

REGULAR MEETING – SEPTEMBER 5, 2017

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, September 5, 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, Hersh, Kim, Welkovits; Borough Attorney Schmierer; Borough Administrator Jover; Borough Clerk Hullings.

Absent: Councilperson George.

On motion made by Councilwoman Welkovits and seconded by Councilman Hersh, the minutes of the Regular and Conference Meetings held May 16, 2017 and the Special Meeting held May 23, 2017, were approved by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Hersh, Kim, Welkovits.

Opposed: None.

Absent: Councilperson George.

Abstained: Councilperson Foster-Dublin.

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

Councilwoman Kim reported that Window Art Walk is being installed, with 40 artists and 25 stores participating. The Window Art Crawl will take place on Saturday, September 16th with three tours starting at 4:00 PM, 4:30 PM, and 5:00 PM. New Brunswick's Art Council is looking to replicate the Borough's success with their own Window Art Walk in New Brunswick in mid-December. Members of the Highland Park Arts Commission have attended a meeting of the New Brunswick Council to help out. The de-installation of the Sculpture Walk at the Environmental Center will take place on September 22nd. The Highland Park Arts Commission will attend and have a table at the Arts in the Park event and will present workshops in dance, haiku and improv. The Arts Commission is working to create a Band-Aid Sculpture Project for 2018. The project pays homage to Earle Dickson, the inventor of the Band-Aid, and also aims to continue to build the link between Highland Park and New Brunswick. Calls for proposals from sculptors to go out September 15th. She encouraged residents to join them at the Highland Park Senior/Youth Recreation Center for a special presentation provided by Sustainable Highland Park. A film called "Bag It" will be shown with a discussion to follow about the dangers of plastic bags. This informative presentation will take place before the senior luncheon that will be held on Tuesday, September 12th at 11:00 AM. After lunch, enjoy musical entertainment from Don Anthony. On Wednesday, September 13th some of the seniors will be participating in Middlesex County's Senior Health & Fitness Walk from 10:00 AM – 1:00 PM at Roosevelt Park in Edison. The Flu Clinic will take place at the Senior/Youth Recreation Center on Wednesday, September 27th from 10:30 AM – 12:00 PM and will be provided by Rite-Aid Pharmacy. Last Wednesday they received their new medical van. The van will allow two handicapped residents to be transported at any time along with three additional passengers. The seniors will be taking a trip on September 26th to the PNC Art Center Senior Concert Series. Classes have begun for adult programming and also for youth fall soccer. They are offering a new program, Art Class, for 3rd – 6th grades. Mayor Brill Mittler noted that Mr. Dickson, the inventor of the Band-Aid, was a Highland Park resident.

Councilman Hersh reported that today, President Trump attempted to pull another thread out of the fabric of our communities by announcing that he would end President Obama's Deferred Action for Childhood Arrivals program, or DACA, in six months. Unless Congress steps in, ending the program could put nearly 800,000 undocumented young people at risk of deportation and unable to work legally when their two-year permits expire. These are 800,000 young people in our communities who felt less marginalized, less disenfranchised, and less fearful because they were promised inclusion and access to inclusion. No longer. Fear and dogma rule the day, particularly on issues of immigration. Policies guided by fear and exclusion are morally and socially wrong. Wrap those policies in cloaks of security or economic stability and it is especially duplicitous. The President said today that "before we ask what is fair to illegal immigrants, we must also ask what is fair to American families, students, taxpayers, and job seekers". First, it's critical to note that no human is "illegal". Second, being an American family, student, taxpayer, job seeker, and undocumented resident are not mutually exclusive. Nevertheless, let's make an economic argument for inclusion as well. Establishing inclusive communities that protect its residents is good for the economy, particularly in New Jersey, where Hispanics are solely responsible for New Jersey's population growth since 2010, with the Hispanic population growing while the non-Hispanic population remains stagnant. A recent U.S. Hispanic Chamber of Commerce study reported that Hispanic consumers contributed more than \$1.3 trillion to the United States economy in 2016 and that sales from Hispanic-owned businesses contribute more than \$668 billion to the U.S. economy, an increase of 29 percent since 2012 and nearly twice the total in 2007. Hispanics contribute an estimated \$46 billion in purchasing power to the state economy. In Middlesex County alone we've seen a 45-percent increase in the Hispanic population since 2000, with Latinos comprising 18 percent of the county's population. If your representatives are opposed to policies of inclusion or any other policy that is intended to protect residents from living in dignity while providing necessary access to full, documented status, you don't have to go far to figure out the motive, because it's not an economic motive. It's also important to note that this is an administration that hesitated to offer a full condemnation of white supremacists in Charlottesville and issued an unprecedented mid-term pardon of Joe Arpaio, former sheriff of Maricopa County, Arizona, who was recently convicted of regularly violating the rights of Latinos, stopping people based on racial profiling, detaining them based solely on the suspicion that they were in the county illegally, and turning them over to the immigration authorities. But now is our time. If Congress doesn't act, families will be torn apart and young people will be forced back to countries they don't know and our economy will lose billions of dollars. We are fortunate our district's representatives in Congress, Rep. Frank Pallone, is in support of DACA, but please call his office to encourage him to work with his colleagues across the aisle to pass a Dream Act that will allow our immigrant youth to no longer

be marginalized and part of an inclusive community. It's easy for an ideologue to speak from the penthouse, but on the ground we have the power, and I'm optimistic that even with considerable hurdles, we will win. This is why the work that this Mayor and Council is doing, and so many of us in the community are doing, is so essential in chipping away at tolerance, and more important, learning from intolerance, even when it's from within. In this spirit, we encourage everyone to attend our second annual September 11 Day of Discussion with this year's theme, "Standing Up in the Face of Hate". We are honored to welcome Charlottesville, Virginia Vice-Mayor, Dr. Wes Bellamy, as our featured speaker for this event, during which we will examine these complexities of our diverse society, and the steps we can take to combat hate and intolerance in the future. No stranger to controversy, Vice-Mayor Bellamy will discuss his own experience with personal intolerance to racial and cultural acceptance in a city that has emerged as the topical flashpoint for racial division and anti-Semitism. We are also thrilled to have Elizabeth Williams-Riley, President & CEO of the New Brunswick based American Conference on Diversity, who will conduct a community dialogue forum to assist the Borough in its efforts to build stronger alliances among diverse community members. The focus will be on raising awareness to engage diverse community leaders in efforts to create a more inclusive community and participants will be given the opportunity to explore ways to combat bias, bigotry and hate. As a result of the training, participants will develop innovative approaches to manage challenging dynamics of diversity that can ultimately build stronger inclusive community partnerships. The Day of Discussion event will take place on September 11th, at 7:00 PM at the Highland Park High School Auditorium. The newly constituted Commission on Immigrant and Refugee Affairs will hold its first meeting Tuesday, September 12th, at 7:00 PM in Borough Hall. The Highland Park Housing Authority will hold its regular meeting September 13th at 6:30 PM at the Samuel Kronman Building. The Highland Park Board of Health will get back into gear for the fall on September 14th at 7:00 PM in the lower level conference room in Borough Hall. He welcomed two tremendous residents, Julie Luck and Steven Galante to the Human Relations Commission and the Cable TV Advisory Committee. He got to know Julie over the last year or so after she and her family moved to town. Their first discussion took place on Election Day of 2016 and she expressed her excitement about living and being part of such a progressive town. She very quickly became involved with the Highland Park Parents of Students of Color Community Group and we are so fortunate to have her perspective and energy on the Human Relations Commission. He first got to know Steven through his volunteer work with the Citizens Campaign. As the Citizens Campaign's Communications Coordinator, Steven brings the same journalistic, real news, perspective to municipal government that embodies the spirit of providing transparent government as a means of achieving an engaged community. Finally, he is happy that they are reappointing Diane Reh to the Highland Park Housing Authority. Her expertise and encyclopedic knowledge of every bit of Highland Park minutiae is truly invaluable. He looks forward to learning more from everyone.

Councilwoman Foster-Dublin reported that this is hurricane season and everyone should be prepared in case of an emergency. The Police Department website has information under the OEM tab that outlines things you should keep at the ready such as copies of prescriptions, canned food, etc. They will be sending out a Nixel alert to remind everyone. The month of October is Fire Prevention Month. Lastly she noted that Friday is the start of the school year and residents should pay special attention to children walking to school. She encouraged everyone to utilize the sidewalks when walking and not walk in the street.

Councilman Fine – No report.

Councilwoman Welkovits reported that Highland Park will declare September as Safe Walking and Cycling Month. Highland Park is a community with a vibrant downtown and main street and prides itself as a walkable community offering residents close proximity to downtown shops and services, and both the New Brunswick and Edison train stations. The Highland Park Safe Walking and Cycling Committee (SWACC) has been established to review and monitor the implementation of policies affecting travel by foot or by bicycle within the Borough and neighboring communities to improve the safety of residents and visitors. As children and residents head back to school, September is the ideal time to promote Safe Walking and Cycling Month in Highland Park. During this month, they've organized several special events for all ages and abilities. Please join them at any of this special September events. These events have been specifically tailored for various age groups and abilities in order to educate our residents and improve public safety for pedestrians and bicyclists. With a grant from the NJ Division of Highway Safety through Keep Middlesex Moving, they will be painting stencils on certain sidewalks to help pedestrians stay focused at critical intersections. On September 10th they will be chalk-painting temporary bike lanes, barriers and parking spots on South 1st Avenue. She encouraged residents to join them for an organized bicycle ride at 11:00 AM and again at 1:00 PM. These demonstration bike lanes will be available for all to try from 10:00 AM to 3:00 PM. She thanked Unity Bank for allowing them to congregate in their parking lot prior to the organized rides. September 11th will be the launch of the Seniors Walking Program organized by Highland Park Senior Services and SWACC member and Walking Ambassador, Jan Verstraete. They will meet at the Senior Center at 8:30 AM. She encouraged residents to join Mayor Brill Mittler for a special Window Art Walk on the Avenue to celebrate Highland Park's Downtown Window Art. They will meet at the corner of South Adelaide Avenue and Raritan Avenue on September 13th at 7:00 AM. A Bike Rodeo will be held on September 27th behind Bartle School from 4:00 PM to 6:30 PM. Please join SWACC, Keep Middlesex Moving and the RWJ Trauma Center for helmet fitting, rules of the road, safety tips and other games and information. The Town Wide Garage Sale will be held on September 16th and 17th and the Arts in the Park Event will be held on September 24th. The Highland Park Redevelopment Agency will meet on September 7th at 7:30 PM in Borough Hall. The Safe Walking and Cycling Committee will meet on September 13th at 7:00 PM in Borough Hall. The Planning Board will meet on September 14th at 7:30 PM in Borough Hall.

Borough Administrator Jover reported that the Borough's summer hours have ended and they are back to the regular schedule of Mondays, Wednesdays and Thursdays 8:00 AM to 4:00 PM, Tuesdays 8:00 AM to 6:00 PM and Fridays 8:00 AM to 1:00 PM. Lastly, she welcomed the new Assistant Finance Officer to the Borough.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler reported that Monday, September 11th will mark 16 years since the worst terror attack on American soil. In those 16 years, this country has faced challenges from abroad and from within our own borders. We have seen diversity build wedges between us, yet we have not allowed it to tear us apart. On September 11, 2001, and on many days since then, we have witnessed Americans come together in hope and unity in times of intimidation and need. Recently, many Americans have voiced their objection to hate and violence following the events in Charlottesville, VA. On Monday, September 11th at 7:00 PM at the Highland Park High School auditorium, please join us and the Highland Park Human Relations Commission for their second annual September 11th Day of Discussion with this year's theme, "Standing Up in the Face of Hate". They are honored to welcome Charlottesville, Virginia Vice-Mayor Dr. Wes Bellamy as the featured speaker for this event. They are also thrilled to have Elizabeth Williams-Riley, President & CEO of the New Brunswick based American Conference on Diversity. She will conduct a community dialogue forum to assist the Borough in its efforts to build stronger alliances among diverse community members. The focus will be on raising awareness to engage diverse community leaders in efforts to create a more inclusive community and participants will be given the opportunity to explore ways to combat bias, bigotry and hate. She encouraged residents to join her at the corner of South Adelaide Avenue and Raritan Avenue on September 13th at 7:00 AM for her Walk with the Mayor event. The HP Gives a Hoot fund is active and vibrant and they are collecting donations. They gave out over 200 lunches last year to children. This year, there is a significant increase in children signing up for the lunches. Lunches are provided by the Global Grace Cafes. More information is available on the HP Gives a Hoot Facebook page or through the Borough's website.

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

Herb Gross, Adelaide Gardens, commented about the terrible tragedies recently in Texas and Louisiana. The American Legion and the VFW have donated and sent items to these states. He asked for help for these unfortunate people as they need our help. He wants to see a committee formed to coordinate a way to help these people. Mayor Brill Mittler thanked him for reminding them of the tragedy. She has been in touch with representatives at a shelter down there. They are in need of case workers. More information will be provided when flights can get there. Councilwoman Foster-Dublin noted that there are local community efforts for donations in some of the churches in Highland Park.

Peter Avery, 402 Graham Street, commented about the deer on the south side of town. He lives at the corner of South 4th Avenue and Graham Street, on a corner lot with hedges. He chases the deer on a daily basis. They lay in his yard, defecate in his yard and he is concerned about ticks. Councilwoman Foster-Dublin noted that this is a county wide problem. She sees them just walking down the street. Councilman Fine has been on a campaign about this issue. Calls have been made to the Division of Game and Wildlife to get more information about solutions. Mr. Avery noted that they are destroying his shrubbery and plants. Councilwoman Foster-Dublin noted that she has discuss this issue with the County and they know it's a problem. The fences to the borough's meadows property keep getting knocked down. Lastly, Mr. Avery commented about the proposed performing arts center and would be very interested in assisting.

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

The Clerk reported advertising an ordinance entitled, CAPITAL ORDINANCE AMENDING AND RESTATING CAPITAL ORDINANCE NUMBER 15-1896 HERETOFORE FINALLY ADOPTED BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "BOROUGH") ON DECEMBER 1, 2015 PROVIDING FOR ACQUISITION OF A GENERATOR FOR THE SENIOR/YOUTH RECREATION CENTER, IN AND BY THE BOROUGH, APPROPRIATING \$132,800.00 TO PAY THE COST THEREOF, 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 Fine, seconded by Councilwoman Foster-Dublin and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

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

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

On motion made by Councilman Fine, seconded by Councilwoman Foster-Dublin, the ordinance entitled as above, being Ordinance No. 17-1947, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Abstain: None

Absent: Councilperson George.

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

No. 9-17-263

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, CAPITAL ORDINANCE AMENDING AND RESTATING CAPITAL ORDINANCE NUMBER 15-1896 HERETOFORE FINALLY ADOPTED BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "BOROUGH") ON DECEMBER 1, 2015 PROVIDING FOR ACQUISITION OF A GENERATOR FOR THE SENIOR/YOUTH RECREATION CENTER, IN AND BY THE BOROUGH, APPROPRIATING \$132,800.00 TO PAY THE COST THEREOF, 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 advertising an ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 230, "LAND DEVELOPMENT", for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

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

On motion made by Councilwoman Welkovits, seconded by Councilwoman Foster-Dublin, the ordinance entitled as above, being Ordinance No. 17-1948, was duly adopted by the following roll call, to wit:

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

Opposed: None.

Abstained: None.

Absent: Councilperson George

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilwoman Welkovits, seconded by Councilwoman Foster-Dublin, and carried by unanimous affirmative voice vote:

No. 9-17-264

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 230, "LAND DEVELOPMENT", 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.

Resolution Nos. 9-17-265 through 9-17-279, were duly adopted on motion made by Councilwoman Welkovits, seconded by Councilwoman Kim, and carried by the following roll call vote, to wit:

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

Opposed: None.

Abstained: None.

Absent: Councilperson George.

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

No. 9-17-265

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 annual basis, there have been the following changes, to wit:

JOHN SACHAU, Sergeant, at an annual salary of \$122,468.00 effective July 11, 2017.

JOSE CURBELO, Sergeant, at an annual salary of \$122,468.00 effective July 11, 2017.

NEREA LAFONTAINE, Assistant Finance Officer, at an annual salary of \$60,000.00, effective September 12, 2017.

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:

DAVID BALDWIN, Senior Water & Sewer Maintenance, at an hourly rate of \$22.22, effective September 1, 2017.

DAVID DIEZ, Library Page, at an hourly rate of \$8.55, effective September 7, 2017.

MARZIA KARIM, Library Page, at an hourly rate of \$8.55, effective August 9, 2017.

MICHAEL LUTHMAN, On-Call Building Inspector, at an hourly rate of \$40.00, effective August 28, 2017.

VIVEK PUDURI, Seasonal Recreation, at an hourly rate of \$12.00, effective August 15, 2017.

MARC RAMREKHA, Seasonal Recreation, at an hourly rate of \$8.67 hour, effective September 1, 2017.

GABRIELA SANCHEZ, Seasonal Recreation, at an hourly rate of \$8.50 hour, effective September 1, 2017.

ANGEL HOLQUIN, Seasonal Recreation, at an hourly rate of \$8.50 hour, effective September 1, 2017.

ISABELLA GODISH, Seasonal Recreation, at an hourly rate of \$8.50 hour, effective September 1, 2017.

OLIVIA WEAVER, Seasonal Recreation, at an hourly rate of \$8.50 hour, effective September 1, 2017.

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MAKENZIE VOLPERT, Seasonal Recreation, at an hourly rate of \$8.50 hour, effective September 1, 2017.

ELIZABETH GIRVAN, Seasonal Recreation, at an hourly rate of \$8.50 hour, effective September 1, 2017.

KATIE VOLPERT, Seasonal Recreation, at an hourly rate of \$8.44 hour, effective September 1, 2017.

ROHAN THOMPSON, Seasonal Recreation, at an hourly rate of \$8.44 hour, effective September 1, 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 Health and Human Services Committee, was duly adopted as above:

No. 9-17-266

WHEREAS, the Housing Authority of the Borough of Highland Park (the "Authority" or the "Housing Authority") is a public body corporate and politic, constituting an agency and instrumentality of the State of New Jersey (the "State"), created by the Borough of Highland Park (the "Borough") in the County of Middlesex, within the State pursuant to the provisions of the Housing Authorities Law, Chapter 67 of the Pamphlet Laws of 1950, codified at N.J.S.A. 55:14A-1 et seq., repealed and replaced by the Local Redevelopment and Housing Law, under Chapter 79 of the Pamphlet Laws of 1992, as amended and supplemented, and codified at N.J.S.A. 40A:12A-1 et seq. (the "Act"); and

WHEREAS, the Authority owns and operates residential rental public housing projects, for which it has received approval from the United States Department of Housing and Urban Development ("HUD") to convert the 24 units of its three (3) public housing projects to Authority-owned and operated multifamily housing under (collectively, the "Project") to the Rental Assistance Demonstration Program, P.L. 112-55 (2012) ("RAD"), administered by HUD; and

WHEREAS, the Act authorizes the Authority to issue bonds, notes, certificates, debentures or other obligations secured by the revenues of the Authority (N.J.S.A. 40A:12A-16(5) and -29); and

WHEREAS, in furtherance of the purposes of the Act, the Authority proposes to enter into a loan (the "Loan") with Community Loan Fund of New Jersey, Inc. (the "Lender") in an amount not to exceed \$473,500 and to issue and deliver its Promissory Note to the Lender in like amount to evidence the Loan (the "Obligation") upon substantially the terms and conditions contained in the commitment letter attached hereto as Exhibit A as such terms may be further negotiated and revised by the Authority, and to apply the proceeds of the Loan to finance capital improvements and make an initial deposit to the renewal and replacement escrow for the Project that will be subject to the RAD program and to pay costs in connection therewith; and

WHEREAS, the Obligation, when issued, will be a special and limited Obligation of the Authority, and neither the Borough, nor any political subdivision thereof (other than the Authority, but solely to the extent of the trust estate as defined in the Resolution (as defined below)), will be obligated to pay the principal or redemption price of, redemption price or interest on, the Loan, and neither the faith and credit nor the taxing power of the Borough or any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Obligation; and

WHEREAS, the Obligation will be issued pursuant to the terms of the Act, other applicable law and agreements and a resolution to be adopted by the Authority prior to the issuance of the Obligation authorizing the issuance of the Obligation (together with any amendments or supplements, (the "Resolution"); and

WHEREAS, N.J.S.A 40A:12A-29(d) requires that the governing body in which a housing authority financing housing projects determine that the rate of interest on any such financing undertaken by a housing authority be in the best interest of the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF HIGHLAND PARK as follows:

Section 1. The Borough acknowledges that the Housing Authority proposes to execute and deliver its Obligation in an aggregate principal amount not to exceed \$473,500 and together with additional funds of the Authority, to (i) finance capital improvements to the Project that is subject to the RAD program, (ii) fund an initial deposit to the replacement reserve escrow, and (iii) pay costs in connection therewith. The terms and conditions for the issuance of the Obligation shall be as provided in the Commitment dated March 2, 2017 with New Jersey Community Capital (the "Bank") as amended and extended (the "Commitment"). The Obligation shall be dated, shall bear interest at such rate of interest, and shall be payable as to principal, interest and redemption premium, if any, all as specified in the Commitment from the Bank to the Authority. The interest rate for the Obligation will be set one day prior to the closing on the RAD conversion and shall be fixed at the then equivalent 15-year Federal Finance Rate, to match the Loan Term, plus 3.460%, fixed for the Term. As of February 15, 2017, the indicative interest rate during the Term would be 5.182%.

The term of the Bonds shall be 15 years based upon a three hundred (300) month amortization schedule.

Payments will be made in 300 equal monthly installments of principal and interest.

The Authority may prepay the Obligation as follows: the Authority shall be allowed to prepay up to ten percent (10%) of the original principal balance annually (\$47,350.00). In annual prepayment amounts greater than \$47,350.00, the Loan shall not be subject to prepayment during the first five (5) prepayment years of the Loan Term. Thereafter, the Borrower may prepay the Loan, in whole or in part, subject to a prepayment penalty equal to the greater of 1) one-percent (1.00%) or 2) the present value of the difference between the remaining interest payments scheduled to be paid on the Loan (or the portion of the Loan being repaid) to maturity and the remaining time to maturity as the Loan, or portion thereof, being prepaid made at 3.460% over the then current 15-year Federal Financing Bank or reasonable comparable index.

Neither the faith and credit nor the taxing power of the Borough nor any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the

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Obligation. Nothing in the Obligation or the Resolution will assign or pledge therefor any other funds or assets of the Authority, the County or the Borough.

Section 2. Subject to satisfaction of the conditions set forth below, the Borough hereby finds and determines, in accordance with the provisions of N.J.S.A. 40A:12A-29(d), that the rate of interest, as described above, is in the best interest of the Borough. The Authority shall establish, to the satisfaction of Borough officials at or before the issuance of the Promissory Notes, that the Authority has either performed, or covenanted to perform, each of the following conditions:

A. The proceeds of the Obligation, together with available moneys of the Authority, shall be applied to: (i) finance capital improvements to the Authority’s Project that is subject to the RAD program; (ii) make an initial deposit to the replacement reserve escrow; and (iii) pay costs in connection therewith. The proceeds of the Obligation shall not be used for any other purpose other than as described above.

B. The Authority shall provide a copy of the closing transcript with respect to the Obligation to the Borough.

C. The Mayor, Borough and the Borough’s Chief Financial Officer are each hereby authorized and directed to execute and deliver such certificates, agreements and documents, and to take such other actions as may be necessary or appropriate in order to consummate the transactions contemplated hereby.

D. Certified copies of this Resolution shall be filed with the Clerk of the Borough of Highland Park and the Housing Authority. This Resolution shall take effect immediately upon the adoption hereof.

The following resolution, introduced by the Council as a Whole, was duly adopted as above:
No. 9-17-267

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, 2022

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

No. 9-17-268

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

| <u>ACCOUNT NO.</u> | <u>NAME</u> | <u>AMOUNT</u> | <u>PROJECT DESCRIPTION</u> |
|--------------------|---|---------------|---------------------------------|
| T-12-56-832-085 | John Burton Plumbing 104 Norcross Avenue Metuchen, NJ 08840 | \$500.00 | 18 South 1 st Avenue |
| T-12-56-832-086 | Mattco Plumbing 160 Liberty Street Metuchen, NJ 08840 | \$500.00 | 232 Graham Street |

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

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

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 9-17-269

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2016 and 2017 taxes for the property indicated:

| <u>BLOCK LOT</u> | <u>REMITTEE</u> | <u>AMOUNT TO BE REMITTED</u> |
|------------------|--|------------------------------|
| 36 | 9 Stop & Shop Supermarket 3213 Paysphere Circle Chicago, IL 60674 (30 So. 5 th Ave.) | \$6,885.12 |
| 6 | 1 Summit National of NJ Inc. Title Co. 283 Inman Ave., Unit 3 Colonia, NJ 07067 (109 So. Adelaide Ave.) | \$2,832.58 |
| 15 | 5 Sijian Wang & Jie Feng 122 Benner Street Highland Park NJ 08904 (122 Benner Street) | \$5,174.82 |
| 180 | 5 First American Title Ins. Co. 50 Millstone Road, Bldg. 200, Ste. 150 East Windsor, NJ 08520 (48 Cleveland Avenue) | \$2,539.55 |
| 181 | 43 Q0202 Gangam, Pranav & Wemavarapu, Varsha 202 Kiersten Drive Highland Park NJ 08904 (202 Kiersten Drive) | \$1,172.10 |

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

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

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No. 9-17-270

WHEREAS, the following business/property owners have submitted a completed application to the Borough of Highland Park for matching grant under the Highland Park Façade Improvement Program and/or the Highland Park Awning Promotion Program, both funded through the Community Block Development Grant and further described on the Purchase Requisition attached to the original of this resolution for the location designated, to wit:

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APPLICANT
OQ Coffee Co

BUSINESS LOCATIONS
13 South 3rd Ave, Suite C

and

WHEREAS, the Main Street Design Committee has reviewed the applications and has recommended that the above applications be approved by the Mayor and Council; and

WHEREAS, funds for this purpose will be available in Account No. G-02-12-CD5-210 for a total amount not to exceed \$908.44, 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 application from the above named business/property owner be approved for funding under the Highland Park Façade Improvement and Awning Promotion Program in the amount set opposite, to wit:

| | |
|------------------|---------------|
| <u>APPLICANT</u> | <u>AMOUNT</u> |
| OQ Coffee Co. | \$908.44 |

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the applicant, Finance Department and the Main Street Executive Director forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 9-17-271

WHEREAS, the Borough of Highland Park has need of the additional services of an engineer to provide engineering services in connection with Change Order No. 1 for the Improvements to Grant Avenue, Felton Avenue and Graham Street, in accordance with letter proposal from CME Associates, dated July 13, 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 \$4,775.00 without further resolution of Council, as reflected by the Certification of Funds by the Assistant CFO, 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. 9-17-272

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for the services of its Auditor to perform services for the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for the services of Auditor to perform professional services for the Borough by a Request for Qualifications.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 9-17-273

WHEREAS, Majestic Towing 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 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 License to the aforesaid applicants.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:
No. 9-17-274

awarded a grant in the amount of up to \$37,731.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment and Site Investigation of the Classic Cleaners property.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Highland Park and Redevelopment Agency that the above referenced grant is hereby accepted and the Borough Administrator is hereby authorized to execute grant documents and any and all documents necessary in connection with the aforesaid grant as an authorized representative thereunder, as the representative for the Highland Park Redevelopment Agency.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:
No. 9-17-275

WHEREAS, Highland Park Redevelopment Agency has applied for and has been awarded a grant in the amount of up to \$54,432.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey

Economic Development Authority for Preliminary Assessment and Site Investigation of the Denison Street Vacant Lots property.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Highland Park and Redevelopment Agency that the above referenced grant is hereby accepted and the Borough Administrator is hereby authorized to execute grant documents and any and all documents necessary in connection with the aforesaid grant as an authorized representative thereunder, as the representative for the Highland Park Redevelopment Agency.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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

No. 9-17-276

WHEREAS, Highland Park Redevelopment Agency has applied for and has been awarded a grant in the amount of up to \$54,332.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment and Site Investigation of the Rutgers Gun and Boat Shop property.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Highland Park and Redevelopment Agency that the above referenced grant is hereby accepted and the Borough Administrator is hereby authorized to execute grant documents and any and all documents necessary in connection with the aforesaid grant as an authorized representative thereunder, as the representative for the Highland Park Redevelopment Agency.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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

No. 9-17-277

WHEREAS, the Borough of Highland Park is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for the Borough of Highland Park to have representation on the Board of Commissioners; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, New Jersey, that Teri Jover, Borough Administrator, is hereby appointed as a Fund Commissioner representing the Borough of Highland Park on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

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

No. 9-17-278

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following financial procedures are hereby established for the year 2017:

1. That the following banks shall be designated as depositories for the Borough's accounts, and the custodian of these accounts shall be the Chief Financial Officer and Borough Administrator:

BANK

Bank of America
 PNC Bank
 Provident
 Wachovia
 Unity Bank

2. That withdrawals from the Petty Cash checking account shall be made on forms provided and signed by the Borough Administrator, Chief Financial Officer or Treasurer.
3. That withdrawals from the following accounts shall be made on forms provided and signed by Borough Administrator or Chief Financial Officer or Treasurer and the Mayor:

| | | |
|-----------------------|-----------------------|---------|
| Current | Dog License | Payroll |
| Trust Other | Capital | |
| Claims Fund | Water & Sewer | |
| Assessment Trust | Grants | |
| Water & Sewer Capital | Tax Collector's Trust | |

4. That the following banks shall be designated as depository for the Borough's investment accounts and the custodian of these accounts shall be Chief Financial Officer, Treasurer or Borough Administrator:

| | | |
|-----------------|----------|------------|
| Bank of America | PNC Bank | Unity Bank |
|-----------------|----------|------------|

5. That the Tax Collector shall be directed to collect interest at 8% per annum on the first \$1,500.00 of delinquency, and 18% per annum on any amount in excess of \$1,500.00 to be calculated from the date when any tax installment shall be payable and delinquent until the date said installment together with interest is paid, provided, however, that if any installment is paid within ten (10) days after the due date, then in that event there shall be no interest charged.
6. That petty cash funds be established in the following departments for the amounts designated, to wit:

| | |
|-------------------------|----------|
| Finance Department | \$400.00 |
| Police Department | 250.00 |
| Fire Department | 50.00 |
| Public Works Department | 200.00 |
| Community Service | 200.00 |
7. That the Borough Administrator shall be and is hereby authorized and directed to make, negotiate or award all purchases, contracts, or agreements, the cost of which does not exceed \$5,000.00, without a further resolution of this Council, except those purchases,

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contracts or agreements approved by the Library Board of Trustees; and that the Borough Council will continue to approve by individual resolutions all purchases, contracts and agreements, the estimated cost of which is in excess of \$5,000.00, except those purchases, contracts or agreements approved by the Library Board of Trustees.

8. That cash drawers are hereby established in the following departments and amounts in order to make change for in-person cash payments:

| | |
|---------------------------|----------|
| Tax Collection Department | \$100.00 |
| Violations Bureau | 100.00 |
| Police Department | 40.00 |
| Borough Clerk's Office | 50.00 |
9. That the Borough Administrator be directed to continue the investigation of the feasibility of a joint purchase program, a joint equipment usage program, and a joint business management program in conjunction with the Board of Education, pursuant to Highland Park Resolution No. 10-92-427.
10. That the Borough Tax Collector is hereby authorized and directed to schedule and conduct a tax sale during December, 2017, for all taxes and municipal charges unpaid as of November 11, 2017.
11. That the "Cash Management Plan" as adopted by Resolution No. 4-98-154 on April 7, 1998 and attached to the original of that resolution shall be and is hereby adopted as policy to be utilized for the Borough of Highland Park for 2017, as required under NJSA 40A:5-14 of the Local Fiscal Affairs Law. Certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, the Borough Auditor and the Chief Financial Officer of the Borough.
12. That the Borough Tax Assessor is hereby authorized to file counterclaims in tax appeals for certain properties that said Tax Assessor determines to be under assessed rather than over assessed, subject to the concurrence of the Tax Appeal Attorney.
13. That the Borough Tax Assessor is hereby authorized to file tax appeals, on behalf of the Borough, as it may become necessary from time to time, to correct, amend, or update the records of said Tax Assessor.
14. That the Borough Tax Collector is hereby authorized to process, without further action by the governing body, the cancellation of any property tax refund of less than \$10.00, or any property tax delinquency of less than \$10.00, or any water and sewer refund or delinquency of less than \$1.00, together with interest, per calendar year.
15. That certain services provided by the Borough Attorney, Borough Auditor, Borough Engineer, Bond Counsel, and/or Planning Consultant shall be considered as approved within the meaning of the respective Professional Service Agreements when:
 - a. The Borough Administrator authorizes work which is estimated and does, in fact, not exceed ten hours;
 - b. The Mayor, or the Council President, authorizes work which is estimated to and does, in fact, not exceed ten hours;
 - c. Approved by resolution of Council.Authorizations made under sub-paragraphs a. and b. shall be reported at the next Agenda or Conference Meeting.
16. That Borough owned properties be exempt from water and sewer charges pursuant to Resolution No. 11-02-424.
17. That the Municipal Court is hereby authorized to accept credit card payment of Court fines subject to appropriate bank procedures.
18. That the Community Services Department shall refund fees deposited in the Recreation Trust Fund for trips and events with the approval of the Borough Administrator with a \$5.00 administrative fee to be deducted at the discretion of the Borough Administrator.
19. That 50% of the fines collected for handicapped parking violations shall be designated to the Highland Park Commission for Universal Access, to be used at their discretion.
20. That a 2% processing fee be assessed for use of credit cards for payments of water & sewer and tax bills, both in person and on-line.
21. That the Finance Director is authorized to process off-duty overpayments, as directed by the Police Department, in an amount not to exceed \$1,000.00, without a further resolution of this Council.
22. That the Finance Department is authorized to process bills for payment, without signatures from the vendor, for State Agencies, County Agencies, Municipal Agencies, Utility Companies, and other agencies that utilize lock boxes for payments (examples: FedEx, UPS, Pitney Bowes, The Home News Tribune, The Star Ledger, etc.).

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 9-17-279

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 9/5/2017 can be found in the Bills List Journal Book No. 36.

Mayor Brill Mittler appointed Julie Luck to serve as a Regular Member of the Human Relations Commission for a term to expire April 17, 2018.

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Mayor Brill Mittler appointed Steven Galante to serve as a Regular Member of the Human Relations Commission for a term to expire September 5, 2020.

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

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

Opposed: None.

Abstained: None.

Absent: Councilperson George.

Mayor Brill Mittler appointed Kim Hammond to serve as a Class IV Member of the Planning Board for a term to expire September 2, 2021.

Mayor Brill Mittler appointed Rebecca Hand to serve as the Alternate No. 1 Member of the Planning Board for a term to expire September 2, 2019.

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

Ruth Bickhardt, 307 Magnolia Street, complained about the condition of the road at South 3rd Avenue and Magnolia Street. She also complained about the overgrown hedges and dangerous sidewalk conditions in her neighborhood. She has reported these items in the past and nothing has been done. Mayor Brill Mittler asked the Borough Administrator to follow up on these items with the Code Enforcement Director. Ms. Bickhardt asked that the Mayor walk with her to see the issues that she is talking about. She also commented that she does not see many bicyclists wearing helmets. They were given out at National Night out. Councilwoman Welkovits noted that the Police Department has a program where they give out coupons for ice cream or pizza when they see children with helmets on and bells and lights on their bicycles.

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

The following resolution, introduced by the Council as a Whole, was duly adopted 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, Hersh, Kim, Welkovits.

Opposed: None.

Abstained: None.

Absent: Councilperson George.

No. 9-17-280

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from the closed session at close of tonight's open session.
2. The general nature of the subject matter to be discussed is as follows:
(Litigation: (a) JSM at Highland Park v HP and Reinitz v HP)
3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

There being no further business, on motion made by Councilwoman Welkovits, seconded by Councilwoman Kim, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 7:41 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk