

**BOROUGH OF HIGHLAND PARK
MAYOR & COUNCIL REDEVELOPMENT MEETING**

221 South Fifth Ave.
Highland Park, NJ
August 15, 2023 at 7:00 PM

CALL TO ORDER

A Redevelopment Meeting of the Highland Park Mayor and Council was held on Tuesday, August 15, 2023, and was called to order by Mayor Foster at 7:00 PM. Annual Notice of this meeting was provided to The Home News Tribune, the Star Ledger and the Highland Park Planet on January 3, 2023 and was posted on the Borough website at www.hpboro.com and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on January 3, 2023, and has remained continuously posted as required by law. In addition, notice of this meeting via Zoom was emailed to the Home News Tribune, The Star Ledger and the Highland Park Planet on May 12, 2023 and was posted on the Borough website at www.hpboro.com and on the bulletin board at Borough Hall, 221 So. Fifth Avenue, Highland Park, NJ on May 12, 2023 and has remained continuously posted as required by law. As a courtesy and to expand access to the meeting, the Borough offers a Zoom option to allow the public to participate remotely.

Fire exits are to the Left and the Right of the Council Chambers.

Dr. Pandey led the Pledge of Allegiance

ROLL CALL

Present: Mayor Foster, Council Members Canavera, Hale, Hersh, Kim-Chohan, Canavera, George, Postelnik.
Absent: None
Professionals: Special Counsel Joseph Baumann, Borough Administrator Teri Jover, Borough Clerk Jennifer Santiago

MINUTES:
November 23, 2021

It was MOVED by Councilwoman Canavera and seconded by Councilman George that the November 23, 2021 minutes be approved.

ROLL CALL: Ayes – Canavera, George, Hale, Hersh, Kim-Chohan, Postelnik
Nays – None

There being (6) ayes and no nays, the minutes as distributed were approved.

DISCUSSION ITEMS: None

RESOLUTIONS

Resolution 2023-05 Executive Session:
(1) Expansion of Borough Parking Opportunities
(2) Redeveloper Negotiations - Tract A, Tract B and Tract C
(3) Negotiations: 42-424 Raritan Avenue

It was MOVED by Councilman George and SECONDED by Councilwoman Canavera that Resolution 2023-05 be approved.

ROLL CALL: Ayes- Canavera, George, Hale, Hersh, Kim-Chohan, Postelnik
Nays – None

There being six (6) ayes and no nays, Resolution 2023-05 was approved.

PUBLIC COMMENT (3 minutes per speaker): -

Mayor Foster opened the floor for public comment.

Jessica Hunsdon, Montgomery Street, presented a map of the study area of Tract C, she indicated that the map had not been published to the web-site. She explained the details of the map. She said that Garden Homes/232 Raritan Avenue LLC purchased seven of the properties already. She asked whether or not an amended plan had been bought before the public or any kind of variances had been granted and the answer was no. She asked why the Borough was considering expanding the scope of the Redevelopment prior to seeking public input and wanted to know when will this new plan be shown to the general public for feedback and also go to the Planning Board for approval.

Special Counsel Baumann, Esq. said the process for redevelopment is to first set the foundation and do the plan, then do the negotiations with the redeveloper, as you just pointed out it's the yellow commercials there are not currently in a redevelopment area and we believe that they will better round out the redevelopment area if they're included. The first step is to study those send to the Planning Board for comment and then the Governing Body by resolution would put them in the redevelopment area. The second step will be the redevelopment plan, that has not been done yet, it has to be any area first, we would then prepare an amendment to the existing redevelopment plan for the area which already exists online and that amended redevelopment plan will be sent to the Planning Board for comments, put on the website sent to the plans award for comment, when that's all said and done we'll consider whether we expand the designation to the current conditional redeveloper to include all that

Ms. Hunsdon asked if it was common for a redeveloper to purchase that much of an area prior to a redevelopment plan.

Mr. Baumann, Esq., said that it was a risk for the redeveloper to do that because we may not agree that should be in the plan but a developer can always acquire properties and is not uncommon.

Ms. Hunsdon said she read in the February council meeting minutes that this is an ongoing conversation with the developer to acquire these.

Mr. Baumann, Esq., indicated they were acquiring before they issued and there were on-going conversations on whether they should or should not, but they did inform us along the way.

Mary Forsberg, Denison Street, said the Borough rezoned a lot of this property which doesn't include any of this new stuff that he bought so what is going to be the process for rezoning that property. Mr. Baumann, Esq., said that the redevelopment plan is synonymous with zoning, the process just described would be the amendment to the zoning.

Ms. Forsberg asked why we had to pay for a Master Plan that when the Borough is ignoring everything that was in that plan way beyond what the Master Plan recommended. Mr. Baumann, Esq. said this area was found to be consistent with the master plan for the town and that was determined by the Planner and the Planning Board and the Governing Body, so we're doing the exact opposite of the way you described.

Ms. Forsberg said that a couple of prior members of the Planning Board had some real serious problems with whether it was consistent and now you have people on there that are definitely on board with everything you are doing. Mr. Baumann, Esq., said that not everyone always agrees at the end of the day, it is a majority vote and the majority of the Planning Board agreed.

Ms. Forsberg said that she know the Borough is trying to close off 3rd but never thought that North 4th should have parking on that blocked off by big cement blocks and those incredibly ugly wooden things, no one sits there, and that it should be dismantled because it is dangerous.

Jackie Waters, a resident, wanted to know prior to the sale of public properties and developments, is the town finished with renderings for the plans developments. We don't have any access to that.

Mr. Baumann, Esq. stated that we are going to make sure that everyone sees these entire renderings before we have them agreed to. He explained that we went through an ROP process and proposals were submitted. Then we conditionally designated one of three developers. One for each of the two tracks. We are in negotiations for those developers. We can only share so much. We shared who they were, we shared a certain amount of information but if we're unsuccessful with that redeveloper and we want to move to one of the other bidders there's a confidential process that has to go on, sort of negotiations. When we come out of those negotiations and have the plan, they'll be as consistent Highland Park results how the presentation involving the question period before we enter into any firm written agreement. If we share too much we compromise our ability to negotiate because then it's public and the other Developers for example might find out things like that. It's a process, I know it's not always satisfying to the public but it's a necessity to protect the interest of the municipality. At the appropriate time we're going to share everything, explain it and have opportunities for questions. Then we'll have more than one of the public hearing to enact all that. Jackie Waters asked if this will be prior to the sales. Mr. Baumann replied it will happen long before we actually sell the landship.

Peter Spool, 146 Graham Street said the town has a position where they're concerned about climate change. He wanted to know if this construction of residential would have requirements like putting up solar panels, heating improving, water heating, and electricity pumps instead of gas ranges. Mayor Foster replied that could be a suggestion that is made.

Mr. Baumann replied yes, we have a fairly much longer list than that. We have a fairly robust list of resiliency to create energy a lot of things that could happen and they're the items you described. We'll end up with an agreement in writing that will require some or most of those things as part of the negotiation. We have a priority list that we want to achieve. It's a give and take along the way.

Mr. Spool asked would we strongly consider affordable housing that will required a minimum percentage to be higher than what the State wants. Mr. Baumann replied all of this at the end of the day about math and negotiations for example, they proposed a purchase price for our land and as part of our negotiations we will understand their finances as well as they understand ours. We will understand their rents construction costs. All those numbers well that's all that so and as part of the process we will be determined. There's a whole process to get to the right balance of achieving as many of our goals as we can. At the end of the day it all has an impact on our project.

Mr Spool said he just wanted it to be more economical to run. He asked would the Council be willing to take less money for allowing that? Mr. Baumann answered they were too early in the process to answer.

Rob Holzapfel, 431 South 7th Avenue, voiced his support for moving forward with the redevelopment on Track C and added he knows that a lot of people are concerned about the future of the farmer's market. He feels there are other options such as South 3rd, even though we're still waiting on the DOT. If the redevelopment happens before the DOT approves that, we do have other centrally located parking lots in town.

Ashley Harwick, South 2nd Avenue, mentioned that the sound quality was poor. She asked why lots to the east and west are not currently part of the redevelopment plan, she wanted to know if we would consider a referendum to add them. Mr. Baumann stated that we are not allowed to have a referendum by law. The answer is no.

Ashley Harwick asked if any other developers or if the same developers inform you about any other lots they've been purchasing, the other tracts of Highland Park? Mr. Baumann said they were not aware of any.

Ashley Harwick said as it pertains to Tract C, what is the potential height of the building in terms of stories. Borough Administrator Jover stated the right now its five stories. Ashley Harwick asked does

that mean that could potentially change? Mayor Foster reiterated that it is 5 stories and there has not been any discussions about changes.

Ashley Harwick asked what are you doing to create more single family homes available for people to purchase in Highland Park. Mr. Baumann said that he doesn't know if there is a lot of room for single family homes.

Ashley Harwick brought up the point that they are bulldozing large sections of the borough. Mr. Baumann replied he thinks it's important to recall their purpose for which we went through this process. We're trying to economically developed in downtown by we all had to call on having walking wallets in town, so we're purposely seeking to locate more people into the downtown to rejuvenate, we're purposely trying to do apartments as opposed to single family homes.

Ashley Hartwick said but not anything individuals can purchase that are owned by these developers. Mr. Baumann explained in this process the one thing that we can't do is require condos versus apartments. Even if we required condos they could lease in anyway so that's going to be driven entirely by the market. Over time I am seeing more condos in New Jersey so perhaps if it makes economic sense that may happen but that's the one thing we really can't control, whether it's an apartment or a condo.

Ashley Hartwick asked is there a law or what basis are you unable to require them to be condos. She asked how it protects the public from the bidding process of developers. Mr. Baumann answered I represent Highland Park, I'm trying to protect the corporation and in my negotiations with the developers. If the other developers were aware of what the purchase price is, they went through one of the other economics or some of the details my and we are unsuccessful with our existing develop and we have to move to another developer we will sort of expose most of our negotiation to the other entities that we may be negotiating with, not to mention the ones in other block in town under simultaneously negotiating so it's not to protect the information from the getting to the public. It's perfect from protecting you from getting into the other developers and or the parties that we're negotiating with. I'm not trying to keep it from the public, I'm just trying to keep it from those other entities.

Gerald Pomper, 348 So. 3rd Ave., asked within the understandable limits of confidentiality what's happening with the supermarket and with Highland Pizza. Mayor Foster replied for the supermarket the families in good negotiations, we don't own the property. Things are going well but we cannot disclose at this time. We're definitely keeping our fingers crossed that we'll have a supermarket. Highland Pizza picked up all of their permits to open the store. They're working diligently, they want to open in September. I believe they will make that date for the September opening. They have all of their permits, all of their paperwork and they're working on the inside of the building to get it up and ready.

Gerald Pomper, 348 So. 3rd asked what timeline can you give on the supermarket. Mayor Foster answered he could not give a timeline at the moment. They are still going thru negotiations with the grocer that they have selected. I think the town will be pleased. They're working through the terms right now with that grocer. Mr. Baumann added it's between the private property owner and another private entity. We're doing everything we can to help it go smoothly, but at the end of the day negotiations are out of our hands.

Rob Scott, 25 South 2nd Ave., stated for various reasons the Farmers Market is very important to his family. He said he was here for the Track C Redevelopment Plan meeting. It was up for approval and there was a tenth vote. Council President Hersh gave a long and agonizing speech where he voted for the approval of the plan, but with assurances that before that plan went forward we would see the plan for South 3rd. He asked what was going on with the process with the DOT if that street is closed? Who will own it? What is the size and shape and boundaries of this new place? I want to know the plan and show us the plan from the Council not the Attorney. Mayor Foster replied you said a lot Mr. Scott. When we hire an attorney we hire a paid professional that is here to that looks at that. He has the expertise in these areas. That's why we have the attorney. He can speak to what we hired him for, to look at our development plan

and keep us on track so we can get the development that we need. One of the things I hear you say is that you want to know what's going on with South 3rd and what's the story with DOT. We have been in constant contact with the DOT. I met with them about three weeks ago. I believe they are still working on trying to get all the permits paperwork done for the opening done.

Rob Scott replied that you're not showing us a plan here. You're proceeding full speed ahead with Track C so that the discourse in the town is now a done deal. I'm disappointed. We are not getting any information and what was told to us in the last redevelopment meeting is not what is happening. He asked what the Council's vision for the town is. Mayor Foster replied that we are still working with the DOT to get the permission, then we can move ahead with putting renderings in place and pictures so people can see what the proposed plan is and what will be coming into the area. We are waiting, we have to wait we can't say this is what's proposed when we don't have the authority to close the street.

Mr. Rob Scott added you're not waiting on Track C. Mayor Foster replied as I was saying, once we have it and the attorney went into great details to talk about what's happening on Track C and what's to come and why we have delays, what we propose to do once we have everything put together. There will be renderings, there will be pictures, and there will be more community input that will be necessary as we move forward. Right now we don't have the permission to close or open up South 3rd we are still waiting on the State. Until all of those pieces are put together we cannot show you something we don't have. It's going to take a little bit more time to put together. Once that's put together we'll be more than happy to come to the community meetings and community forums and discuss what we have put together. We can't discuss and propose what we don't have in place, we need to have something in place and yes we do have our professional attorney here to speak on these matters. That's why we're here this evening.

Rob Scott replied Garden Homes is the developer for Track C right, there seems to be a commitment that has been made for them. With that commitment in mind there have been discussions with Garden Homes about sustainable building practices. Another gentleman asked some very good questions about in a world where climate change is what we're confronting, what kinds of things is Garden Homes experienced with doing and implementing? In terms of sustainable practice and what kinds of things are they pledging to do? Can you tell us anything about that Tract C. Mayor Foster answered that was covered by our attorney earlier and as he explained he's putting all of this information together. It will be discussed in a package that the developers will be looking at and that we will strongly encourage real advice. We are a sustainable town and we fight hard to be sustainable. We work hard on trying to put all the sustainable products and resources in our account. That will be revealed in the future when we have all the pieces put together. Your questions are great, these are a lot of ideas that you just said is something that the Council is in favor of. They want to see forward, but we are not prepared to the detail and we haven't even sat down with the developers for any renderings yet. When that time comes around we'll be happy to share and this time, your time has elapsed. With all due respect I'm going to have someone else come up and make their comments. Thank you.

Laurel Kornfeld, No. 6th Ave., stated her opposition to moving through the farmers market, it is great where it is. South 3rd is smaller and it would be difficult for businesses and residents if that street is closed. Maybe we could consider closing it for part of this. I strongly urge that we keep the farmers market where it is, there are several benefits. It's a municipal lot. We want to attract people not only from Highland Park but from outside of it. They may need to drive and park somewhere. When it not the farmer's market that is a lot they can use for it. That's also a site where people currently park for events. She opposed putting a five story building there. I would like to have a public meeting just focusing on the farmer's market.

Monique Coleman, 407 Lincoln Ave., said in the scope of the redevelopment plan and given the importance of expertise in the area of sustainable development beyond the course, the guidance of an attorney that you all have to support the council in implementing the development plan, has the borough considered reinstating the redevelopment agency and if not why? Mayor Foster stated we're exploring a number of things and will we take that under advisement.

Monique Coleman replied so at this time you haven't considered that, but you will. Mayor Foster said we are exploring a number of things and that may be one of them.

Clara Scott, 25 South 2nd Ave., asked if the lot gets developed to be this grand South 3rd plaza does the DOT still run it or is it going to be publically owned. Ms. Jover, Borough Administrator replied we are seeking DOT approval to close the road at Raritan Avenue. It's a specifically a street intersection permit I've learned quite a bit though this process. It is our right of right now. It's a local road but because it intersects state highway we pretty much have to get their approval for almost anything we want to do. I'm exaggerating a little bit but it's especially a permanent change like this that would require resignation signage. After we get their approval that's our right of way to maintain design and keep as it is now, with the exception and they're basically going to say yes, you can now close it here and you can reassemble the intersection and then it's our to maintain. We'll be obligated to maintain it, they'll be looking at things like drainage and other things as well over time so it's our Municipal right of way now and it will be after the permit is issued.

Clara Scott asked if the Borough intends to have Yellow Brick Road remain in their current space, if yes how will a pedestrian post impact? Parents pick or drop off their children on the Friday that the market is. What do the owners of Yellow Brick Road think of this plan. Mayor Foster responded that the owner of yellow brick road is in favor of the plan. We have been having conversation and they are in favor of having the farmers market in that area. It favored us the plans. Ms. Jover, Borough Administrator said that she had met with the owner of Yellow Brick Road. There are going to be some issues they will work out, like drop off kickoff on Fridays but she's ready to work with us on making that work for her. That was the last conversation we had. As a Yellower parent at least three or four more weeks after a long eight years I've had conversation with the operator as well and she is confident that was a little work to get out.

Clara Scott asked about the walking tours. It was made clear that the market will not fit on the pedestrian plaza for South 3rd and would therefore have to use the lot next to Yellow Brick Road and the Rite Aid. The Rite Aid lots behind the Petmar have a lot of business owners and landowners that own Petmar and Rite Aid lots have been contacted about closing off their parking lots. Councilman Hale said we have been discussing with the Rite Aid parking lot options that make that space accessible to the municipal lot as well as the Borough property, the house next to it. We're discussing with them the possibility of using that as an access point for the South 3rd new farmer's market.

Clara Scott said the market lot is also used for many community activities outside of the farmers market. Are the South 3rd development plans accommodating to these community needs? Have you reached out to the other establishments that use the market a lot to learn what they required of a public space. Mayor Foster replied South 3rd to the district plaza will be able to accommodate all of those vendors that use the space and for us it's a plaza for us in town square and in a town square you'll be able to have all those events happening and use the space being utilized by groups that are currently using the Reformed Church area right now. The answer is yes.

Clara Scott asked that you reached out to the front book truck and they said yes 100%, I can give you a list of what we need to have a workable are where we can hold our community events and you will accommodate this. Mayor Foster answered she did not reach out to the Book Truck, but the events that are being currently held in the farmers market parking lot but the closing of South 3rd would open spaces for events to be help in that area. It would become a pedestrian area where we can host different events. If you're asking me if I reached out to one particular group or one particular business, no I did not but the space is going to be able to accommodate various events that we utilize that space for. Such as concerts, movie nights, and family get-togethers. That space will be able to accommodate those things. I'm sorry you ran out of time a couple of minutes ago. We have a packed house and I would like to give the opportunity to other people in the audience to speak.

Melanie McDermott, South 3rd questioned the sequencing of events, she is very supportive of the overall effort and wants it to succeed. She asked what will happen if the D.O.T does not give permission in a timely manner. Mayor Foster said that she really hopes the NJDOT gives us permission, she met with the Assistant Commissioner for NJDOT and they had given her positive reassurances and a punch list of items which is the last things that was needed to accomplish and complete which we did several months ago and we are awaiting approval. The NJDOT said that they are taking a new approach with towns and they want to be as accommodating as possible.

Mr. Baumann, Esq. said that they aware that there a couple of different trains that need to arrive at the station at the same time, relocating the Farmers Market and Redevelopment. Redevelopment is months away from signing an agreement, and is optimistic that the NJDOT will arrive with the approval before we get the Redevelopment to the point where we're considering it at a Governing Body meeting for an agreement.

Ms. McDermott asked if the Borough commits not to give final approvals for the Redevelopment if the Farmers Market new location has not been secured. Mr. Baumann, Esq., said that the Borough is going to try and get above that. Ms. McDermott said that she understands with reluctance the reasons why specific plans can't be released for the actual Redevelopment Tract but did not understand why more cannot be shared about the Farmers Market which will be on public property. Mr. Baumann, Esq., said we have positive signs we are going to get the approval and front and center of the Mayor and Council is always care with spending money, being thoughtful and careful about how we spend money, and being appropriate and fiscally responsible thing is to make sure you got your approval locked up and then spend resources designing, size, scope etc. He said that the goal is to end up with a famously wonderful Farmers Market that you all will be proud of and the development project that will put wallets on the street and further economically develop the downtown.

Lisa Kaplan, South Adelaide Avenue said she was happy and excited to hear about all the plans. We have a lot of storefronts especially between First and Second Avenue, recently the Greek place came in there and that has been really thriving. She asked what the Borough was doing to incentivize new businesses to come into these empty storefronts. Councilman Hale said that Main Street Highland Park and the Economic Development Committee are regularly reaching out to try and get businesses to come to Highland Park and it is not an easy sell right now and we are open to ideas of attracting businesses. We are hoping that one of the primary ways to attracting new businesses is by having the apartments on Raritan Avenue which we are hoping is going to be the economic driver to bring more businesses to downtown.

Ms. Kaplan said that she has heard that it is actually difficult for people who are looking to rent properties to even find the list of all the vacant properties that are available. Councilman Hale said that the County is working on a County-wide project to be able to better identify open properties that are available and what their specs are and how to go about getting those but that is a work in progress. He noted Main Street has a list but a more comprehensive list is something that we are working with the County on a more comprehensive list.

Ms. Kaplan asked about vacancy tax to desensitize these properties from being empty. Councilman Hale said that the Borough is working on an abandoned properties ordinance, making sure it is done legally and fairly and ideally that will come forth soon.

Terri Rosenberg, 32 Skyview Terrace, asked for clarification on the yellow shaded properties and what is the designation of the yellow properties shown on the map; have the owners of the properties been spoken to, is this something the Borough is hoping for or acquire again with taxpayer money, and how would the yellow shaded properties interact with the purple shaded properties. Mr. Baumann, Esq., said it has to meet the criteria for an area in need of redevelopment, the Borough is not looking to acquire these properties and we think it rounds out the site better. It gives access from a different locations, while closing off curb cuts. The properties in yellow are privately owned and the developer would buy them, it

would be a private negotiation. Ms. Jover said that the Borough Planner is doing the study on the yellow shaded properties, the owners have been in touch with the Planner and they are allowing for inspections, if it meets the criteria, all the property owners will be reached out to because we need their cooperation in the inspection of the property.

Dr. Ramesh Pandey, South Adelaide Ave., 30 year resident complimented the Mayor and the people for arranging this meeting. He asked about senior citizens because many times senior citizens are moving to North Carolina, Florida, and Texas and we don't want them to move. He went to Wells Fargo they say we are closing it we have to go to Edison so what are you doing and I think at least the Redevelopment group must think about the senior citizens is very important otherwise Highland Park is a good community and lots of good people are here and he likes all of you guys and let the other people know so more people can come and attend this meeting and then there is some more interaction between the Council people, it doesn't make a difference whether you are democrat or republican we are doing it for people who are living here.

Mary Forsberg, Denison Street, asked about parking opportunities in Highland Park. As someone who lives of Denison Street the street from where you bought a three to five story parking garage was the solution for energizing Highland Park requiring people to park their cars within a thousand yards of their apartments to the parking garage they would not have parking in their apartment that was something you approved in your in your redevelopment plan and asked about what parking things the Borough was talking about now. She indicated a member of the Planning Board stated that there would be a decrease in parking spaces at the Stop and Shop. It concerns her because the Borough thought that building a parking garage was a good idea and having developers pay for it and now developers think this is not a good idea, and said the Borough should get new ideas from a different Planner.

Coretta King, 412 Mansfield Street, said the property for the Farmers Market has been mentioned a few times this evening and the determination of the value of that property. At the one of the walking tours we heard that the property was being contributed and asked if the Borough was receiving payment or re-receiving payment in time for the property or is it cash. She said Councilman Hale mentioned that we would be receiving resident benefits for that property and I just wanted to clarify. Councilman Hale said that was correct I think one of the things in the negotiation process, payment for the land or other community benefits which could be any number of things. The reason that we go into a development agreement with a conditional developer is so that we can negotiate the priorities for the Borough and the priorities for the developer to try and come up with a deal that services both and so the cash for the lot is a possibility but there are other sort of community benefit options that we will be asking for or negotiating for as we discussed on that walking tour. Mr. Baumann, Esq. said it could be cash, plus benefits, it is a negotiation, as described affordable housing, resiliency or green energy but is all a part of the negotiations, it is not just one thing or the other. Ms. King asked if there would be a cash component, it might not be the value of the land and cash it could be combination of cash and something else. She said that it is a matter of being accurate and would like it made clear that we are not giving away anything in exchange for something else. Mr. Baumann Esq. said there are a lot of creative ideas, but is not a matter of being in exchange for something else, we are not giving away anything.

Council President Hersh said that he has not been a part of any discussions and currently does not know the market value of the property. Ms. King asked how we are offering incentives if we don't know what the market value is, do you guys understand what you are saying, and again you guys have said a bunch of nothing is what is happening, a lot of non-answers. She said she did not think that it's unreasonable for us to expect some answers at this point, you have a rendering, we know that you do, the developer has done a rendering because anyone here with common sense with two brain cells to rub together understands that they would not spend 5.7 million dollars as you guys say assembling this property if they didn't have some idea of what they were going to do with it. That's not the way that this process works apparently you guys think that we think that's how it works but that's not how it works and the fact that you won't even share this rendering with us tells us that something else is going on.

Council President Hersh said that they have not been a part of any discussions where we look at the market value and hold that up to any community benefits, there are a lot of ideas when it comes to community benefits, when it comes to the projects. He is not interested in the money aspect of this deal whatever it is, I am not sophisticated enough to be part of the money aspect of this deal what I am looking for is the overall benefits of community.

Francesca Maresca, 216 South 3rd Avenue, said the Borough already has a PILOT agreement with Garden Homes for 31 River Road and it is her understanding that the annual contributions that they committed to and the annual contribution to our Highland Park schools but we have not yet been paid and asked when they could expect these payments to be made. She asked if the Borough intend to pursue another PILOT agreement with this conditional redeveloper. Ms. Jover said in regards to the Frederick project there was a discussion amongst Council and as part of that to do a share of the PILOT payments and that would be something that the Borough remits to the school and we are awaiting the project to have a full year on the books to figure out what that share would look like. Mr. Baumann, Esq., said that we will have to enter into an agreement with the Board of Education to implement that and that the Borough and Board of Ed would have to agree upon. Ms. Maresca asked if there would be a second PILOT agreement for Tract C. Mr. Baumann, Esq., said that has not been determined.

Jessica Hunsdon, Montgomery Street, asked why the Borough is so quick to go to PILOTS, and was curious why. In 2015 the Department of Justice and NJDEP reached an agreement with Garden Homes to settle some violation of storm water drainage on ten different construction sites and with this in mind what specific plans does the Borough have to work with the developer to ensure that neighboring properties don't experience flooding or any other encroachment through storm water. Mr. Baumann, Esq., said that the Borough only has one PILOT agreement, every town, every PILOT agreement and every project stands on its own. We analyze the request they provide their proformas we add the financial analysis of it and we agreed on what would be the appropriate PILOT to make that project work. He said that PILOTS are actually more common in the beginning of towns that are trying to redevelop because you're trying to entice developers into a town where there is no development, it's rare that PILOTS come later on when you've now been successful at that point you generally don't need the PILOT. Storm water is highly regulated in New Jersey by the DEP and by our building inspectors and we will be all over that process. He said pretty much every developer that they have spoken to has some issues over the course of their 23 years of existence, we're mindful, they have actually done a great job with the first project; and they have a proven successful track record in town.

Anthony Pinelli, 412 Mansfield Street asked if the Borough financing any part of this project. Mr. Baumann, Esq. responded no. Mr. Pinelli said it was unknown if there was going to be a PILOT for the second project and how the funds are not guaranteed to go to the school districts and asked if there was some kind of Ordinance that could be put in place to say X number of dollars has to go to our schools. Mr. Baumann, Esq., said that it is subject to appropriations so it is going to be something happens year to year. He indicated that they are expecting to have an agreement with the school system.

Peter Spool, 146 Graham Street, said this project is likely to get expended and take away backyards and reducing the amount square feet, and asked about impervious coverage and suggested solar panels on the roofs.

Frank Bridges, 119 Park Place, said that the Sunoco station ownership is apparently a bit of a curmudgeon but over the past several months that whole area has become a municipal parking lot and possession is not necessarily not intensive at all but have we looked in maybe a little bit more aggressive. That lot is full all the time with the Greek restaurant with a Farmer's Market. He see trucks, semi-trucks parked there or police parked there is pretty sure there's even a bench in a flower area there so it seems like it's a town area. Mr. Baumann, Esq., said he believed it would be 30 years of adverse continuous position to actually have an adverse possession claim so I don't know that we've done it for 30 years but I appreciate it.

Robert Roslewicz, 123 Magnolia Street, said typically 2/3 of taxes go towards the schools and on any PILOT he would like to see the Council commit to 2/3 of whatever they're getting in the PILOT every

year going directly to the schools and does not think this is negotiable. The Borough has been working with the Planner in concert with the developer looking at those additional properties in yellow and he sees this as the town spending money with the Planner to work with a developer to where is figuring out what they can do to acquire these additional properties and he would like the Borough to spend some monies and put together renderings so we can see what South 3rd might look like. He said that town spent a lot of money on Tract D where there was a commitment there and it was marked as a linchpin that we needed a year ago a parking deck for Tract A-C to move forward, and a year later Tract D is on the back burner. Mr. Baumann, Esq., clarified that the money we are spending to do the plans is coming out of an escrow account by the developer. He said the discussion about the farmer's market and relocating it is just having the subject as a dozen meetings, and we've been talking about that for a very long time so it's been pretty significantly for again years.

Mr. Roslewicz asked if Teri Jover was being paid by the developer to do this or is the public paying her paycheck when she is doing and setting up these meetings on the developer's behalf. Mayor Foster indicated that Ms. Jover was a Borough employee and the Economic Development person.

Chris Woodward, 224 Lawrence Avenue, agreed that the share to the schools is not something that should be negotiated, it is a legal loophole for towns take advantage of that, they are in charge of the PILOT and he hopes this town would not try and do that and he would like to see a commitment to that. He urged the Borough to adopt a no net loss of public space as a design principle in the Redevelopment.

Gerald Pomper, 348 So. 3rd, said the farmer's market is a pleasant space in some ways. It's also very crowded on Fridays. There are trucks on Raritan Ave. that block traffic and it's dangerous. The farmer's market does not contribute any revenue in the Borough. We could use a new farmer's market or retail stores selling fruits and vegetables that would bring revenue. If we had a new building on Raritan Ave. that would be a great contribution. This town is lacking development, we need new buildings with the real estate taxes and other revenue that they would bring in.

Seeing no one further, Mayor Foster closed public participation.

ADJOURNMENT

There being no further business, there was a motion by Councilman Postelnik and seconded by Councilwoman Canavera the regular meeting adjourned at 8:38 PM to go into executive session.

Respectfully submitted,

Jennifer Santiago
Borough Clerk