

## REGULAR MEETING – SEPTEMBER 19, 2017

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, September 19, 2017 and was called to order by Mayor Brill Mittler at 7:05 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler; Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits; Borough Attorney Schmierer; Borough Administrator Jover; Borough Clerk Hullings.

Absent: None.

On motion made by Councilwoman Welkovits and seconded by Councilman George, the minutes of the Regular and Conference Meetings held June 13, 2017, were approved by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits.

Opposed: None.

Absent: None.

Abstained: None.

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

Councilwoman Foster-Dublin reported that it is hurricane season and there is devastation everywhere from these powerful storms. She encouraged residents to check out the Police Department website and for precautions people can take. The information is under the OEM tab. She noted that people who take medications should make a list of those medications and should also provide family members with that list. Daylight savings time is coming and that is when you should change the batteries in your smoke detectors and carbon monoxide detectors.

Councilman Fine – No report.

Councilwoman Kim reported that the Arts Commission met on September 14<sup>th</sup>. Michael Schwartz from the HP Jazz Ensemble was a guest and would like to collaborate on 2018 projects. On September 22<sup>nd</sup>, will be the de-installment of the sculpture walk. The Arts Commission is having a special meeting on September 28<sup>th</sup> for their 2018 planning. On September 16<sup>th</sup> the Arts Commission had a wonderful turn out for their window art crawl. It was a well-attended event. She thanked the 40 artists and 25 stores that participated. The Recreation Advisory Committee will meet on September 25<sup>th</sup> at 7:00 PM at the Senior Center. The Council on Aging will meet on September 26<sup>th</sup> at 2:30 PM at the Senior Center.

Councilman George congratulated Councilman Hersh and Ashton Burrell for the excellent program through the Human Relations Committee held for the commemoration of 9/11. He enjoyed Vice Mayor Bellamy and his address. He commended Councilwoman Kim, Pandora Scooter and John Marron on the excellent art crawl held on Saturday. The Environmental Commission met on September 6<sup>th</sup> and reviewed a set of site plans referred by the Planning Board for a proposed development at 405 South 5<sup>th</sup> Avenue. They made some excellent suggestions that were more in keeping with our newer green regulations. They discussed updates on the PSE&G solar farm. PSE&G has submitted a permit for removal of some of the concrete in the area. The Shade Tree Advisory Committee met recently and he noted that they were denied a grant for a proposed project at the high school, but they have secured some other grants. They have completed the dead tree survey so that replacement trees can be ordered and planted. He had an interesting meeting regarding gold certification. There is a new program for gold certification with five major criteria and he met with Randy Solomon, who is working on that. The Borough has some criteria for gold certification in the works already. One of the criteria is the encouragement of electric vehicles and they have discussed locations and the possibility of obtaining one when they do fleet replacement of vehicles that stay local. He met the President of Plug in America, Michael Flay, and a representative from the Bloustein School, who is working on an electrification program. They are working on common everyday connectivity for electric vehicles on the streets with a program that would involve interface with utility companies for on the pole connectors, not the huge, expensive charging facilities. They have information on police vehicles that are powered electrically for use when they do security work for road projects. Sustainable Highland Park will be meeting again next Thursday.

Councilman Hersh thanked Councilman George for recognizing the 9/11 Day of Discussion. This was started last year and was spearheaded by a resident, Greg Trevor, who no longer lives here. Thought it was important to carry forward this very valuable program. It is about unpacking some of the policy issues that challenge us as a society when it comes to cultural understanding, intolerance, bias, and looking specifically at some of the things we can do on a daily basis in our communities, in the workplace, at home, to address some of the things that calcify cultural positions, bigotry, bias and intolerance. It was a tremendous program. The theme this year was "Standing up in the face of Hate" and they were lucky to have Charlottesville, Virginia Vice Mayor, Dr. Wes Bellamy, as their featured speaker. He discussed his own personal experience with intolerance, bias and hate in a city that has emerged as the topical flashpoint for racial division and anti-Semitism. They had another guest, Elizabeth Williams Reilly, who is the President of the New Brunswick based American Conference on Diversity. She conducted a community dialogue to help them in moving forward and building stronger alliances and to look at ways to combat bias, bigotry and hate. The aim is to develop new ways to manage the challenges of a dynamic and diverse community. This is one of many such steps we are taking through the Human Relations Commission to deal with these challenges. They look forward to having her back on a quarterly basis to conduct these workshops. He thanked his Council Colleagues for participating, as well as Chief Rizco and Lt. Abrams. The Human Relations Commission will hold its monthly meeting on September 27<sup>th</sup> at 7PM in the lower level conference room in Borough Hall. Tonight they will be voting on a resolution in support of the to build a thriving New Jersey campaign promoted by the Housing and Community Development Network of New Jersey. This resolution has been endorsed by the Highland Park Housing Authority as well as the Borough's

Health and Human Services Committee. The effort calls on the State Legislature and the next Governor to commit \$600 million dollars annually with new investments to the affordable housing trust fund, the state rental assistance program, neighborhood revitalization tax credit, lead prevention and weatherization, HMFA lending and the special needs housing trust fund. This increase is relatively small and showcases how many of these programs have been gutted or zeroed out in the past 10 years. This is a good initiative and we'll see what kind of traction it takes in the legislature when it gets there. It is important that towns stand up and promote fair, decent, affordable housing and access to rental and tenant resources. The newly constituted Commission on Immigrant and Refugee Affairs held its first official meeting this month where they discussed the inclusive community resolution, which is their founding document.

Councilwoman Welkovits reported that the cool fall temperatures give reason to offer wonderful outdoor events for all ages. Thanks to the Main Street Organization, the Safe Walking & Cycling Committee and the Arts Commission for planning some event practically every weekend this fall. The Highland Park Arts in the Park, the only juried arts festival in the region, is September 24<sup>th</sup> from 11:30 AM – 4:30 PM. Meet the artists and see the beautiful work they will be showing. There will be music, demonstrations and food and this is one of the Borough's most enjoyed event. The Raritan River Festival and Rubber Duck Race is also being held on September 24<sup>th</sup> in Boyd Park from 12:00 PM – 5:30 PM. She thanked the New Brunswick Cultural Center for coordinating the cross river advertising between these two events in these close communities. On September 27<sup>th</sup> from 4:00 PM – 6:30 PM in the rear parking lot of the Bartle School for the "All Wheel Rodeo" which is open to riders 6 years of age and older, who are riders of tricycles, bicycles, skateboards and scooters. The event is to teach young children about how their bike works, helmet fittings and safety, rules of the road and more. She thanked the Safe Walking and Cycling Committee for celebrating September as Safe Walking and Cycling Month. She thanked Safe Kids Middlesex, Keep Middlesex Moving, NJ Safe Routes to Schools, Bartle PTO, Highland Park Ed Association Pride, Highland Park Police Department, Net Cycle New Jersey Bicycle Resource Center, and Robert Wood Johnson Trauma Center. The weekend before last they created Highland Park's first demonstration bike lanes down South 1<sup>st</sup> Avenue. Demonstration bike lanes are temporary lanes which are installed to encourage the community to reimagine their environment and provide safe access for cyclists. These were temporary demonstrations for which we cited safety features, traffic flow and ways to improve safety for all who share the roadway. While we received some negative criticism, all in all, the participants that planned to attend, and those that stumbled upon the temporary paths, were delighted to be able to use protected bike lanes for the first time in Highland Park. Co-Chair Fern Goodhart led three round trip tours to Donaldson Park and once around the park. The kids loved it. It wasn't a perfect solution to the increasing interest in bicycle riding, which is a very valid means of commuting for economic, environmental or health reasons, and for all that ride just for recreation, exercise or family time, but it is helping to better understand the fundamentals for best sharing the road and ensuring bicyclists are given the opportunity for safe, protected transportation. Special thanks to Kelsey and Melvin of our Safe Walking and Cycling Committee and the Police Department and Public Works Department. Last Saturday's Window Art Crawl was a huge success. This was in coordination with the Arts Commission and Main Street Highland Park. Some 40 local artist works were featured in 40 downtown storefronts. Thanks to the talented artists and generous businesses for a wonderful collaboration supporting our commitment to the arts, our artists, enlivening the downtown to strengthen our economic base. Special thanks to John Marron of Main Street and the Arts Commission for his tireless work and Javier Zaveleta of the Main Street Organization. The Window Arts Show remains through September 30<sup>th</sup>. Lastly, thanks to Ballard Hutkin of Century 21 and Main Street for another amazing two days of town wide garage sales last weekend. She encouraged comments on the bike lanes during the public discussion section of the meeting.

Borough Administrator Jover – No report.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler commented that those that attended the first in a series of civics for the community lectures were really treated to something special. She thanked Beth Stevens, Chair of a Sub-Group of the Public Information Committee, called Civics for the Community. They hosted their first lecture/discussion on civics and it included a discussion of State Government and how it works. This was led by Ingrid Reed who is the retired Director of the NJ Project, which is a part of Rutgers Eagleton Institute. Ms. Reed was fabulous and she learned the history of New Jersey and how they came to have counties and freeholders. The Borough has some new stores in town and it is a thrill to see new stores opened by people who actually grew up in Highland Park. There is a new record store and a clothing store between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue. She has heard great things about both stores and had a chance to visit with both owners. They are very excited about being in Highland Park. She encouraged everyone to visit those stores and the other stores in town. Highland Park is lucky to have two women's clothing stores in town. She hopes everyone starts planning their holiday shopping by visiting the stores downtown. This is back to school time and reminds her about the over 35% of children who are on free or reduced lunch. HP Gives a Hoot is a fund created to help provide healthy lunches for children who might not otherwise have a healthy lunch when school is not in session. This is a fund that is primarily funded by donations and it is easy to make a donation and more information is available on their Facebook page, Highland Park gives a Hoot. She reminded residents that there are only two more days to visit the Sculpture Walk. The sculpture at the corner of Raritan Avenue and River Road started as blue and is now yellow.

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

Tom Goodhart, Felton Avenue, commented about bike lanes and the fact that he is in favor of the. The main goal for bike lanes is public safety. Based on personal experience in Washington, DC, where he they have them, they work. He encouraged people to commute by bicycle. He encouraged them to develop plans for bike lanes and offered to review them for input. He asked about the utility markings on Felton Avenue. Borough Administrator Jover noted that there will be a complete road reconstruction of Felton Avenue from Benner to the end. This is a longer term fix for the road as opposed to milling and paving.

The Engineer evaluates roads in town and applies for state funding. This project has been in motion for some time. Councilman Hersh added that Graham Street is also being done. Borough Administrator Jover noted that this road work is being paid for with NJDOT Trust Fund Money. Mayor Brill Mittler added that the Department of Public Works and the Borough Engineer drive through town and survey the roads and make a list to apply for transportation trust fund grant money. The roads are ranked by priority due to the condition of the road.

Abby Stern-Cardinale, Harper Street, commented that she attended a lot of the events mentioned and enjoyed them. She encouraged them to continue these events. She especially enjoyed the yard sale.

Herb Gross, Adelaide Gardens, commended Councilwoman Foster-Dublin for reminding people to let their family members know about their medications.

Howard Blau, 107 South 1<sup>st</sup> Avenue, commented that he was disappointed with the bike lane demonstration. The execution and idea of the bike lanes was not ideal on South 1<sup>st</sup> Avenue. The bicycle lanes were on the north side of the street and in his opinion they were fairly wide. Parking was allowed on both sides of the street after the temporary bike lanes were drawn, which takes a nice wide street for two-way traffic, which is the major artery for most commuters to the south side and turns it into a narrow street with difficulty for two-way traffic. He thought the idea was for safety of pedestrians, bicyclists and motorists. He did not know that there was a safety issue with bicyclists on South 1<sup>st</sup> Avenue as he has lived there for 20 years. He has never seen a safety issue with bicycles. He thought the idea of compromising motorist safety for bicycle safety was odd given that the statistical chance per population of somebody dying riding a bicycle and getting hit by a motor vehicle in the US is 1 out of a million, while the population risk of someone dying in a motor vehicle accident is 1 out of 10,000. He thought the idea and execution of these bicycle lanes was not optimally executed. Councilwoman Welkovits thanked him for his emails and noted that someone from her team did respond to his emails. She noted that he is right that it is all about safety. Allow you see bicyclists on South 1<sup>st</sup> Avenue, she is one of them, it is not safe. This was a demonstration and they took notes and will study the findings. They wanted to take a look at some type of barrier so that bicyclists could feel safer. One reason they chose South 1<sup>st</sup> Avenue was because of the width of the road. It is one of the few streets in town that can have a relatively wide bike lane in each direction, plus a 2' barrier, plus parking on both sides, plus traffic in both directions, with ample room according to all standards. Every year they put out the speed monitor as they get constant calls that people are speeding down South 1<sup>st</sup> Avenue. Part of narrowing a roadway is to help calm traffic and reduce traffic. Speed is the number one cause of accidents. The faster a car is going, the more dangerous and fatal an accident can be. The goal is to study safety. Mr. Blau commented that the idea that South 1<sup>st</sup> Avenue would potentially be safe for bicyclists because it has a bicycle lane, would imply that every other street in Highland Park that does not have a bicycle lane is less safe or unsafe. The entire Borough and all of the streets in Highland Park should be safe. He inquired whether there were any statistics for bicycle accidents on South 1<sup>st</sup> Avenue. The common solution throughout the Borough and US is to put speed bumps, as opposed to narrowing the streets, which makes two-way traffic unsafe. He also pointed out that this is a major artery in town and there is also a temple on this street that hosts many events and draws additional traffic to the area and they don't have sufficient parking. He doesn't think a bike lane makes it safer for everyone, he believes it makes the area more unsafe.

Mayor Brill Mittler thanked him for his donation to Highland Park for AED's. She did not know he was a donor. Bicycling is very important to many residents and they need to find a way to make it safer. The event on South 1<sup>st</sup> Avenue was a test. The Committee met to address comments both positive and negative. She asked the Police Department and Public Safety Committee of Council to meet with this group to find a way to address issues of bicycles going forward for all residents. Mr. Blau commented that he believes bicycles predated paving and the designing of this town.

Peter Bilton, Cedar Avenue, commented that he is a member of the Safe Walking and Cycling Committee. He commended the students from the Bloustein School and the Highland Park Police Department and Public Works Department for their hard work in putting on these demo bike lanes. Doing this is a challenging thing to do, as change is hard. Trying new things to make our streets as safe as possible for bicyclists and pedestrians is a very important thing. He has children who just started in the middle school and wanted to bicycle to school and they are doing that now and he wants to make sure his streets are as safe as possible for them and their classmates on the way to school.

Dan Stern-Cardinale, Harper Street, commented about narrow streets in town. He rides his bicycle to New Brunswick and has never experienced a problem with the narrowness of the streets. There is more a problem with visibility making turns. He utilizes the bike lane into New Brunswick and it does not seem to negatively affect the ability of two lane traffic to go down the street. From a public health perspective there are lots of reasons to want fewer cars and more bikes and pedestrians on the roads in addition to the whole safety aspect with interaction with cars.

Councilman Fine asked about plans for future demos for bike lanes. Mayor Brill Mittler asked that Councilwoman Welkovits and the Safe Walking and Cycling Committee meet with Public Safety Committee prior to future events.

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

The Clerk reported that an ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", had been introduced in writing by the Public Safety Committee for consideration of passage on first reading by title.

On motion made by Councilwoman Foster-Dublin, seconded by Councilwoman Welkovits, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits.

Opposed: None.

Abstain: None.

Absent: None.

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The following resolution, introduced by the Public Safety Committee, was duly adopted on motion made by Councilwoman Foster-Dublin, seconded by Councilwoman Welkovits, and carried by unanimous affirmative voice vote:

No. 9-17-281

WHEREAS, an Ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010" 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 3, 2017, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

On motion made by Councilwoman Welkovits, seconded by Councilwoman Kim the ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY, AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK CONCERNING ARTICLE II OF SECTION 247 CONCERNING MASSAGE PARLORS, was tabled from consideration. The motion was carried by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits.

Opposed: None.

Abstain: None.

Absent: None.

The Clerk reported that an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY, AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK BY ADDING THERETO A NEW SECTION 374-5 ESTABLISHING A TAX LIEN PAYOFF FEE, had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

On motion made by Councilwoman Welkovits, seconded by Councilman George, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits.

Opposed: None.

Abstain: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman George, and carried by unanimous affirmative voice vote:

No. 9-17-283

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY, AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK BY ADDING THERETO A NEW SECTION 374-5 ESTABLISHING A TAX LIEN PAYOFF FEE, 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 3, 2017, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

On motion made by Councilwoman Welkovits, seconded by Councilwoman Foster-Dublin, and carried by affirmative voice vote of all Councilpersons present, Resolution No. 9-17-285 was separated from the Consent Agenda.

Resolution Nos. 9-17-284 through 9-17-291, except Resolution No. 9-17-285, were duly adopted on motion made by Councilman Fine, seconded by Councilman Hersh, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits.

Opposed: None.

Abstained: None.

Absent: None.

REGULAR MEETING – SEPTEMBER 19, 2017

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

No. 9-17-284

WHEREAS, the Borough of Highland Park has need of the services of an engineer to provide engineering services in connection with the Improvements to North 3<sup>rd</sup> Avenue, in accordance with letter proposal from Bruce Koch, CME Associates, dated August 2, 2017, attached to the original of this resolution; and

WHEREAS, such services are professional services as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, CME Associates, Parlin, N.J., is a firm of licensed engineers of the State of New Jersey with extensive experience in providing these services; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation of said consulting engineer; and

WHEREAS, funds are available for this purpose in Account Number No. C-04-55-822-210 in an amount not to exceed \$46,998.00 without further resolution of Council, as reflected by the Certification of Funds by the Finance Department, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough an Agreement for professional services with CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859, a copy of which is attached to the original of this original, and that notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

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

No. 9-17-286

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 3, 2017 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an hourly basis, there have been the following changes, to wit:

DOUGLAS WATT, On-Call Firefighter, at an hourly rate of \$19.54, effective September 19, 2017.

CHRISTOPHER ZIOBRO, On-Call Firefighter, at an hourly rate of \$19.54, effective September 19, 2017.

BE IT FURTHER RESOLVED that the Finance Director be and 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 Safety Committee, was duly adopted as above:

No. 9-17-287

WHEREAS, Coppa's Service Center & Towing, Inc. and Car Guys Auto Repair, LLC, have filed with the Clerk of this Borough for a Wrecker/Towing License to operate heavy duty wreckers in this Borough under the provisions of the Ordinance providing for such licenses; and

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

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determines that said applicant is qualified and that public necessity and convenience would be served by the issuance of such Licenses.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue Heavy Duty Wrecker/Towing Licenses to the aforesaid applicants.

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

No. 9-17-288

WHEREAS, everyone around New Jersey has felt the impact of the 2008 recession, the foreclosure crisis and Super Storm Sandy, all of which took an enormous toll on our communities, from our infrastructure to our businesses to the neighborhoods where we work and live; and

WHEREAS, the State of New Jersey still ranks number one in standard foreclosures and number one in zombie foreclosures; and

WHEREAS, the State of New Jersey is the fifth most expensive place to rent a two-bedroom apartment in America; and

WHEREAS, the State of New Jersey has more millennials living at home than any other state in the union; and

WHEREAS, according to the most recent United Way ALICE report, 37 percent of households in New Jersey cannot afford basic needs like housing, child care, health care, food or transportation; and

WHEREAS, the number of unsheltered homeless individuals rose by 48 percent last year; and

WHEREAS, our families, friends and neighbors are the heart of our state and the backbone of our economy, but if we can't afford to live here, we can't get our economy back on track; and

WHEREAS, by building homes we can afford and revitalize our communities, we can create thousands of new jobs, support businesses and boost economic activity, all across the state; and

WHEREAS, we can build a thriving New Jersey by making sure we can afford homes in the communities where we work and live.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Highland Park, New Jersey, support the Build a Thriving New Jersey effort and urge the next leaders of New Jersey to invest \$600 million into homes we can afford, so that all of us can continue to call New Jersey home.

(<http://www.hcdnj.org/assess/documents/build%20thrive%20one%20pager.pdf>)

BE IT FURTHER RESOLVED that a copy of this resolution will be shared with candidates for the Legislature and those running for Governor, as well as the Housing Community Development of New Jersey, and our district's elected representatives.

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The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 9-17-289

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that the Tax Collector is authorized to issue an appropriate Duplicate Tax Sale Certificate for #11-00076 in accordance with the provisions of N.J.S.A. 54:5-52.1.

BE IT FURTHER RESOLVED that the Borough Clerk provide a certified copy of this Resolution to the Finance Department and the Tax Collector.

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

No. 9-17-290

WHEREAS, the Borough of Highland Park is required to provide uniforms, including maintenance, to employees of the Department of Public Works, in accordance with collective bargaining agreement between the Borough and the Highland Park Department of Public Works Association (DPWA); and

WHEREAS, the Borough Administrator and the Department of Public Works have reviewed the proposal submitted by UniFirst Corp., Whippany, New Jersey, a participant in the National Joint Purchasing Alliance, a Co-operative that Highland Park belongs to; and

WHEREAS, said proposal also includes provision for obtaining janitorial supplies; and

WHEREAS, based on the proposal submitted, the Borough Administrator has recommended that a five-year contract be executed with UniFirst Corp., Whippany, New Jersey; and

WHEREAS, funds for this purpose are available in the 2017 Municipal Budget in the Department of Public Works O.E. Account; and

WHEREAS, continuation of this contract in future years is subject to the availability of funds in future Municipal Budgets in the Department of Public Works O.E. Account;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator and Borough Clerk shall be and are hereby authorized to execute and attest an Agreement with UniFirst Corp., 54 South Jefferson Road, Whippany, NJ 07981, for a period of five years, said agreement to be a form approved by the Borough Attorney.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 9-17-291

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 9/19/2017 can be found in the Bills List Journal Book No. 36.

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

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim.

Opposed: Councilperson Welkovits.

Abstain: None.

Absent: None.

No. 9-17-285

WHEREAS, pursuant to the provisions of the Local Public Contracts Law ("LPCL"), on two occasions bids were solicited by the Borough of Highland Park ("Borough") for the Teen Center Building Project ("Project"); and

WHEREAS, following the solicitations, bids were received on April 27, 2017 and May 16, 2017, respectively, and the Council rejected all bids on the basis that they substantially exceeded the cost estimates and appropriation for the Project; and

WHEREAS, pursuant to the LPCL and in particular, N.J.S.A. 40A:11-5(3), a contract may be negotiated and awarded by the Council without public bidding when the Council has rejected bids on two occasions based on price; and

WHEREAS, as required by N.J.S.A. 40A:11-5(3)(iii), the Borough afforded the bidders who submitted bids on April 27<sup>th</sup> and May 16<sup>th</sup> an opportunity to negotiate a contract with the Borough for the Project; and

WHEREAS, as a result of said negotiations, two proposals were submitted to the Borough, including a proposal by Tri-Form Construction dated on June 15, 2017 which offers to maintain the same intent and overall scope of the Project as originally bid, with changes to particular details aimed at reducing the Project cost, at significant savings to the Borough, for a not to exceed contract cost of \$344,700.00; and

WHEREAS, proposed the negotiated price for the Tri-Form contract is lower than the lowest rejected bid price submitted on May 16<sup>th</sup>, is the lowest negotiated price offered by any responsible vendor and is a reasonable price for the goods and services; and

WHEREAS, the Borough Engineer recommends that a contract be awarded to Tri-Form for the Project in the amount of \$344,700.00 subject to the terms, conditions, restrictions and specifications of the competitively bid contract, except as set forth in Tri-Form's June 15<sup>th</sup> proposal and specifically as follows:

1. The building was originally designed with a 12-foot ceiling height; the building in the negotiated contract will have 8-foot-high ceilings; and
2. The original plans called for increasing the width of existing sidewalks along the roadway frontages and a handicap ramp at the building entrance; the negotiated contract revises these requirements by lowering the finished floor elevation (to eliminate the need for a handicap ramp) and requiring sidewalks to be replaced at their current width; and
3. The original plans called for new utility services to the mains in the street; the negotiated contract will utilize existing utilities from the prior structure; and

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4. The original plans called for lower brick face along all four (4) sides of the building; the negotiated contract changes this requirement by requiring a lower brick veneer along the two (2) street frontages only, with the remainder of the building utilizing Hardi-Board siding; and
5. The original design called for four (4) columns to be constructed in the front of the building; the negotiated contract calls for two (2) columns instead with double hung doors and hardware; and
6. As a result of the lower ceiling height in the negotiated contract (under item 1 above), lower windows will be required, and specifically double-hung windows with Low-E glass and grills; and
7. As a result of the lower ceiling height in the negotiated contract (under item 1 above), the rooflines will be reduced to a 4/12 pitch and the cupola will be eliminated; the roof framing will be trusses and roof will be finished with timberline shingles or equal; and
8. The original specifications called for 2x6 framing and interior glass panes; the negotiated contract retains the interior layout as originally contemplated, but all wall framing will be 2x4 Douglas fir and the interior windows will be HM Frames (3 ft. x 4 ft.) with tempered safety glass (smaller glass panes than originally required); and
9. The original design required a large dual HVAC system; the negotiated contract calls for a reduced size for the HVAC system and use of one split system rather than a dual system; and
10. The original design called for insulation to meet the large wall framing; the negotiated contract calls for R-19 wall insulation for exterior walls, R-11 sound attenuation for interior walls and R-38 insulation for the ceiling. These are reduced standards to meet the reduced wall framing; and
11. The original specifications required construction of a basketball court, which has been eliminated under the negotiated contract (yard will instead be graded); and
12. The original specifications called for a standard foundation/footing design; the negotiated contract requires a foundation/footing design to be a monolithic design with a 4-inch slab with welded wire mesh; and
13. The negotiated will include the following additional exceptions to contractor's responsibilities, which were included in the original specifications: cost of permits, tracking pad, curbs, paving, fences, retaining walls, inlets, police, test pits, trash containers, top soil, sprinklers, pocket door, railings, data, F&E, appliances, drop ceiling, projector screen, wood base, window transoms, and tree removal; and

WHEREAS, the Borough is obtaining these goods and services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Tri-Form has completed and filed with the Borough the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8 and Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 (collectively, the "Pay-to-Play Forms"); and

WHEREAS, the Chief Financial Officer has certified that the availability of sufficient funds for this contract.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey as follows:

1. The foregoing preamble is hereby incorporated herein as if fully restated.
2. The Council hereby awards a contract to Tri-Form Construction for the Teen Center Building Project for the not to exceed contract amount of \$344,700.00, subject to the specifications originally advertised on April 27, 2017 and May 16, 2017, as revised by Tri-Form Construction's June 15, 2017 proposal, executed Pay-to-Play Forms and this resolution.
3. The Mayor and Clerk are hereby authorized and directed to execute an Agreement consistent herewith.

Mayor Brill Mittler appointed Cassandra Kingsbury to serve as a Regular Member of the Board of Health for a term to expire January 1, 2019.

Mayor Brill Mittler appointed Steven Galante and Gary Leslie to serve as Regular Members of the Cable TV Advisory Committee for terms to expire August 6, 2020.

Mayor Brill Mittler appointed Ameer Pollack to serve as a Regular Member of the Arts Commission for a term to expire August 1, 2020.

Mayor Brill Mittler appointed Elizabeth Asamoah to serve as a Member of the Municipal Alliance for a term to expire December 31, 2017.

Mayor Brill Mittler appointed Stanley Fessant to serve as a Regular Member of the Board of Adjustment for a term to expire July 1, 2019.

Mayor Brill Mittler appointed Robert Roesener and Jeannine Dresch to serve as Regular Members of the Board of Adjustment for terms to expire July 1, 2021.

The above appointments were confirmed on motion made by Councilwoman Welkovits, seconded by Councilman Hersh and carried by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Hersh, Kim, Welkovits.

Opposed: None.

Abstained: None.

Absent: None.

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

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Amir Wright, South 4<sup>th</sup> Avenue, commented about the teen center. He grew up in Highland Park and if you were not playing sports there was nothing to do. The teen center would keep kids off the street. This matter should be very high on the Council's agenda. Programs should focus on kids staying out of trouble.

Kelsey Rolffe, Adelaide Gardens, commented that she is a professor at Rutgers where she teaches transportation planning, including bicycle and pedestrian planning. She is upset that the gentlemen who had issues with the bike lanes is not here because she has a lot of good answers for him. She spent a lot of time tabling for the Safe Walking and Cycling Committee and the two things she hears most often are (1) people speed through town and I'm scared to let my kids walk or bike, and (2) being scared by cyclists riding on the sidewalks. These are both the same problems as we have not created spaces that are safe for people to ride a bike on. A lot of cities across the country have come up with great ideas for how to fix this. They have learned a lot from the bike demo and the next time they do this they will have a plan that will address many of the issues, especially with handicapped parking. Wide roads make it really easy to see what is happening and makes it really tempting to speed.

Sean Mann, South Adelaide Avenue, voiced support for the demonstration bike lanes. This is something that is not only good for bicyclists. You keep talking about narrowing the lanes and this narrows the speed. This is a community of walkers with a lot of people walking and there is a pedestrian fatality problem in the State of New Jersey. We have the 15<sup>th</sup> highest deaths per thousand residents out of 50 states. If you get people to go slower it will help bicyclists as well as pedestrians. He is glad the Borough went ahead with this and hopes to see more efforts in the future.

Abby Stern-Cardinale, Harper Street, asked why #11 on the agenda was tabled. She thanked the Governing Body for having the agenda information posted. Borough Attorney Schmierer noted that the Governing Body discussed this ordinance at the agenda meeting and Councilwoman Welkovits asked for additional changes to be made and it will be considered for introduction at the October 3, 2017 meeting. Councilwoman Welkovits added that the change would be that if establishments get fined and appear in court after a certain number of violations, the Borough would be able to deny any future permits.

Mayor Brill Mittler thanked Amir for coming out to speak on behalf of the teen center. She hopes to see him there and that he would come here to speak on other issues and topics on behalf of his generation.

Councilman Hersh commended and thanked Councilwoman Welkovits and the Safe Walking and Cycling Committee for all their work on the demo bike lanes. He is a cyclist, a walker and a frequent driver, having bike lanes, is important to the quality of life and transportation issues in Highland Park. Many residents have to walk and some use bicycles to get around because they have to and don't have any other means of transportation. Have to get away from the strictly car oriented mindset of being mobile around town. If there are traffic calming measures that make our bicyclists and pedestrians more safe than that is where we have to be. When you come to any town and see bike lanes that speaks to where a town's priority is. This is extremely important to the health and well-being of this community and the safety of cyclists and our children.

Mayor Brill Mittler commented that walking is important to her. She hosts monthly walks and she has people from many generations join her. Her biggest pet peeve is the safety at the corner of Raritan Avenue and River Road for bicyclists and pedestrians. Councilwoman Welkovits will continue to work with Public Safety and the Police Officer on her team. The number one priority is safety.

Councilwoman Foster-Dublin commented that she is excited about the teen center, it has been years in the making. Passing the resolution tonight is a huge step and a big thing. She is happy to see Amir coming out to speak about this issue. For many years, he and his friends have been asking about this. She is looking forward to groundbreaking and ribbon cutting ceremonies. She hopes that he will continue to come out and talk to the Governing Body. She thanked the Governing Body for their support.

Mayor Brill Mittler noted that at the beginning of every school year she reconstitutes the Mayor's Teen Advisory Committee and hoped he would be involved. Amir Wright noted that he is in college now, but would be willing to help if it fits into his schedule.

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

There being no further business, on motion made by Councilman George, seconded by Councilwoman Kim, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:16 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk