

REGULAR MEETING – JUNE 11, 2019

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, June 11, 2019 and was called to order by Mayor Brill Mittler at 7:09 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler, Councilpersons Fine, Foster-Dublin (7:40 PM), George, Hale, Kim-Chohan, Welkovits; Borough Attorney Schmierer; Borough Administrator Jover; Borough Clerk Hullings.

Absent: None.

On motion made by Councilman George, seconded by Councilwoman Welkovits, the minutes of the Regular and Conference Meetings held on March 5, 2019 were approved as distributed by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

Abstain: None.

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

Councilwoman Kim-Chohan reported that DMV on Wheels will be at the Community Center on July 23rd from 10:00 a.m. – 2:00 p.m. for license renewals, registrations, permits, and non-driver ID's. The mobile unit is ADA accessible. The Senior Prom will take place on June 18th from 4:00 p.m. – 7:00 p.m. The Community Center receives the Chinese newspaper daily and they also have subscriptions to Spanish magazines. The Community Services Department has a Facebook page for events and trips. The Summer Camps begin on July 9th and you can register for 1 week or for all 6 weeks. The Arts Commission received a grant and is working with Sustainable Highland Park for an Arts Inventory. The Arts Commission is also working on building reception for the Band Aid Bench. The Arts Commission will meet on June 13th at 6:00 p.m. in Borough Hall. The Historic Commission is busy working on Mayors of Highland Park blog. Edison is championing the Raritan Township 150th Anniversary celebration. The Historic Commission voted on moving meetings from Sundays to the 3rd Thursdays of every month at 7:00 p.m. at Borough Hall starting in September. Last month was Asian Pacific Islander Month and there was a celebration in Council Chambers with 30 people in attendance. She will update the equipment setup for the next time. She wished everyone Happy Pride Month. Love is love. Stop and Shop is running a community bag program and you can purchase a reusable bag for \$2.50. \$1.00 of that will go to Women Aware.

Councilman Hale reported that with the long hard work by Teri Jover, Emma Missey and the Public Information Commission, the Borough is moving ahead with a new website. This is a great opportunity to re-evaluate what it is about and make it more communication friendly. This week the Farmer's Market and Stop and Shop will provide donation from all of the holiday boxes. On June 12th at 10:00 a.m. there will be a presentation of a to the Food Pantry. The clients of the Food Pantry are provided with vouchers for use at the Farmer's Market. The vouchers are worth \$20 and \$25 and are given out based on family size. The Commission for Universal Access is responsible for making sure that all Borough buildings are ADA accessible. There is an item on the agenda tonight for a final vote for the installation of an ADA ramp at the Main Street Highland Park building. HP Gives a Hoot is responsible for funding a summer lunch program for pre-K to 12th grade and students can go to the Global Grace Café and get lunch. He thanked Dr. Taylor for publicizing this program in the schools. He thanked all the poll workers who worked during the election season as it is a long day. There is still time to apply for grants for the summer camp program.

Councilman Fine – No report.

Councilwoman Welkovits reported that New Jersey has been at the forefront of developing complete streets policies. Back in 2009, we were one of the first states to develop them and we have had some of the most aggressive policies to date amongst the states and municipalities that have adopted such. By 2012, Middlesex County passed a resolution in support of that and in 2013, Highland Park issued their first complete street policy. The purpose of these policies is to provide safety for pedestrians, bicyclists and all other users of New Jersey roadways. From our complete streets group, it evolved to our safe walking and cycling committee. We have provided education to our community members through the bike rodeos that we hold annually and through our walk your child to school days. We do outreach by having tables at the street fair, the arts in the park event, earth day events and the farmer's market. We have also had interactive maps and surveys online on our website. In 2016, the safe walking and cycling committee earned a grant for \$216,000, safe routes to school grant. They were also able to secure some complimentary engineering costs and those are in addition to the grant money. That pays for the specs and some of the design concepts that our engineers would normally do for us that would cost quite a bit of money. In 2017, Highland Park was accepted into the New Jersey Department of Transportation Bicycle and Pedestrian Plan Program. This is a program sponsored by the State and they offer free consultation services from nationwide planning professionals. The Borough was given WSP as our engineers and consultants to work with us. They have been working with the Borough for the past year and she is proud to announce that on June 18th they will be presenting the draft of their proposal of things that can be done in our town to improve our bicycle and pedestrian safety and to create a bicycle and pedestrian plan which can then be implemented along with our master plan. She announced that last week the Borough was awarded a second safe routes to school grant for an application that was submitted last year. The Borough will be receiving \$250,000. This grant is to improve our sidewalks, the ramps on the sidewalks and general walkways for pedestrians and bicycle access. She was honored to join the pride flag raising last week. She is glad that Highland Park continues in this tradition. About 7 years ago, they were given a flag by Pandora Scooter and she helped them organize and fly the first rainbow flag in Highland Park and each year they come back and do the same. Last week, she joined Karen Kanter from the Brady Campaign to wear orange to bring about awareness for gun violence. There was a ceremonial tree planting at the high school. There is Highland Park After Dark every Thursday evening with discounts for women that go shopping at certain businesses. There is music on the corners every Friday evening in June, July and

August. The outdoor movie theatre began on June 1st with Dragonslayer. On June 15th, they will be showing Breaking Away. She thanked Brian Ontkian who keeps bringing this program back. On June 28th, they will have their June Fest at the farmer's market, which is open until mid-December. Last week, the Mayor had the pleasure of judging the pie contest. Lastly, on the agenda tonight is the Main Street budget. As we strive to maintain costs, they are going to be increasing the BID by 6%. This is the first time in the last 15 years that they have raised the levy at all. Costs go up every year and they keep bringing more and more programs to the table for residents to enjoy. Main Street's costs have stayed relatively stable and this will be an increase of \$18 a quarter for the average business. They hope this brings them up to where they need to be and they will do slight increases going forward.

Councilman George reported that he met with the Department of Public Works this morning and the new totes have been received. The new route has been set and the totes will be delivered by mid-July after they have been assembled. They will evaluate the routes to see if they can add capacity as the truck that delivers the trash to the landfill is slightly under weight. Seniors have requested smaller garbage cans and they have ordered some. A letter will be going out to everyone on the new route and there will be information on how to request and get a smaller tote. The Borough applied for an electric vehicle charging grant. The Environmental Commission and the Meadows Trail Volunteers have plans ready to expand the trail down to the river and build a boardwalk. Volunteers are needed. He wished everyone during Pride Month a successful and healthy celebration. He thanked Councilwoman Kim-Chohan for her pop up film event. It was a successful event. There was a tree planting at the high school that was grant funded. The Shade Tree Advisory and the Board of Education revised the plan as it involved some other plantings to provide a shady grove.

Borough Administrator Jover reported that there will be a public meeting to discuss the draft Highland Park Bicycle and Pedestrian Plan on June 18th from 6:30 p.m. to 8:30 p.m. at Borough Hall in the Council Chambers. The study, funded by the NJDOT, focuses on improving bicycle and pedestrian facilities and promoting safety and accessibility for residents and visitors of all ages and abilities in Highland Park. There will be another presentation in July at the Planning Board meeting. They will be kicking off the Master Plan Re-Examination on June 25th with a presentation by Planner Chris Cosenza. The Public Safety Committee issues an RFP for EMS Services and tonight, the Council will vote to award or reject the contract.

Borough Attorney Schmierer- No report.

Mayor Brill Mittler thanked Councilwoman Welkovits for the Pride Flag raising. It was the 50th anniversary of Stonewall and she was pleased to have some of the residents talk about what happened 50 years ago. There was a nice turnout for the flag raising, with folks from the Pride Center in attendance. She asked residents to wear orange to bring attention to gun violence awareness starting Tuesday morning. There is a tree in front of Stop and Shop decorated with orange ribbons. Karen Kanter is in charge of the Brady Campaign and she encouraged people to take selfies of themselves wearing orange and send to the Borough. She was pleased to present proclamations to Diane and Matt Feldman. Diane is an active member of the Commission for Universal Access for the past 12 years. Tara Canavera was present for the event and it was a well-deserved honor.

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 that last week, the world gave thanks to the men and women who gave their lives in Normandy, Korea and Vietnam. There is no room for prejudice and bigotry and it must be stamped out. Veterans fought for freedom and we must carry on. He asked for a moment of silence for the thousands of men and women that gave their lives to fight for freedom. Freedom is not free, you must fight and earn it.

Abby Stern Cardinale, Harper Street, asked for an explanation of the first aid squad RFP. Borough Administrator Jover explained that the Borough received 1 proposal that met the criteria. One of the concerns in the bid proposal is a 2-year term. The Public Safety Committee was encouraged by the improvements made by the First Aid Squad. Bid regulations require a response within a certain amount of time. RWJBarnabas Health answers calls from 6:00 a.m. to 6:00 p.m. and they are not changing that arrangement. Ms. Cardinale asked about compliance follow up with the First Aid Squad. Councilwoman Foster Dublin noted that they had a good meeting with the First Aid Squad and they provided the punch list items requested to move forward. They need more time to take a look and will meet with them next month and will require certain things and then will come back to Council for action.

Myrna Gerstmann, 127 North 6th Avenue, asked how many people were hit by cars in town last year. Her wife was hit by a car in February in town with a walk signal. She was recently in California and met a woman who was a professor at Rutgers and was African American. She is moving from town because her boyfriend refuses to visit her in town because of the racial profiling and how many times he's been stopped by the Police. She wants to know what the Council is doing to handle that. Councilwoman Foster-Dublin noted that both issues she raised are public safety issues. She spoke to the new Chief today and they are doing some restructuring and reorganizing and are looking forward to doing the HP 2020 and making the necessary adjustments to the Police Department. Will compile report from the last year on traffic accidents in town. Racial profiling should not be in Highland Park. They have a responsibility to make sure all residents feel safe in town. She knows what it feels like. The Borough recently hired a mentor for the new Acting Chief and she has extensive knowledge to be able to assist the Highland Park Police Department.

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

The Clerk read Resolution 6-19-179, Amendments to the 2019 Municipal Budget, for consideration of passage on final reading by title.

On motion made by Councilman Fine, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the amendments to the budget were taken up on final reading by title.

Mayor Brill Mittler opened the public hearing on the budget amendments and called upon all those wishing to speak for or against the budget amendment to do so.

No one appearing to be heard, the Mayor closed the public hearing on the budget.

The following resolution, introduced by the Finance Committee, read by the Clerk in full, was duly adopted on motion made by Councilman Fine, seconded by Councilman George, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

No. 6-19-179

WHEREAS, the local municipal budget for the year 2019, was approved on the 2nd day of April, 2019; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, that the following amendments to the approved budget of 2019 be made:

<u>CURRENT FUND</u>		<u>From</u>	<u>To</u>
Current Fund – Anticipated Revenues:			
General Revenues			
3. Miscellaneous Revenues			
Section F: Special Items of Revenue Anticipated with Prior			
Written Consent of the Director of Local Government Services			
- Public and Private Revenues Offset with Appropriations:			
Clean Communities Program	0.00		27,697.64
NJBPU Microgrid Incentive Program	0.00		130,000.00
Fire Victims Donations	0.00		10,105.00
Total Miscellaneous Revenues – Section F.	<u>109,211.01</u>		<u>276,923.65</u>
Total Miscellaneous Revenues	<u>2,418,608.01</u>		<u>2,586,320.65</u>
5. Subtotal General Revenues	<u>3,218,608.01</u>		<u>3,386,320.65</u>
7. TOTAL GENERAL REVENUES	<u>16,318,959.23</u>		<u>16,486,671.87</u>
Current Fund – Appropriations			
8. General Appropriations			
(A) Operations within “CAPS”			
Tax Collection			
Salaries and Wages	82,110.96		75,611.00
Recreation Services & Programs			
Salaries and Wages	64,473.00		70,920.30
Other Expenses	15,000.00		16,500.00
Department on Aging			
Other Expenses	26,550.00		29,205.00
Communications			
Other Expenses	21,500.00		23,182.31
Celebration of Public Events			
Other Expenses	0.00		5,000.00
Sanitary Landfill	<u>330,500.00</u>		<u>319,095.95</u>
Total Operations (Item 8A) within “CAPS”	<u>11,512,915.15</u>		<u>11,512,295.75</u>
Total Operations Including Contingent within “CAPS”	<u>11,512,915.15</u>		<u>11,512,295.75</u>
Detail:			
Salaries and Wages	6,557,002.74		6,556,950.08
Other Expenses	4,955,912.41		4,955,345.67
(E) Deferred Charges and Statutory Expenditures			
Within “CAPS”			
Prior Year Bills	<u>25,596.50</u>		<u>26,215.90</u>
Total Deferred Charges and Statutory Expenditures Within	<u>1,749,263.87</u>		<u>1,749,883.27</u>
(H-1) Total General Appropriations for Municipal Purposes			
Within “CAPS”	<u>13,262,179.02</u>		<u>13,262,179.02</u>
8. General Appropriations			
(A) Operations Excluded from “CAPS”			
Public and Private Programs Offset by Revenues:			
Clean Communities	0.00		27,697.64
NJBPU Microgrid Incentive Program	0.00		130,000.00
Fire Victims Donations	0.00		10,105.00
Total Public and Private Programs Offset by Revenues	<u>110,336.01</u>		<u>278,048.65</u>
Total Operations-Excluded from “CAPS”	<u>1,207,328.79</u>		<u>1,375,041.43</u>
Detail:			
Other Expenses	1,207,328.79		1,375,041.43
(H-2) Total General Appropriations for Municipal Purposes			
Excluded from “CAPS”	<u>2,856,780.21</u>		<u>3,024,492.85</u>
(O) Total General Appropriations- Excluded from “CAPS”	<u>2,856,780.21</u>		<u>3,024,492.85</u>
(L) Subtotal General Appropriations (Items (H-1)and(O))	<u>16,118,959.23</u>		<u>16,286,671.87</u>
9. TOTAL GENERAL APPROPRIATIONS	<u>16,318,959.23</u>		<u>16,486,671.87</u>

WATER & SEWER UTILITY BUDGET

	<u>From</u>	<u>To</u>
11. Appropriations for Water & Sewer Utility		
Operating		
Salaries & Wages	220,888.00	240,888.00
Other Expenses	<u>4,903,123.99</u>	<u>4,903,123.99</u>

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for certification of the 2019 local municipal budget so amended.

The following resolution, introduced by the Finance Committee, read by the Clerk in full, was duly adopted on motion made by Councilman Fine, seconded by Councilman George, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

No. 6-19-180

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$12,637,368.34 (Item 2 below) for Municipal Purposes

(e) \$ 462,982.88 (Item 5 below) for Minimum Library Tax

Current Fund:

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated		800,000.00
Miscellaneous Revenues Anticipated		2,586,320.65
Receipts from Delinquent Taxes		0.00
2. Amount to be Raised by Taxation for Municipal Purposes (Item (a), Sheet 11)		12,637,368.34
Minimum Library Tax (Item (c), Sheet 11)		<u>462,982.88</u>
Total Revenues		<u>16,486,671.87</u>

SUMMARY OF APPROPRIATIONS

5. General Appropriations:

Within "CAPS:"

(a&b) Operations Including Contingent	11,512,295.75
(e) Deferred Charges and Statutory Expenditures-Municipal	1,749,883.27
(f) Judgements	0.00

Excluded from "CAPS"

(a) Operations – Total Operations Excluded from "CAPS"	1,375,041.43
(c) Capital Improvements	100,000.00
(d) Municipal Debt Service	1,549,451.42
(e) Deferred Charges – Municipal	0.00
(m) Reserve for Uncollected Taxes	<u>200,000.00</u>

Total Appropriations

16,486,671.87

The Clerk reported advertising an ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR INSTALLATION OF AN ADA COMPLIANT ENTRANCE AND RAMP, IN AND BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$12,000.00 THEREFOR 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 to the public, as required by law.

On motion made by Councilman Hale, seconded by Councilwoman Kim-Chohan, 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 Hale, seconded by Councilwoman Kim-Chohan, the ordinance entitled as above, being Ordinance No. 19-1984, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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

No. 6-19-181

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "CAPITAL ORDINANCE PROVIDING FOR INSTALLATION OF AN ADA COMPLIANT ENTRANCE AND RAMP, IN AND BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$12,000.00 THEREFOR TO PAY THE COST THEREOF", passed on final reading at this meeting, be delivered to the Mayor for her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in "The Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law and that said Clerk shall annex to and publish with said Ordinance a Notice in substantially the following form –

The ordinance published herewith has been finally passed and the ten (10) day period of limitation within which suit, action or proceeding questioning the validity of such ordinance may be commenced has begun to run from the date of the first publication of this statement.

The Clerk reported that an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY CREATING A MULTI-FAMILY RESIDENTIAL OVERLAY ZONE, had been introduced in writing by the Economic Development and Planning Committee for consideration of passage on first reading by title.

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

Borough Attorney Schmierer explained that the ordinance that the Council is considering introducing, with a public hearing on July 2nd, is the 3rd and final iteration of the Buck Woods overlay ordinance. The ordinance will provide for the ability to construct 75 multi-family units in one structure. The ordinance is an element of what the Borough is presenting to the Superior Court on July 15th as a component of its affordable housing program which will hopefully be approved and give the Borough an approved plan through 2025. They have been working since the 1st and 2nd iterations of the ordinance were introduced with a court appointed master and with the owner of the property. The Borough has been working with Chris Cosenza, the Borough's Planning Consultant, from the firm of Looney Ricks and Kiss. The challenge has been to try and develop an ordinance which is required as a component of our future affordable housing program and to develop an ordinance that is sensitive to the neighbors on either side and is appropriate for the community. They have moved away from a 2-unit model to a 1-unit model with a courtyard in the center. The building is located closest to the terminus of South 6th Avenue. The building has been designed so that there are areas around the side of the building, one of which is along 5th Avenue and will have a path to the rear, which will be about 30% of open, undisturbed space. That area will also be stabilized so that fire trucks and emergency apparatus can go down to that area. The building is a 4-story building that will appear to be a 3 ½ story building because the developer and the ordinance requires that a pipe that runs down the middle of the property will be removed and that will allow the developer to drop the building down significantly into that area so that it won't be higher than what they designed the building to be. The building design and massing is detailed in the ordinance and they worked with the special master and the owner of the property to reach a consensus about what the building will look like and they have illustrations for what it will look like. They are the illustrations of how the standards would be applied whenever an application went to the Planning Board. A full discussion of all the elements of the ordinance will take place on Thursday night before the Planning Board. The ordinance, after introduction, must be referred to the Planning Board for their review and comment. The ordinance will come back to the Council on July 2nd for a vote, and the other 2 ordinances have been scheduled for the same evening. If this ordinance is finally acted upon by the Governing Body, the other 2 ordinances would be defeated.

Chris Cosenza, Planning Consultant, commented that they did hear a lot of concerns at the public meetings about the surface area parking in the back and cars turning lights into neighboring homes. With the 2 buildings they were not able to locate all the parking underneath. They looked at a way to resolve that issue as well as shifting the buildings away and down into this area. They looked at a single building with all of the parking under the building, except for a drop off area in the front. The point of access is on the north side thru a speed ramp that will bring you down and underneath the building. By removing the utilities and easements through the center of the site, they were able to sink the building lower. It is a 4-story building that will be made to look like a 3 ½ story building, which is 6 feet lower. He will do a digital presentation at the Planning Board meeting on Thursday. There will be a courtyard in the center for tenants.

Ayes: Councilpersons Fine, Foster-Dublin, George, Hale, Welkovits.

Opposed: None.

Absent: None.

Abstained: Councilperson Kim-Chohan.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted on motion made by Councilman Hale, seconded by Councilman George, and carried by unanimous affirmative voice vote:

No. 6-19-182

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY CREATING A MULTI-FAMILY RESIDENTIAL OVERLAY ZONE has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, July 2, 2019, 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, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", had been introduced in writing by the Public Safety Committee for consideration of passage on first reading by title.

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

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

Opposed: None.

Absent: None.

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

No. 6-19-183

WHEREAS, an Ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010" has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, July 2, 2019, 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 following resolution, introduced by the Economic Development and Planning Committee, was duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman George, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

Abstain: None.

No. 6-19-184

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following statements of revenues and appropriations shall constitute the Main Street Highland Park Budget for the year 2019;

BE IT FURTHER RESOLVED that said Budget be published in the Home News Tribune, Asbury Park, NJ, in the issue of June 14, 2019.

The Governing Body of the Borough of Highland Park does hereby approve the following as the Main Street Highland Park Budget for the year 2019:

Income

Government Grants	31,500.00
Special Assessment (BID)	166,420.00
Sponsorships	58,000.00
Reserves	<u>39,647.00</u>
Total Income	\$295,567.00

Expense

Administration and General	\$ 177,767.00
Program Expense	<u>117,800.00</u>
Total Expense	\$295,567.00

Budget Surplus/(Deficit) \$ 0.00

Notice is hereby given that the Main Street Highland Park Budget and Resolution was approved by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, on June 11, 2019.

A hearing on the Main Street Highland Park/Business Improvement District Budget will be held at Borough Hall, 221 South 5th Avenue, Highland Park on **July 2, 2019 at 7:00 o'clock PM** at which time and place objections to said Budget and Resolution for the year 2019 may be presented.

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

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

Opposed: None.

Absent: None.

Abstain: None.

No. 6-19-185

WHEREAS, advertisement was made for receipt of bids on March 14, 2019, for Emergency Medical Services; and

WHEREAS, one (1) bid was received as follows:

1. Robert Wood Johnson Health Network

WHEREAS, following the receipt of the above-referenced bid, said bid was reviewed by the Borough Attorney's office to ensure compliance with the terms and conditions of the Notice to Bidders and other bid documents; and

WHEREAS, the proposal has been evaluated as per N.J.S.A. 40A:11-4.5(d) and a report was prepared recommending that the proposal be rejected; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the bid received for Emergency Medical Services on March 14, 2019 shall be and hereby is rejected.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the above referenced bidder together with the return of bid security provided with bid.

Resolution Nos. 6-19-186 through 6-19-202 were duly adopted on motion made by Councilman Hale, seconded by Councilwoman Welkovits and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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

No. 6-19-186

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Borough Administrator Teri Jover is hereby authorized and directed to prepare and submit grant applications to the New Jersey Department of Transportation (NJDOT) for fiscal year 2020 State Aid Programs.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute and attest said applications as prepared by the Borough Administrator.

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

No. 6-19-187

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

Ruby Hope

September 1, 2023

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

No. 6-19-188

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Finance Director be and is hereby authorized to remit the amount as indicated, the same being the amount of overpayment of taxes, including accrued interest, for the year 2018 based on successful tax appeal to the Middlesex County Board of Taxation in 2018; and

<u>BLOCK LOTS</u>		<u>CHECKS MADE PAYABLE TO</u>	<u>REFUND</u>
87	10	Greenbaum Rowe Smith Davis LLP 49 Woodbridge Avenue, LLC	\$10,364.76

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

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

No. 6-19-189

WHEREAS, applications for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicants, and

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said applications are complete in all respects.
2. The applicants and the premises are qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to and consistent with Title 33.
3. The applicants have disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
4. The Mayor and Council are of the opinion that said applications should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

PLENARY RETAIL CONSUMPTION LICENSES

- Pad-Thai, Inc. d/b/a Pad Thai, 217 Raritan Ave. – 1207-33-005-004
- Wilhelm & Young, Inc. d/b/a Park Pub, 180-182 Woodbridge Ave. - 1207-33-011-002
- Eisigian LLC, d/b/a The Blue Horse Restaurant, 247 Raritan Ave. - 1207-33-004-008
- Kiadan Inc., 13B North 4th Ave., Pino’s Wine Cellar - 1207-33-010-011
- Kiadan Inc., d/b/a Pino’s Fruit Basket Shoppe, 13A North 4th Ave. – 1207-44-006-010
- Highland Park Wine & Liquor LLC, 97 Woodbridge Ave., WITH BROAD PACKAGE PRIVILEGE-1207-32-003-007

PLENARY RETAIL DISTRIBUTION LICENSES

- Rite Aid of New Jersey, Inc., d/b/a Rite Aid 2561, 332 Raritan Avenue – 1207-44-001-005
- New Athens Corner, 28 Woodbridge Avenue – 1207-44-007-005

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2019 and shall expire June 30, 2020.

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

No. 6-19-190

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

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said application is complete in all respects, including submission of the club member list.

2. The officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The club maintains all records required by N.J.A.C. 13:2-8.8. (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursements).
4. The Mayor and Council are of the opinion that said application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

CLUB LICENSES

The White Mountains Cretans Fraternity, 1152-1154 Raritan Avenue - 1207-31-012-002

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2019, and shall expire June 30, 2020.

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

No. 6-19-191

WHEREAS, applications for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicants, and

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said applications are complete in all respects.
2. The applicants and the premises are qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to and consistent with Title 33.
3. The applicants have disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
4. The Mayor and Council are of the opinion that said applications should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

PLENARY RETAIL DISTRIBUTION LICENSES

Four W Properties LLC - 1207-32-008-013 (Inactive)

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2019 and shall expire June 30, 2020.

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

No. 6-19-192

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 2, 2019 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:

SEAN BIBBY, Police Officer, at annual salary of \$77,328.00 effective June 11, 2019.

CHRISTOPHER DECOSTA, Police Officer, at an annual salary of \$83,919.00 effective June 5, 2019.

GAETANO PALUMBO, Police Officer, at an annual salary of \$90,510.00 effective June 1, 2019.

MATTHEW BUTTERMARK, Police Officer, at an annual salary of \$44,375.00, effective June 17, 2019

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 2, 2019 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:

TAKUA ROSE LAPIDUS, Library Page, at an hourly rate of \$8.85, effective May 22, 2019.

ELIAM NAGEL, Seasonal Recreation, at an hourly rate of \$8.85, effective May 1, 2019.

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 Finance Committee, was duly adopted as above:

No. 6-19-193

WHEREAS, the School Budget for the School District of the Borough of Highland Park, in the County of Middlesex, New Jersey, was approved for the School Year 2019-2020:

Current Expenses	\$ 27,928,070.00
Debt Schedule	<u>1,864,667.00</u>
	\$ 29,792,737.00

and

WHEREAS, NJSA 18A:22-34 provides that the governing body of a municipality that is co-extensive with the said school district determines the amount necessary for school purposes, and levy such aggregate amount for such school purposes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, that there be raised, approved and collected for the school district of said Borough the following items:

January 1, 2019 to June 30, 2019	\$ 15,433,715.00
July 1, 2019 to December 31, 2019	<u>14,207,225.00</u>
Total school levy for the Year 2019	\$ 29,640,940.00

BE IT FURTHER RESOLVED that the aggregate sum of Twenty-Nine Million, Six Hundred Forty Thousand, Nine Hundred Forty Dollars (\$29,640,940.00) be certified by the Borough Clerk to the Middlesex County Board of Taxation, the Board of Education of the School District of said Borough, the County Superintendent of Schools, and the Assessor of the Borough of Highland Park.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

No. 6-19-194

WHEREAS, several real property tax payers have redeemed liens held against their property taxes and;

WHEREAS, the Tax Collector has received proof of such payments after correspondence with said property owners;

NOW, THEREFORE BE IT RESOLVED that the Borough Council, of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby authorizes the Tax Collector to release the amount specified to the lienholders listed below.

Block	Lot	Lienholder	Amount	Premium	Total Due
181	43-C1302	Trystone Capital Assets LLC	\$216.80	\$0.00	\$216.80
	Cert No. 18-00090	575 Route 70, 2 nd Floor P.O. Box 1030 Brick, NJ 08723			
69	30.05	Trystone Capital Assets LLC	\$632.91	\$0.00	\$632.91
	Cert No. 18-00038	575 Route 70 2 nd Floor P.O. Box 1030 Brick, NJ 08723			
27	25	The Approved Realty Group	\$217.35	\$0.00	\$217.35
	Cert No. 18-00017	P.O. Box 869 Lakewood, NJ 08701			
10	7	SBMuni Cust LB-Honey Badger	\$1119.09	\$0.00	\$1119.09
	Cert. No. 18-00010	PO BOX 31191, Tampa, FL 33631			
136	15	Trystone Capital Assets LLC	\$2535.28	\$0.00	\$2535.28
	Cert No. 18-00068	575 Route 70 2 nd Floor P.O. Box 1030 Brick, NJ 08723			

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

No. 6-19-195

WHEREAS, the Borough of Highland Park has received a written request authorizing enforcement of traffic regulations on private property pursuant to N.J.S.A. 39:5A-1 *et seq.* and specifically requesting that the provisions of Subtitle 1, Title 39, of the Revised Statutes of the State of New Jersey shall be made applicable to the following area:

A. Nassau Wood Industries, d/b/a Stop and Shop Store #867, 424 Raritan Avenue

WHEREAS, the Borough Council of the Borough of Highland Park deems that enforcement of traffic regulations on the aforesaid private property will benefit all of the citizens of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Police Department of the Borough of Highland Park and other law enforcement agencies be and the same are hereby empowered to enforce the provisions of Subtitle 1 of Title 39 of Revised Statutes of the State of New Jersey.

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

No. 6-19-196

WHEREAS, Public Service Electric and Gas Company (“PSE&G”) have entered into an agreement with the Borough of Highland Park, County of Middlesex, State of New Jersey, to install a solar photovoltaic system on a portion of the Borough former landfill designated as Block 49, Lots 42-55 on the Borough of Highland Park Tax Map; and

WHEREAS, PSE&G has received Preliminary and Final Major Site Plan Approval for the solar installation from the Borough of Highland Park Planning Board on December 8, 2016; and

WHEREAS, Condition 12 of the Planning Board’s Resolution of Memorialization dated January 12, 2017 requires that PSE&G obtain permission from the Borough of Highland Park to have fencing associated with the solar installation encroach slightly into the paper street right-of-way for a portion of Valentine Street along the easterly boundary of the project area; and

WHEREAS, the Borough is supportive of the installation of said solar project and wishes therefore, to authorize said encroachment.

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

1. The Borough of Highland Park hereby authorizes an encroachment into the paper street right-of-way of Valentine Street along the eastern boundary of the project area as required by Condition 12 of the Borough of Highland Park Planning Board Resolution of Memorialization dated January 12, 2017. The encroachment area is set forth on the Preliminary and Final Site Plan for the project entitled: “Preliminary and Final Site Plan – Land Development Review” prepared by Weston Solutions, Inc. of Edison, New Jersey consisting of nine sheets revised to September 19, 2016.
2. A certified true copy of this resolution shall be furnished upon its adoption to the Borough of Highland Park Planning Board Secretary and to PSE&G c/o of Claudia E. Rocca, PWS, PMP, Licensing Project Manager, 4000 Hadley Road, South Plainfield, New Jersey 07080.

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

No. 6-19-197

WHEREAS, the Borough of Highland Park has need of the services of a Planning Consultant to assist in the preparation of a Master Plan Reexamination Report and an update of the Land Use Plan Element; and

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

WHEREAS, Looney Ricks Kiss is a firm of licensed professional planners of the State of New Jersey with extensive experience in municipal land use and planning matters; and

WHEREAS, the Mayor and Council desire to provide compensation for the Planning Consultant and funds for this purpose are available in Account No. 9-01-21-180-2PL in an amount not to exceed \$70,000.00, upon adoption of the 2019 municipal budget, as reflected by the certification of funds available by Chief Financial Officer, 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 Looney Ricks Kiss, for assistance in the preparation of a Master Plan Reexamination Report, said agreement to be in a form approved by the Borough Attorney, 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. 6-19-198

WHEREAS, the Borough of Highland Park would like to have the Borough’s website redesigned to make it more functional and user-friendly for the residents of Highland Park; and

WHEREAS, the Borough Administrator obtained the following quotes for said redesign and one year of annual maintenance:

<u>NAME</u>	<u>QUOTE</u>
Civic Plus	9,434.57
Granicus	6,583.50
Revize	4,100.00

and

WHEREAS, the Borough Administrator has recommended that the Borough retain the services of Granicus for website design and annual maintenance, based on their quote of \$6,583.50 and the quality of their product that focuses on customizable, user-friendly features; and

WHEREAS, funds for this purpose are available in Account No. 9-01-20-105-233 in the amount of \$6,583.50, as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator be and is hereby authorized and directed to coordinate the redesign of the Borough’s website with Granicus at a total cost of \$6,583.50; and

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

The following resolution, introduced by the Recreation and Arts Committee, was duly adopted as above:

No. 6-19-199

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor shall be and is hereby authorized and directed to execute an Agreement with the Middlesex County Department of Human Services for the provision of Municipal Alliance related activities in the Borough of Highland Park for the period covering July 1, 2019 to June 30, 2020, said Agreement to be in a form approved by the Borough Attorney.

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

No. 6-19-200

WHEREAS, Kenneth Leo and Edward Beyder have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2019; and

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

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

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

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

No. 6-19-201

WHEREAS, Edbey LLC (Edward Beyder) has filed with the Clerk of this Borough an application for an Owners License to operate taxicabs in this Borough under the provisions of the Ordinance providing for such license for the year 2019; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicant and has reported favorably upon said application;

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

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

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 6-19-202

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 6/11/19 can be found in the Bills List Journal Book No. 39.

Mayor Brill Mittler appointed Chief Rick Abrams to serve as a member of the Employee Safety Committee for a term to expire December 31, 2019.

Mayor Brill Mittler appointed Officer Brian O'Mara to serve as a member of the Municipal Alliance for a term to expire December 31, 2019.

The above appointments were confirmed on motion made by Councilwoman Foster-Dublin, seconded by Councilwoman Kim-Chohan, and carried by the following roll call vote, to wit:

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

Opposed: None.

Abstained: None.

The Clerk reported receipt of notification of the election of Volunteer Firefighters Gerald Garcia Rincon and Tim Fong to the rolls of the Highland Park Volunteer Fire Department.

On motion made by Councilwoman Foster-Dublin, seconded by Councilman George, the above confirmation was confirmed by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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

Shelly Solomon, North 4th Avenue, commented that she would like to see a topographical map with an elevated view. She has a friend who lives on South 5th Avenue and when you look down it looks like you are looking down into a canyon. She asked about the removal of the drainage pipe and the changes in the environment and how is that being compensated. Mr. Consenza noted that they looked at the existing grade and tried to be cognizant of what is out there and so that the developer can make this work. The pipe will be removed and replaced underneath the multi-use trail. Councilwoman Foster-Dublin asked about fill being brought in. Mr. Consenza noted that there will be 6' of cut, but there will be some fill brought in.

Ruth Bickhardt, 307 Magnolia Street, commented that the microphones across the top work well, but the handheld microphone does not work well. She noted that she sees children riding bikes to school without helmets. Councilwoman Welkovits noted that they annually hold a bike rodeo at Bartle School and that they provide helmets from RWJ. Councilwoman Foster-Dublin noted that they Police Department also has helmets that can be provided. Mayor Brill Mittler noted that the Police Department has a campaign where they hand out coupons for ice cream when they see a child wearing a helmet. Ms. Bickhardt commented about sidewalk repairs and whether the responsibility for repair is the property owner's. She broke her arm recently. Borough Attorney Schmierer indicated that property owners are responsible for sidewalk repairs. Ms. Bickhardt noted that she believes the law was changed 2-3 years ago and she will share that information with the Borough. The street light at the corner of 3rd and Magnolia is dimming. When she walks past Rite Aid, it gets pitch black. Borough Administrator Jover indicated that she will have the Police Department check and take reports for street lights that are out. If you see a light is out, take a picture of the pole number and then they can go out and get location to notify PSE&G.

Khahlidra Hadhazy, South 2nd Avenue, commented that she has questions about the future fair housing obligations. She recently read the 3rd round housing element and fair share plan. She asked if the Borough has satisfied their 3rd round fair share housing obligation. Borough Attorney Schmierer noted that they will find that out on July 15th when the final hearing on the plan will take place. Ms. Hadhazy asked if a future affordable housing obligation has been assigned to Highland Park. Borough Attorney Schmierer noted that they are still working on the 2015 to 2015 cycle. If the program is approved by the Court, then they will have the plan in place up until 2025 and they anticipate another 10-year cycle. Ms. Hadhazy asked if the Borough is expected to produce more affordable housing every 10 years. Borough Attorney Schmierer explained that it depends upon the demographics of what the region requires. Ms. Hadhazy noted that the document mentioned that the Buck Woods property was not part of that 3rd round obligation and that the Buck Woods 75 units would go towards a future obligation. Borough Attorney Schmierer confirmed that the new ordinance says that in the introduction. Ms. Hadhazy noted that she found something curious in the document about the number of affordable housing units produced by a new development. She has repeatedly heard from the Borough that all new construction would receive 15% or 20% set asides for anything that is built. What she has seen in this document is that there are a number of developments that have filed builder remedy lawsuits, yet there were only required to give as little as 5%. Borough Attorney Schmierer explained that that occurred about five years ago on two developments, one of which has been constructed, and another one to be constructed. Those were builder remedy lawsuits because the Borough did not have an approved, protected plan. The Borough had to settle that case and as part of the settlement, not only do the numbers of what they want to build come down dramatically, the number of affordable units was not required in the 15% to 20% range. That was presented to the Court on two occasions for approval. They are now moving into the second half of this round and now, for example, the Kaplan Development has a 20% obligation. This property would have a 15% or 20% obligation. Going forward, with an approved plan, the 15% or 20% would have to be adhered to. Mayor Brill Mittler noted

that the lawsuits that the Attorney referred to go back to 2008. The Courts gave the developers those kind of breaks. Once July 15th passes, the Borough will be out of that mess from 2008. Ms. Hadhazy asked about the Highland Cliffs development and the fact that it only has 2 affordable units and they were given a 10% set aside that they did not fulfill. They have 2 units and paid the Borough for the unit they did not build and they did not have a builder remedy lawsuit. It seems that the affordable housing set asides are arbitrary and are arbitrarily applied. Councilwoman Welkovits noted that the whole point of the Mount Laurel agreement is to create affordable housing in the State where affordable housing is not being built. Developers take advantage of municipalities throughout the State and say that they notice this Borough has not fulfilled their obligation so we are going to latch onto your lawsuit and we are going to build a ridiculous amount of high density units and therefore will be able to fulfill your gap of affordable units. The density is usually tremendous and unbearable where the Courts allow a negotiation downward. When the unit numbers go down, so do the affordable units. Ms. Hadhazy noted that Pulte has 82 units, with only 9 affordable units. She brings this up because Highland Park has fulfilled a great deal of its affordable housing obligation through work with the Reformed Church of Highland Park and other things that have been done such as renovating the senior building and planned renovations for the Park Terrace public housing. For the Buck Woods property, the population density there as she understands is Court ordered at 75 units. She does not understand why the overlay has to be so specific in terms of deciding what gets built there. You have a property that you are proposing at 31 River Road which has a planned 15% or 20% set aside, which is great, but you have given leeway to that development to be any mix of units and you have not been that specific. She does not understand and others don't understand why this overlay ordinance has to be so rigid that it can't allow the builder to build lower and wider out. The green space that everyone talks about preserving is not really green space. Many people would like to see the property built all the way out rather than having that height that is imposing on people's backyards. Borough Attorney Schmierer noted that the Pulte example used was one of the first builder remedy lawsuits going back to 2008. They built the property, but another owner sued the Borough and flipped it to Pulte. The number in the fairness agreement they have with the fair share housing center does not say up to 75 units, it says 75 units. The Borough did not have the opportunity to do less than that under the settlement agreement with the fair share housing center. They took that to a fairness hearing about 4-5 months ago, and that agreement was approved by the Court. They are following the process that was laid out for them by the Court. They felt that working out the number at 75 was an advantageous number for the town because the last demand from that developer was for 144 units on that property and they were threatening to sue over that. They went in to get the settlement worked out with the Judge and the Mediator and the number came down to 75. That number is reflected in their agreement with the fair share housing center. Ms. Hadhazy asked if they have to comply with these settlement agreements without having done social impact or traffic impact studies. Borough Attorney Schmierer noted that the development application and all of that will occur before the Planning Board. On Thursday, Chris will go over the plan with the Planning Board and if they endorse it, and the Council eventually adopts the ordinance on July 2nd, then an actual plan will be prepared and all of those site plan issues will be vetted and discussed at length by the Planning Board. Ms. Hadhazy asked if during that discussion the social impact study looks at how many school children there will be and finds there are negative impacts on any level if there is an effect on the population density of units being put into the space. Borough Attorney Schmierer noted that they do not zone against school children in this community or any other community as it is against the law. The school system has been a part of their discussion with this developer over the last 5-6 years. They have inquired of the school system as to whether or not they could absorb the kids that go into this development and they told the Borough that they can. Ms. Hadhazy asked if there is any chance that this ordinance could change between now and July 2nd. Borough Attorney Schmierer indicated that it could if the Planning Board made some recommendations for change, then those changes could be considered by the Council. If those changes were changes that were not substantive, they could make those changes before it was acted upon on July 2nd. If they are significant changes, they would have to reintroduce the ordinance and have another public hearing. Ms. Hadhazy commented that part of the reason that the Mount Laurel doctrine was enacted was not just to create affordable housing, it was a remedy against segregational zoning and people being boxed out of moving into areas because of zoning segregation. It was not just to create affordable housing but to remedy a very discriminatory, racist policy that was not just in New Jersey, but nationwide.

Myrna Gerstmann, 127 North 6th Avenue, commented that she owns property on South 7th Avenue. She asked if the Borough Council could get an answer to the Highland Cliffs question by the Planning Board meeting on Thursday. Borough Attorney Schmierer noted that they could check with the Planning Board Secretary and check the resolution of approval. Borough Administrator Jover noted that she believes the approvals for Highland Cliffs goes back a couple of years. It may predate the requirement to have 15% or 20% set aside and that could be the explanation for why it is inconsistent. Ms. Gerstmann commented that she does not believe the proposed building looks like a safe structure to get fire trucks there to protect the residents in that building and the surrounding property owners. She asked how the planning team came up with 30' on one side and 50' on the other side. Mr. Cosenza note that they did an analysis of structures of this size and consideration of the neighboring property owners. They can't create situations where they are zoning that is discriminatory to how other developments were built. Once they got building condensed into a bigger footprint and removed the street, they tried to get a connection to the open space. They are trying to get the open space around the site into Mansfield and South 5th with the three lots that the Borough owns. They felt that a 50' setback was more appropriate and the owner of the property agreed to increase it by 20'. There was a concern getting the connection to the south side of the site through open space. Ms. Gerstmann commented that her concern is that there is probably racial discrimination happening while there is no cut through between 5th and 7th Avenues. She is worried that they get 30' on the 7th side and 50' on the 5th side and that might keep that racial stuff happening. Mayor Brill Mittler commented that in her discussions with Jim Constantine, in order to get the depth to reduce the height of the building, it had to be in a certain location. Mr. Cosenza confirmed that is why the building moved back and shifted over a little because the grading is not one level line from high point to low point. Ms. Gerstmann asked if the setbacks could be 40' on each side. Mr. Cosenza indicated that it could be but he would have to take a look at the grading to make sure the building would be as low.

Marsha Goldberg, 458 South 5th Avenue, asked about the geotechnical engineer that the Borough hired to assess the impact of the tree removal on residents' properties. Borough Administrator Jover advised that he visited the property along with the Code Enforcement Official. She asked him to reach out to Freehold Soil Conservation District as they are responsible for overseeing the erosion and sediment plan that has been required of the property. She has not heard back from him about the status. Ms. Goldberg asked if any study has been done that can give them a baseline as there has already been some heavy rain. One of the reasons that many of them asked that the tree removal permit be denied was that no provisions had been made to protect resident's property, such as a retaining wall. There are very steep slopes on the southern end, particularly behind her house and some of her neighbors. Many trees were removed the steep slopes and she can see that change is happening and yet she won't be able to hold anyone accountable because she does not have any data to show what was there. It is already three months and she does not think anything has been measured as she was told would happen. Borough Administrator Jover noted that she would like to have the benefit of having a conversation with him as he did go out there and spend some time on the site.

Jim Lapidis, South 7th Avenue, asked for clarification on one of the drawings about the 20' dimension. Mr. Cosenza explained that the 20' dimension that you see in the front and behind the homes would be the space where you could build your house on the property. The 20' is a setback dimension from the property lines. Mr. Lapidis asked about the height of the building. Mr. Cosenza indicated that the 50' elevation is an assumed elevation relative to sea level. Mr. Lapidis commented that for the past couple of months he has attended a lot of these meetings and the Mayor has come to his house to talk about this. He thanked her for reaching out. There have been a lot of issues that people have brought up. From what he has heard tonight is a lot about the height issue. It is hard for them to understand it. This is the first time he has heard an issue about people's cars. They as a neighborhood want their input to count. He asked if this plan has already been decided. Is there a way that they can make a contribution where their voices are being heard in a concrete and meaningful manner? Is this ordinance set in stone? Borough Attorney Schmierer noted that right now this represents the final overlay ordinance for Buck Woods as anticipated by the Governing Body. The ordinance will go to the Planning Board and be critiqued. The challenge with this plan was to figure out how to fit 75 multi-family units on the property. They have been talking about this for years. Some folks want to push it forward, some folks want to push it back, some folks want to spread it out, some folks don't want to spread it out. They have been meeting with the Special Master who is a Planner and appointed by the Court. He has been overseeing their discussions and negotiations about how this would work. This ordinance is not set in stone and can always be amended even after it is adopted. The Borough is at a point now where they have to suggest to Council that they adopt an ordinance so that they can present it to the Court and be compliant on July 15th with all the pieces to the puzzle in order to get their current affordable housing plan approved and to avoid builder remedy lawsuits for the next five years. Mr. Lapidis commented that the height of the building is just one piece of the puzzle that they have been working with. They talked about the buffer zone and the height of the building and he still sees it as very high above the houses. They talked about the fact that there are other ways to approach the building where there is a street that goes all the way through. It seems like a lot of effort was made in this current variation to put all the parking underneath. It drastically changed the plan and it seems larger now and seems worse in terms of the massive quality of this building. They had concerns about quality of life and density. It is a dead end and there are a lot of other issues they would like to see addressed so that they can make a contribution. Mayor Brill Mittler noted that she hopes when this goes to the Planning Board, there is going to be real drawings and definitions that will hopefully create an image that is not a big block plopped down in the middle of the property. While she wants to see this come to end, she also urged him to go and speak at the Planning Board meeting. They are the people that are going to be going through all details of the site plan. There is an Environmental Commission representative on the Planning Board. She is sure that someone on the Planning Board will ask for a traffic study. They are the ones that will come back to the Governing Body with a recommendation on the plan. Mr. Lapidis commented that a lot of the things they are concerned about could be rectified by using the entire lot, instead of just one portion of it. Immediately south of the Buck Woods property is Borough land. Immediately south of that, is the Meadows, which is an 18-acre nature area. In the proposal, the open space is just a 200' parcel, equivalent to four houses in length and is the lowest point in Buck Woods. He asked why the vacant lot is needed when there is already adequate open space in the area and we could utilize that space to make a building which improves the quality of life for the people around that neighborhood. Borough Attorney Schmierer noted that it has been part of the debate for years about whether or not it moves back or forward. The area in the rear you described and the slopes next to that area are the slopes regulated by ordinance. There was concern by a recent speaker about what the impact would be if someone builds behind their house with the steep slopes. They are going to make sure that the steep slope ordinance is followed and that it is going to be stable and nothing will fall into it. If they move the building back, they have heard from folks who live back there that they don't want it there they want it forward. There is no way to accomplish everything that everyone wants and still have 75 units of multi-family housing on the property. The Council has listened for a number of years and spent a ton of money on design and they have been able to build that design. This ordinance has more regulations on the design elements of this property. The Planner and his group lobbied hard for design elements with the builder to make sure that this building would fit in. Mr. Lapidis agreed that you can't make everyone happy. His point is that they want to at least make it equitable for everyone.

Shelly Solomon, North 4th Avenue, commented that she thanked Councilman Hale for talking to her a number of times about Buck Woods. She asked about drainage issue, flooding and erosion. They can go to the Planning Board and ask these questions. She asked if there is a way on the website to find out whom to speak to for certain questions and if they have been addressed during this whole process. Borough Administrator Jover noted that it is not appropriate to speak to the individual Planning Board members. She is happy to meet with her and she can then point her in the right direction. Councilman George noted that ordinarily at Planning Board meetings the Borough's Engineer is present and the Planner will have more information concerning those questions. It is normal to have the experts that the Borough uses as these application hearings.

Abby Stern Cardinale, Harper Street, commented that she appreciates that they have made revisions and this is the 3rd overlay and they are trying to address concerns that people brought up. She is wondering if there can be a road connecting the two sides of Buck Woods and she has not seen that addressed in any of the iterations of the ordinance. She asked why this issue has not been addressed. Mayor Brill Mittler indicated that right now the only place they can put a road is where there is currently a path (paper street) down by the Public Works building that would connect the streets. The problem to run a road from Graham Street across is that there are houses there. They are looking at the possibility of creating a road behind the property. Borough Administrator Jover noted that one of the issues is that there is Borough property further toward the river behind this property. There is not an obvious way without running into an issue of people's homes being where the road would be on this property. Mr. Cosenza noted that it is something they will look into and bring into the Master Plan re-examination report and one of the elements is to look at circulation.

Khahlidra Hadhazy, South 2nd Avenue, commented that it is good to hear that it is a consideration as that was an issue that was brought up in the 1990's where a number of residents had petitioned for what is now a bike path to actually be a street. Her concern with the development that has been proposed is that it is so specific and that you have gone through all of these great lengths and expenses to dictate what the design and look of this building is. From what she understands, some of the early plans that this developer put forth was a much more equitable use of this space. None of them are going to walk away 100% happy, because for a lot of people they would prefer to have that area be undeveloped. Since there is going to be something there, it should effect everyone equally and that is the best way to approach this so that you don't have winners and losers and have a bunch of people that are super angry that their home and privacy is being infringed upon because of this building. If it was a much more equitable distribution of space, everyone wouldn't be 100% happy, but they wouldn't be 100% upset either because they would feel that it was evenly spread out and they wouldn't feel like they got the short end of the stick. Her other issue with the way that this is designed and with how specific this ordinance is, is that you leave no room for the creativity of the developer. None of the Governing Body members are developers or architects or planners. She does not understand why the Borough is taking on that responsibility. She understands that they have to work with this organization and they have to negotiate with them. She asked why it has to be so specific and why can't it leave some leeway so that there could be opportunities for something else besides a block building. For example, something that has a pathway and roads through the middle so that if you do connect the street that you could extend South 6th so that it could connect. The way that you are handling this is so restrictive and so tight that it doesn't leave room for creativity and innovation and they should rethink that. Councilman Hale asked her if she thinks they should leave the design plans in the hands of the developer. Ms. Hadhazy commented that she is asking that the Borough make restrictions on setbacks, height, etc. If a resident went to the Planning Board, they present what they would like to see done to their property. Borough Attorney Schmierer advised that they made the ordinance specific so that it would look decent and fit in with the neighborhood. If they left it up to a developer to put 75 units in there, there are 2 apartment buildings right down the street and you would have ended with a flat roof and a whole bunch of windows looking over everyone's property. They took the time and the Council spent the money on a planning firm to negotiate something that they thought with gable roofs and breaking up the façade down the side and not allowing balconies on the 7th Avenue. A lot of thought and effort went into every element of this ordinance in order to lock down this developer with whom they have a history and to make sure that they knew what they were going to get and that it was going to be something good and decent for the Borough. They could have left it up to the developer and that would have been easy. Four years from now, when the building was built, you would be back to crucify everyone sitting up here if they left it up to the developer. Ms. Hadhazy commented that she is glad the Borough would like to take responsibility for deciding what is good and decent for everyone without asking for anyone else's input or taking anyone else's input seriously.

Marian Sackowitz, South 5th Avenue, commented that she does not see a breakdown of the size of the units. The size of the units will determine the amount of square footage that this thing is going to take up. If you have 75 smaller units, it will take up less space than 75 3-bedroom units. Borough Attorney Schmierer explained that the only regulation that a town has is over the size of the affordable units. They cannot regulate the size of the market rate units. There has to be a fair mixture of units. They can regulate and require minimum sizes for the low and moderate income units. Ms. Sackowitz commented that she did not see the number of proposed parking spaces. Mr. Cosenza noted that the RSIS (Residential Site Improvement Standards) guides them and parking is based on the number of bedrooms in a unit. The approximate number of parking spaces is 150.

Lois Lebbing, North 2nd Avenue, commented that this ordinance is very different from the one a couple of weeks ago. You have gone from an exclusive, gated community, to a fortress. You have Graham Street on the tax map but you can't hook it right into Lot 75. She asked why the South Side of town is the only side of town that has affordable housing. She asked that they make sure the temporary sales trailers are accessible. She asked where else in Highland Park is a project that is rental or sales. She asked if these will be rental units or for sale units. Borough Attorney Schmierer noted that it is up to the developer to decide if they want to build it as a rental unit or a for sale unit. Ms. Lebbing asked where the mandatory accessible units are. Borough Attorney Schmierer noted that they have to build a certain number of them under the fair housing act.

Resident, South 5th Avenue, asked where the guests of residents of these 75 units going to park. Mr. Cosenza noted that RSIS anticipates handling guest parking from a practical property. They worked with the builder to not have guests in the garage, as that might be secured, so they located guest parking in the motor court area. There will be more built into the ordinance under the building. This is not the final design of the building. They tried to set a standard so that the building looks good from the outside.

Marian Sackowitz, South 5th Avenue, asked how they can estimate the number of students coming out of this development if they don't know the size of the units. Borough Attorney Schmierer noted that they know the number of units that will go in there. There is a Rutgers study that most Planning Boards will follow and that will tell them how many. They will find out at the Planning Board, the size of the units. When they talked about this several years ago about the capacity of the schools to absorb additional kids from the Buck Woods development. They were assured that there would be room in the school system.

Herb Gross, Adelaide Gardens, commented that he had a chance to speak with an owner of a property on South 2nd Avenue where they are building 2 affordable housing units upstairs and 2 affordable units for veterans. He wanted to know their position concerning these homes being built in Highland Park. Borough Attorney Schmierer advised that there is a law in New Jersey that gives a preference for affordable housing to veterans. It starts off with homeless veterans and then it goes to disabled veterans and then to families taking care of disabled veterans. He should go and talk to that person again and get on the list to qualify to get in to one of those units. They have to hire an Administrative Agent to market those units and they can give a preference to him or other veterans to go high on the list to get in there.

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

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

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

Opposed: None.

Absent: None.

Abstained: None.

No. 6-19-203

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:
(Personnel)
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 Councilman Hale, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:48 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk