy Monument. The registration deadline for soccer registration for grades K-6 is September 6<sup>th</sup>.

Councilwoman Welkovits reported that the Mosquito Control Commission of Middlesex County did spraying in Highland Park. She thanked the Chief, Borough Administrator, Board of Health, Borough Clerk and Administrative Secretary for getting the word out. There was a kickball game held in the park on August 17<sup>th</sup> that was attended by 30 people and the money raised was donated to the Cancer Society. The Borough is reinstating the Bike Rodeo and it will be held on September 30<sup>th</sup> in the back parking lot of 315 Raritan Avenue. There will be a rodeo course, bike inspections and giveaways.

Councilman Millet - No Report.

Councilman Erickson – No Report.

Councilwoman Brill Mittler reported that the downtown streetscape project is almost completed. She thanked Councilman Millet for overseeing the work being done and for bringing many groups together to get this project moving forward. She is happy to say that she is seeing the fruits of the construction, with people utilizing the bike racks and people sitting on the corners in the living room areas. She is looking forward to when the project is totally completed. The holidays of Chanukah and Christmas are not far away and she hopes that people will utilize the local retailers in the downtown. The new retail store, Gems, has interesting jewelry. The comic book store is a fun place to stop and shop. There is a new antiques store, Green Topia which sells organic foods, vitamins and kosher free range chickens. They will be introducing a resolution for the Human Rights Commission in support of marriage equality. She is proud that the Council will be supporting this resolution.

Borough Administrator – 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.

Sue Anderson, 63 Cleveland Avenue, commented that a year ago they would not be here supporting this resolution/agreement with River Road.

Herb Gross, 124 South Adelaide Avenue, asked when you are talking about affordable housing, if they are referring to the price. Borough Attorney noted that the price for affordable housing is set by ones income. The cost is tailored to low/moderate income individuals. The prices are not set by the Borough.

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Efrem Gerzberg, 459 Lincoln Avenue, noted that he is a developer. The affordable numbers for the Cenacle property for a 3 bedroom unit were - \$60,000-\$62,000 for low income and approximately \$100,000 for moderate income. Rentals were about \$650/month for low income. Joint income numbers were \$60,000 for moderate income and \$45,000 for low income.

Herb Gross, 124 South Adelaide Avenue, asked for the actual numbers. Councilman Millet indicated that he could get the actual numbers for that project. Mr. Gross asked about affordable housing being available to veterans. Councilman Millet noted that there is no specific designation for veterans. Information on the income levels for affordable housing is available at the Borough Clerk's Office.

Karen Swaine, 55 Cleveland Avenue, commented about the "y of the proposed" single family homes to be built. Borough Attorney noted that the single family homes will back the houses on Cleveland Avenue and face the houses on Jackson Avenue. Ms. Swaine asked about a buffer zone. Borough Attorney indicated that there would be a 1' buffer zone and the developer is encouraged to save mature trees wherever possible. Some trees may have to be removed for placement of utilities. Ms. Swaine commented that she is concerned about tree removal. Borough Attorney encouraged her to make her comments at the next Planning Board meeting.

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Lou Pichinson, 200 Jackson Avenue, commented that the Council should be commended for their spirit of cooperation along with Mr. Gerzberg.

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

The Clerk reported advertising an ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT LEASE REVENUE BONDS, SERIES 2012 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY," 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 for public inspection, as required by law.

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

Mayor Minkoff 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 Mayor closed the public hearing.

On motion made by Councilman Erickson, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 1836, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson 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 affirmative voice vote of all Councilpersons present:

No. 9-12-250

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT LEASE REVENUE BONDS, SERIES 2012 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by her, 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 and 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 and that said Clerk shall annex to and publish with said Ordinance a Notice in substantially the following form -

The lease ordinance published herewith has been finally adopted by the Borough Council of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, on September 4, 2012, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq., has begun to run from the date of the first publication of this statement.

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The Clerk reported advertising an ordinance entitled, "AN LOAN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2012 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$275,000.00, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT BONDS, SERIES 2012 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, "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 for public inspection, as required by law.

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

Mayor Minkoff 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 Mayor closed the public hearing.

On motion made by Councilman Erickson, seconded by Councilman Millet, the ordinance entitled as above, being Ordinance No. 1837, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson 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 affirmative voice vote of all Councilpersons present:

No. 9-12-251

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, A LOAN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2012 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$275,000.00, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT BONDS, SERIES 2012 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by her, 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 and 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 and that said Clerk shall annex to and publish with said Ordinance a Notice in substantially the following form -

The lease ordinance published herewith has been finally adopted by the Borough Council of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, on September 4, 2012, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq., has begun to run from the date of the first publication of this statement.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE APPROVING THE INTERSECTION IMPROVEMENTS FOR WOODBRIDGE AVENUE AND DUCLOS LANE IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, 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 for inspection as required by law.

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

Mayor Minkoff 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 Mayor closed the public hearing.

On motion made by Councilman Erickson, seconded by Councilwoman Brill Mittler, the ordinance entitled as above, being Ordinance No. 1838, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Foster-Dublin.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted on motion made by Councilman Erickson, seconded by Councilwoman Brill Mittler, and carried by unanimous affirmative voice vote:

No. 9-12-252

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE APPROVING THE INTERSECTION IMPROVEMENTS FOR WOODBRIDGE AVENUE AND DUCLOS LANE IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, 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.

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The Clerk reported advertising an ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, “Tfor 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 for public inspection, as required by law.

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

Mayor Minkoff 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 Mayor closed the public hearing.

On motion made by Councilman Millet, seconded by Councilwoman Brill Mittler, the ordinance entitled as above, being Ordinance No. 1839, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Foster-Dublin.

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

No. 9-12-253

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, “TRAFFIC”, 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.

The Clerk reported that an ordinance entitled, PLANNED UNIT RESIDENTIAL DEVELOPMENT ZONE, had been introduced in writing by the Economic Development and Planning 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, Millet, Potts, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

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. 9-12-254

WHEREAS, an Ordinance entitled, PLANNED UNIT RESIDENTIAL DEVELOPMENT ZONE, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, October 2, 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.

Prior to motion for consent agenda being voted on Lou Pichinson commented about the Housing Authority. He encouraged the Council to move quickly to fill vacancies and to seek input from building residents. That group exists in their own realm. Need to bring more input from those that live there. Councilman Erickson noted that there is a resolution to reappoint Housing Authority member Diane Reh. Councilwoman Brill Mittler commented that she appreciated his concerns and noted that Councilwoman Welkovits is now working with the Housing Authority. There is a different relationship there than there has been in the past. There are no more hidden agendas and this is a concern they all had and action has been taken.

Consent Agenda Resolution Nos. 9-12-255 through 9-12-267 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, Millet, Potts, Welkovits.

Opposed: None.

Absent: Councilwoman Foster-Dublin.

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

No. 9-12-255

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 10/2/12, can be found in the Bills List Journal Book No. 31.

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

No. 9-12-256

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that CME Associates is hereby authorized and directed to prepare specifications and bid documents in connection with the 2012 Road Improvement Project;

BE IT FURTHER RESOLVED that said bids shall be received at a date and time to be determined by the Engineer and Borough Clerk.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to CME Associates forthwith.

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

No. 9-12-257

WHEREAS, Lillian Kish paid a \$75.00 fee for an Application for Zoning Permit on June 21, 2012; and

WHEREAS, the application was not subject to review; and

WHEREAS, the applicant has requested a refund of the fee;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby directed to refund to Lillian Kish, 50 Lincoln Avenue, Highland Park, NJ 08904 the amount of \$75.00, the same being the amount of refund due for fee for non-reviewable Zoning Permit Application.

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

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

No. 9-12-258

WHEREAS, application for renewal license issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) has been made by the hereinafter applicant, and

WHEREAS, said application has been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to the applicant:

1. Said application is complete in all respects.
2. The applicant has obtained a Special Ruling to permit the filing of renewal application of an Inactive License for the 2012-2013 license term.
3. The applicant is 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.
4. The applicant has 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.
5. 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 application of an inactive license issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) 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 is hereby approved with the specific condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2013 to wit:

PLENARY RETAIL CONSUMPTION LICENSE

Red Pepper Entertainment, Inc., 1163-65 Raritan Avenue, Highland Park, NJ 08904 – 1207-32-008-010

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to maintain the aforesaid license certificate in the municipal file, 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. 9-12-259

WHEREAS, an application has been filed for a Person to Person transfer of Inactive Plenary Retail Consumption License No. 1207-32-008-010, heretofore issued to Red Pepper Entertainment, Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

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NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Highland Park does hereby approve, effective September 4, 2012, the Person to Person transfer of the aforesaid Inactive Plenary Retail Consumption License, from Red Pepper Entertainment, Inc. to Eric Weinberg.

BE IT FURTHER RESOLVED that the said Borough Council does hereby direct the Borough Clerk to endorse the License Certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Erick Weinberg to be held as a Pocket License, effective September 4, 2012."

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

No. 9-12-260

WHEREAS, The Goldstein Partnership, the Project Architect for the renovation of the Public Safety Building, had heretofore submitted an invoice totaling the amount of \$11,180.75 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 \$11,180.75 to The Goldstein Partnership, for architectural services in connection with the renovation of the Public Safety Building; and

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

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

No. 9-12-261

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

Diane Reh

September 1, 2017

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

No. 9-12-262

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. 4, 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 \$16,335.00 in accordance with said Pay Estimate No. 4 for work performed from July 23, 2012 to August 23, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-701-215 in the amount of \$16,335.00, 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 \$16,335.00, as certified by the Capital Project Coordinator in Pay Estimate No. 4, 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 Public Safety Committee, was duly adopted as above:

No. 9-12-263

WHEREAS, Rich's Towing Service, Inc., North Brunswick, NJ, has 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 applicant and has reported favorably upon said application;

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 applicant.

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

No. 9-12-264

WHEREAS, Jason Bradley Farley, Edward Beyder, Ronald John Neiswenter, and Louis DiMaso, have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2012; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicant is qualified and that public necessity and convenience would be served by the issuance of said Licenses.

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

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

No. 9-12-265

WHEREAS, New Jersey is home to hundreds of thousands of families headed by same-sex couples, many with children; and

WHEREAS, these families deserve the same rights and legal protections as other families under the law, including the protection of their children's economic interests by insuring their access to the resources of both parents; and

WHEREAS, marriage is a unique civil contract, separate and distinct from any religious, ethnic or other tradition; and

WHEREAS, civil marriage bestows thousands of state and federal rights, protections and responsibilities that are otherwise unavailable to gay and lesbian families; and

WHEREAS, the inability to access these legal protections results in significant harms to these families, including financial insecurity, lack of retirement, death benefits, and access to family court for dissolution; and

WHEREAS, discriminatory marriage laws result in significant harm to lesbian and gay people by perpetuating homophobia, just as anti miscegenation laws barring people of different races from marrying, legal in the United States until 1967, perpetuated racism and social ostracism; and

WHEREAS, discriminatory marriage laws undermine the state of New Jersey's commitment to equality, privacy, and justice for all of its citizens; and

WHEREAS, marriage is recognized as one of the fundamental elements of individual liberty; and

WHEREAS, the opportunity to publicly and legally commit to share one's life with a person of one's choice is, for many people, one of the most central aspect of human experience, and denial of marriage to same-sex couples is a denial of fundamental civil rights,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Highland Park, New Jersey recognizes the fundamental basic right of marriage for our gay and lesbian citizens.

BE IT FURTHER RESOLVED that the Council of Highland Park supports and recommends its Mayor, in the spirit of full inclusiveness of all families of our community, sign on the Mayors for the Freedom to Marry national initiative.

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

No. 9-12-266

WHEREAS, the Borough of Highland Park and the Planning Board of Highland Park are Defendants in a lawsuit entitled River Road HP, LP vs. Borough of Highland Park, et al., Docket No. MID-L-9377-10; and

WHEREAS, said litigation involves the development of Block 180, Lots 25 through 30, Highland Park Borough Tax Map, consisting of approximately 10.476 acres of land; and

WHEREAS, said development consists of the construction of residential units, including affordable housing units, as that term is defined by the New Jersey Fair Housing Act of 1985; and

WHEREAS, the parties have reached an amicable Final Settlement Agreement in connection with said litigation; and

WHEREAS, the terms and conditions of the Final Settlement Agreement were the subject matter of a Public Hearing conducted by the Highland Park Borough Council at a Meeting held on September 4, 2012; and

WHEREAS, prior to said hearing, the Court-Appointed Special Master in this litigation reviewed and recommended approval of said Final Settlement Agreement; and

WHEREAS, the Highland Park Borough Council wishes to authorize the execution of the Final Settlement Agreement which was placed on the record at the above-referenced Public Hearing on September 4, 2012.

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

1. The Mayor and Clerk of the Borough of Highland Park are hereby authorized and directed to execute an Final Settlement Agreement in the matter of River Road HP, LP vs. Borough of Highland Park, et al. , Docket No. MID-L-9377-10. The Final Settlement Agreement authorized by this Resolution is on file in the Office of the Borough Clerk and may be inspected during regular office hours.
2. A certified true copy of this Resolution shall be furnished upon its adoption to River Road HP, LP, c/o Giordano, Halleran and Ciesla, P.C., 125 Half Mile Road, Suite 300, Red Bank, New Jersey 07701-6777, Attention: Marc D. Policastro, Esq., to the Court-Appointed Master, Elizabeth McKenzie, P.P./A.I.C.P., 9 Main Street, Flemington, New Jersey 08822 and to the Highland Park Planning Board.

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

No. 9-12-267

WHEREAS, an application has been filed for a Person to Person and Place to Place Transfer of Inactive Plenary Retail Consumption License, No. 1207-33-004-008, heretofore issued to Come Starving, Leave Spoiled; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Highland Park does hereby approve, effective September 4, 2012, the Person to Person and Place to Place transfer of the aforesaid Inactive Plenary Retail Consumption License to be located at 247 Raritan Avenue, Highland Park, NJ, from Come Starving, Leave Spoiled, to Eisigian, LLC;

BE IT FURTHER RESOLVED that the said Borough Council does hereby direct the Borough Clerk to endorse the License Certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Eisigian, LLC for premises located at 247 Raritan Avenue, Highland Park, New Jersey, effective September 4, 2012."

REGULAR MEETING – SEPTEMBER 4, 2012

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

Jane Ryan, 47 Cleveland Avenue, asked about the liquor licenses that were approved on the consent agenda. Councilwoman Brill Mittler explained that the license for Red Pepper was for the Sichuan Spring restaurant and the Come Starving license was for the former Zeina restaurant.

Lois Lebbing, No. 2<sup>nd</sup> Avenue, asked whether the mosquito commission did overhead spraying or used a truck. Mayor Minkoff indicated that there was no aerial spraying in town. Ms. Lebbing suggested that in the future the Borough send out a reverse 9-1-1 call. She also suggested that Main Street Highland Park should pave a 16' area along the back wall of their building and add a door for accessibility. The Council liaison will pass information along to the MSHP Executive Director. She asked about the consequences for not having a CCO inspection. Borough Attorney noted that if the certificate is not there a closing would not take place. It is a violation of a municipal ordinance. Ms. Lebbing asked why the meeting was not videotaped. Councilwoman Brill Mittler explained that Mr. Leslie was called away to another meeting. Ms. Lebbing asked whether she could provide the Borough Administrator with a copy of a 1991 document that all towns received regarding ADA. She also commented about Livingston Manor being noted as a historic district. If the Borough talks to Michelle Hughes at State Historic Preservation Office, there is pink granite that can be used for curb ramps that have truncated domes cut into them. There is also approved paint for when slate is removed. Instead of shiny white cement sidewalks, SHPO recommends using the federal paint number. More can be done for historic districts that may have had slate. She further asked about the Kaplan development. Councilwoman Brill Mittler explained that they are in the process of putting together a proposal for a residential housing development.

Eileen Maughan, 240 Wayne Street, noted that she wanted to follow up on an item she raised at a previous meeting about the Borough's ordinance not permitting patching of sidewalks. She was told that the Borough would look into that issue and provide a response. Mayor Minkoff noted that the Borough Engineer has looked into this along with the Code Enforcement Director and they concur with the Borough's original statement that patching lacks durability. They do not believe that currently there is a substance available that would enable any kind of durability of patching for a period of time that would be considered stable to secure the safety of the sidewalk. Ms. Maughan indicated that the ordinance does not prohibit patching. She also asked about legal challenges and was told she would be provided with the citation. She contacted the Borough Clerk's office but did not receive a response. The Borough Attorney noted that the matter in question did not go to the NJ Supreme Court but to the NJ Superior Court in New Brunswick. He can get her the citation if she provides him with her contact information. There was some enforcement activity on some sidewalks about a year ago where the Superior Court upheld the Borough ordinance and instructed the property owner to repair the sidewalk.

Sue Anderson, 63 Cleveland Avenue, commented that she received letter about her sidewalk. She got her sidewalk fixed and it is much safer. She is glad that the Borough made people fix their sidewalks. She spent money to fix her sidewalk along with her driveway apron and curbs. There is a direct correlation between broken sidewalks, overgrown shrubbery and peeling paint and all the things that we want to make the town attractive that make it look unattractive. She asked about the catwalks. Councilman Millet noted that those are the responsibility of the Borough.

Mark Oshinskie, 240 Wayne Street, commented that it seems like the government against the people, not the government working with the people to improve the situation. He complained about the tone of the letter that went out, the lack of responsiveness to letters he has written and other communications his neighbors have made to the Borough, and the defensiveness of the Borough rather than saying let's work together to make this better. A lot of people resent this approach. The catwalks are in atrocious condition. It is a double standard. The farmer's market has all kinds of holes and cracks. When you see the kind of citation issued it makes him scratch his head. One of the problems if you continue down this road is that the Borough does not have an enforceable standard, it is completely subjective. He cannot believe there are 1,200 residents that do not have a sense of loyalty or obligation to their neighbor. He has talked to a lot of people and they are very resentful because they would not endanger their neighbors. He has received no information on history of injuries in the town. Based on condition of sidewalks he sees, they are in safe condition. If 1/3 of the people have to replace their sidewalks he thinks that the cost should be apportioned to all residents because everyone benefits by using the sidewalks. This whole replacement vs. repair thing drives him crazy. He is very environmentally conscious in his life and the town purports to be, but to generate all this waste unnecessarily when someone can simply patch their sidewalk at far less cost, with far less waste being generated and with far fewer tree roots being damaged. The notion that patching is not durable is Ludacris because he has patched the street in front of his house because the town did not do it. He patched it with concrete and it has withstood 10 years. For Engineers to get up there and say that it is not durable will be an interesting cross examination if one has to occur. It would not withstand any kind of scrutiny. He is disappointed with the beat down approach used instead of a cooperative approach.

Lou Pichinson, 200 Jackson Avenue, asked if citations were issued. Mayor Minkoff indicated that citations were not issued, only notices. Mr. Pichinson asked if there was a low cost mechanism in place for residents to utilize. Councilman Millet indicated that residents could opt to sign up for the sidewalk improvement program. Bids would be issued once it is determined how many participants there are. Cost savings would be determined at that point. Mr. Pichinson commented that sidewalks have been a problem for a number of years. He wondered how the Borough escapes accusation that the contractor selected might be a relative of someone at the Borough. Councilman Millet explained that the Borough utilizes an open bidding process. Mr. Pichinson commented that he has found that the responses to his questions were answered promptly. Mayor Minkoff noted that the Borough has tried to be as responsive as they could be. Mr. Pichinson suggested that original timeframe be extended. Borough Administrator Kovach noted that residents had 60 days from receipt of notice to sign up for the sidewalk improvement



program or to take out a zoning permit at no charge. The Code Enforcement Department is going out again to review all the sidewalks. Mayor Minkoff added that there was no intention on the part of the Borough to beat down anyone. The intention of the initiative is for sidewalk safety.

Jane Ryan, 47 Cleveland Avenue, commented that she was injured on one of these sidewalks and fully supports this initiative. This brings up the reason why she lives in Highland Park.

Matt Hersh, 333 Felton Avenue, commented that his sidewalk is terrible and he received a notice. It sounds like everyone is in favor of better sidewalks. He also received notice from prominent pavers in town that made legal arguments to persuade people to use them. Borough Attorney Schmierer indicated that the contractor was contacted by the Borough and agreed to stop sending notices out and retrieved those that were sent out. Mayor Minkoff added that as the Borough is made aware of other issues, those contractors have been contacted.

Mark Oshinskie, 240 Wayne Street, commented that this notion that the Supreme Court case that pertains to Ms. Lebbing is somehow precedential in this matter regarding patching is far from correct.

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. 9-12-268

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 6:47 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 Councilwoman Brill Mittler, seconded by Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 8:41 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk