

REGULAR MEETING – SEPTEMBER 17, 2013

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, September 17, 2013 and was called to order by Mayor Minkoff at 7:03 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

On motion made by Councilwoman Welkovits seconded by Councilman Potts, the minutes of the Regular and Conference Meeting held on September 3, 2013 were approved as distributed by unanimous affirmative voice vote.

Main Street Minute was presented by Jamie McCrone. He noted that the Arts in the Park Event will take place on September 29<sup>th</sup>. They have more artists' registered this year and greater sponsorship and merchant participation. Main Street has hired a part-time Event Coordinator, Rebecca Hersh. She is a longtime volunteer with Main Street. The Summer Cinema series will conclude this weekend. The Shop HP Rewards Loyalty Cards to be mailed out this week to residents and renters. This will allow residents to receive discounts at participating merchants. The discounts accrue and they can take them in a lump sum payment or apply it towards their property taxes. St. Peter's Hospital will be sponsoring the farmer's market until the end of the year and will be a full time sponsor in 2014. The redesign of the Shop HP website is ongoing and should be completed next week.

Library Minute was presented by Marc Mappen of the Library Board of Trustees. The Library had a good turnout over the summer. They checked out 13,000 books in July and August. They have 60 people per hour on an average day. Public programs bring people into the Library. A recent event by a Highland Park author (him) attracted 80 residents. They are planning a blood drive in the future. The Friends of the Library book sale brought in \$6,580.00 and their fundraising effort netted them \$16,370.00, which is 30% higher than the prior year. Library Director Jane Stanley recently attended a seminar on fundraising. The Library has a new HVAC System that was installed with grant funding from the County of Middlesex. The Library roof is leaking and warranty for repair is expired. Library Director Jane Stanley recently had surgery and is recovering nicely. The Library Board is currently working on a strategic plan and will present to Governing Body when it is completed.

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that on Friday, the Middle School will be placing their Pinwheels for Peace on Raritan Avenue. There will be a giant Pinwheel displayed outside Stop and Shop. The Fire Department held a wet down in August for the newly acquired ladder truck. The event was well attended. The Office of Emergency Management is working on putting together brochure with tips on preparing for the upcoming hurricane season. At the next Council Meeting the OEM Coordinator will be in attendance to give a presentation. She reminded residents to change their batteries in their smoke detectors and flashlights. The construction on the new Police Department is going well and they hope for a dedication in April, 2014.

Councilman Potts reported that the men's basketball league is beginning their 2<sup>nd</sup> season. The league will start on September 24<sup>th</sup>. The deadline to register is September 20<sup>th</sup>. The town wide garage sale will be held on October 5<sup>th</sup> and 6<sup>th</sup>. Information is available on the borough website and there are no fees or permits required. This is a joint venture between the borough, the PTO, and Century 21. The Halloween Party will be held on October 27<sup>th</sup> and the location is yet to be determined.

Councilwoman Welkovits reported that there will be a gun buyback program on September 27<sup>th</sup> and 28<sup>th</sup>. Information about locations is posted on the borough website. The Mayor's Wellness Campaign is hosting the 1<sup>st</sup> of many non-themed walks on the 4<sup>th</sup> Thursday of every month at the Meadows. Allan Williams of the Environmental Commission has agreed to lead the walk and the 1<sup>st</sup> one will take place on September 26<sup>th</sup> at 6PM and begin at the corner of Valentine Street and South 5<sup>th</sup> Avenue. There are two important items on the agenda for action. There is an ordinance to ban fracking in Highland Park. The Governor refuses to ban fracking in New Jersey. The Borough will also be passing a resolution renewing the Borough's previous ban of fracking statewide and nationwide and ban the processing of fracking waste and waste water in New Jersey. They are also banning the expansion of liquefied natural gas infrastructure. Councilwoman Foster-Dublin added that the gun buyback program is very important. She noted that anyone who wishes to turn in guns can contact the Police Department at any time.

Councilwoman Brill Mittler reported that the Arts in the Park Festival will take place on September 29<sup>th</sup> and they will have a record number of booths. The Marketing Task Force will be meeting to fine tune marketing ideas for the Borough. Resolution 9-13-291 calls for the restoration of energy tax rebates. The State of New Jersey has been holding onto these funds and the State owes Highland Park over \$2 million dollars.

Councilman Erickson reported that the Borough will begin the 2014 budget process in October.

Borough Administrator Kovach reported that the Sidewalk Improvement Program contracts have been mailed out. 100 contracts have already been returned. She noted that there is a clarification on the contract. The costs are payable in full after construction is complete or over five years. As long as payment is made within 30 days of receipt of billing, there is no interest charged. If you do not pay by April 30<sup>th</sup>, the Borough will follow the same procedure as taxes, 8% and 18%. With regard to borough tree roots lifting sidewalks, the Council, the Certified Tree Expert and the Shade Tree Advisory Committee are looking at certain products that will help the roots grow down instead of up. They are still doing research and will report back when a decision has been made.

REGULAR MEETING – SEPTEMBER 17, 2013

Borough Attorney Schmierer – No report.

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

Karina Wilkinson, 100 Lawrence Avenue, thanked the Mayor and Council for being the first municipality to pass an ordinance on fracking.

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

The Clerk reported advertising an ordinance entitled, AN ORDINANCE BANNING HYDRAULIC FRACKING IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

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

On motion made by Councilwoman Foster-Dublin, seconded by Councilwoman Welkovits, the ordinance entitled as above, being Ordinance No. 13-1851, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Millet.

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

No. 9-13-280

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled AN ORDINANCE BANNING HYDRAULIC FRACKING IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, passed on final reading at this meeting be delivered to the Mayor for his approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

The Clerk reported advertising 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, 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 Councilwoman Foster-Dublin, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

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

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

On motion made by Councilwoman Welkovits, seconded by Councilman Erickson, the ordinance entitled as above, being Ordinance No. 13-1852, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilman Millet.

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

No. 9-13-281

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the 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, passed on final reading at this meeting be delivered to the Mayor for his approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

The Clerk reported that an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

REGULAR MEETING – SEPTEMBER 17, 2013

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

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

Opposed: None.

Absent: Councilperson Millet.

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

No. 9-13-282

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, 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 1<sup>st</sup>, 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.

The Clerk reported that an ordinance entitled, BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF A WATER MAIN ON MONTGOMERY STREET WITHIN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, (THE "BOROUGH"); APPROPRIATING \$350,000 THEREFOR FROM THE WATER/SEWER UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$350,000 BONDS OR NOTES TO FINANCE THE COST THEREOF, had been introduced in writing by the Finance Committee for consideration of passage on first reading by title and that the Supplemental Debt Statement had been filed in her office prior to introduction by Chief Financial Officer Kathleen Kovach.

On motion made by Councilman Erickson, 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 Brill Mittler, Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Absent: Councilperson Millet.

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

No. 9-13-283

WHEREAS, an Ordinance entitled, BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF A WATER MAIN ON MONTGOMERY STREET WITHIN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, (THE "BOROUGH"); APPROPRIATING \$350,000 THEREFOR FROM THE WATER/SEWER UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$350,000 BONDS OR NOTES TO FINANCE THE COST THEREOF, 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 1<sup>st</sup>, 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 Brill Mittler, seconded by Councilman Erickson, and carried by affirmative voice vote of all Councilpersons present, Resolution No. 9-13-291 was separated from the Consent Agenda.

Consent Agenda Resolution Nos. 9-13-284 through 9-13-290 and 9-13-292 through 9-13-293 were duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman Potts, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Millet.

REGULAR MEETING – SEPTEMBER 17, 2013

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

No. 9-13-284

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 9/17/13, can be found in the Bills List Journal Book No. 32.

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

No. 9-13-285

WHEREAS, the railings for Boro Hall Steps located at 221 So. 5th Avenue needs to be replaced, as more fully described on the attached Purchase Requisition; and

WHEREAS, Clem's Ornamental Iron Works, Piscataway, NJ, has provided a quote of \$7,250.00 to replace said railings; and

WHEREAS, funds are available for this purpose in Account No. C-04-55-949-220, in the amount of \$2,500.00, and in Account No. 3-01-20-110-231, in the amount of \$1,290.00 and in Account No. 3-01-26-310-2AD in the amount of \$3,460.00 as reflected by the certification of funds by Finance Director Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Superintendent of Public Works Donald Rish is hereby authorized and directed to accept the quote of Clem's Ornamental Iron Works, 110 11<sup>th</sup> Street, Piscataway, NJ 08854 for the replacement of railings at 221 So. 5th Avenue at a net price of \$7,250.00.

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

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

No. 9-13-286

WHEREAS, pursuant to Resolution No. 7-12-218 adopted by the Borough Council on July 17, 2012, a contract was awarded to H & S Construction & Mechanical, Inc., Elizabeth, NJ, for Highland Park New Police Building Capital Project; and

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

WHEREAS, the Architect, The Goldstein Partnership, has prepared the attached Change Orders Nos. 64-67 to the said contract for the additional work outlined below that was not anticipated at the time that plans and specifications were prepared for \$12,905.47; and

| <u>CHANGE ORDER</u> | <u>AMOUNT</u> | <u>DESCRIPTION</u>                                  |
|---------------------|---------------|---|
| #64                 | \$10,119.60   | Add exterior door southeast corner of fire house    |
| #65                 | \$ 1,647.37   | Perform additional work at south wall of fire house |
| #66                 | \$ 276.00     | Provide additional remote controls for lift gates   |
| #67                 | \$ 862.50     | Provide additional cast stone for main lobby        |

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$12,905.47, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Mayor Gary Minkoff be and is hereby authorized and directed to execute Change Order Nos. 64 thru 67, for \$12,905.47 to the contract of H & S Construction & Mechanical, Inc.; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to The Goldstein Partnership, H & S Construction & Mechanical, Inc., and the Finance Director forthwith.

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

No. 9-13-287

WHEREAS, pursuant to Resolution No. 7-12-218, adopted by the Borough Council on July 17, 2012, a contract was awarded to H & S Construction & Mechanical, Inc, Elizabeth, NJ, for Highland Park New Police Building Capital Project; and

WHEREAS, it appears from Pay Estimate No. 12, filed by the Goldstein Partnership, architects that certain work under said contract has been completed and approved, and there is due to H & S Construction & Mechanical, Inc. the sum of \$187,106.85 in accordance with said Pay Estimate for work performed from August 1, 2013 to, August 31, 2013; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$187,106.85, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay to H & S Construction & Mechanical, Inc. the sum of \$187,106.85, as certified by the Architect in Pay Estimate No. 12, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief Financial Officer Kathleen Kovach and the Goldstein Partnership forthwith.

REGULAR MEETING – SEPTEMBER 17, 2013

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 9-13-288

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 7, 2013 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:

| Title              | Name          | 2013  | Longevity |        | 2013         |
|--------------------|---------------|-------|-----------|--------|--------------|
|                    |               | Base  | %         | Amount | Total Salary |
| Maintenance/Driver | Robert Cahill | 30.53 |           |        | 30.53        |

BE IT FURTHER RESOLVED that the Finance Director be and he is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:  
No. 9-13-289

WHEREAS, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have adverse health effects and/or adverse environmental impacts; and

WHEREAS, wastewater from fracking can contain radioactive elements and has been discharged into rivers that supply drinking water for millions, according to the *New York Times*; and

WHEREAS, use of these hydraulic fracturing mixes exposed adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, the gas and oil industry is exempt from key provisions of federal laws meant to protect public health, the environment and drinking water including the Resource Conservation and Recovery Act, the Clean Air Act; the Clean Water Act, and the National Environmental Policy Act; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, The USEPA has found chemicals associated with fracking in an aquifer as part of a multi-year review of fracking's impact on drinking water; and

WHEREAS, university studies have shown correlations between fracking wells and methane contamination of groundwater; and

WHEREAS, solid and liquid waste from fracking wells have been brought to NJ for processing and disposal, despite the fact that this waste stream has been shown to contain radioactive elements, and no facilities in New Jersey are licensed to dispose of radioactive waste; and

WHEREAS, radon, the leading cause of lung cancer in nonsmokers, has been documented by the US Geological Survey to be nearly 10 times background levels at fracking well sites. Delivering fracked gas to consumers for heating and energy can increase public exposure to radon; and

WHEREAS, methane, the primary component of "natural" gas, is a far more potent greenhouse gas than carbon dioxide. Massive amounts of methane are emitted as natural gas is produced, processed, transported and distributed.

WHEREAS, climate change is threatening to increase the likelihood of extreme weather events like Hurricane Sandy, which devastated New Jersey and the Northeast.

WHEREAS; Liberty Natural Gas is proposing to construct a liquefied natural gas (LNG) port in the NY/NJ bight; and

WHEREAS, LNG exports are projected to lead to higher natural gas prices, higher manufacturing costs, and more shale gas fracking; and

WHEREAS, LNG projects will permanently exclude the public from portions of the ocean, a publicly held resource. Vast areas of ocean will be off-limits to public access, including access for boating, fishing, and renewable energy development; and

WHEREAS, LNG facilities will devastate important fish habitat, impact endangered, threatened, and protected species, damage seafloor habitat, destroy vast quantities of marine life by refilling huge emptied tankers with billions of gallons of seawater to replace LNG cargos; and

WHEREAS, protection of Highland Park's drinking water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 17<sup>th</sup> day of September, 2013, Highland Park renews its support for a statewide and national ban on hydraulic fracturing for natural gas, and on the treatment, disposal and transport of dangerous fracking waste in New Jersey and on the use of our drinking water supplies for fracking and drilling;

BE IT FURTHER RESOLVED that Highland Park will send a copy of this signed resolution to the mayors of municipalities in Middlesex County, Middlesex County Freeholders, Highland Park's State Representatives, Congressional Representative, US Senators, and Governor Christie, alerting them of our action and urging them to do everything they can to support bans on fracking at the national, state, county and municipal level;

BE IT FURTHER RESOLVED, that Highland Park opposes the Liberty Natural Gas' proposed Port Ambrose liquefied natural gas port.

REGULAR MEETING – SEPTEMBER 17, 2013

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

No. 9-13-290

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 Redevelopment Agency for a term to expire as indicated:

| <u>Name</u>     | <u>Term to Expire</u> |
|-----------------|-----------------------|
| Clinton Andrews | July 11, 2018         |

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

No. 9-13-292

WHEREAS, the Highland Park Department of Public Works has a need to make repairs to the sewer lines on Lincoln Avenue and Cleveland Avenue, as more fully described on the attached quotation; and

WHEREAS, quotes were solicited and only one quote was received as follows:  
J. Fletcher Creamer and Son, Inc. \$55,400.00

And

WHEREAS, the Superintendent of the Department of Public Works has recommended that said repairs be done by J. Fletcher Creamer and Son, Inc. based on their quote; and

WHEREAS, funds for this purpose are available in the amount of \$55,400.00, in Account No. U-06-55-557-302, as reflected by the certification of funds by Chief Financial Officer Kathleen Kovach;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Superintendent of Public Works is hereby authorized and directed to arrange for said repairs from J. Fletcher Creamer and Son, Inc, 101 East Broadway, Hackensack, NJ 07601, at a total price of \$55,400.00; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Superintendent of Public Works Donald Rish and Finance Director Kathleen Kovach, forthwith.

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

No. 9-13-293

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Edward H. Herman, Esq. is hereby appointed as Judge of the Municipal Court of the Borough of Highland Park for a term of three years expiring October 23, 2016 and until his successor is appointed and qualifies.

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

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

Opposed: None.

Abstain: None.

Absent: Councilpersons Millet.

No. 9-13-291

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left Highland Park and many municipalities with serious needs and burdensome property taxes; and

WHEREAS, over the last ten years the Borough of Highland Park, had the State of New Jersey complied with the Statutory Funding Requirements, would have received \$15,921,018. However, the Borough of Highland Park only received \$13,334,138, which resulted in a loss of funding totaling \$2,586,879; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of the Borough of Highland Park that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilwoman Foster-Dublin, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, Potts, Welkovits.

Opposed: None.

Abstain: Councilperson Brill Mittler.

Absent: Councilperson Millet.

No. 9-13-291

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2013 in the sum of \$7,454.60, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$7,454.60 be and the same is hereby appropriated under the caption of:

|                                |            |
|--------------------------------|------------|
| 2013 Drunk Driving Enforcement | \$7,454.60 |
|--------------------------------|------------|

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2013; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

Mayor Minkoff appointed Belinda Blakley to serve as a Regular Member of the Arts Commission for a term to expire August 1, 2014.

The above appointment was confirmed on motion made by Councilman Potts, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Millet.

Abstained: None.

Mayor Minkoff appointed the Kim Hammond to serve as a Member of the Planning Board for a term to expire September 2, 2017.

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

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

There being no further business, on motion made by Councilman Potts, seconded by Councilman Erickson, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 7:38 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk