

REGULAR MEETING – DECEMBER 1, 2020

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, December 1, 2020, and was called to order by Mayor Brill Mittler at 7:01 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler; Councilpersons Canavera, Fine, Foster (7:09 p.m.), George, Hale; Borough Attorney Schmierer; Borough Administrator Jover; Borough Clerk Hullings.

Absent: Councilperson Kim-Chohan.

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

Councilwoman Canavera reported that December is National Awareness for Driving Drunk and Drugged. December is also Universal Human Rights Month. December 1st is World Aids Day.

Councilman Fine – No report.

Councilman Hale reported that the Planning Board will meet on December 3, 2020 at 7:30 p.m. On their agenda for the meeting is 433 Cleveland Avenue and 420 South 7th Avenue. The Borough will be taking down the shared streets barriers and signage for the winter. The concept of shared streets was new to Highland Park and it was a great success. Working with the Safe Walking and Cycling Committee he gave a shout out to Councilman George for helping to set this pilot project up. They are hoping to be able to do this again when the weather turns nice. The town table areas will remain in place. Main Street Highland Park has done some fun stuff recently. There was a Holiday Artisan Market that showcased a number of crafts and artists and was well attended as well as the Black Friday Farmer's Market. This week there will be the 2nd Annual Gingerbread House Contest. Submissions should be dropped off to the Main Street office Thursday or Friday before noon. They will post pictures of the submissions online and there will be a community vote. Contest winner will get a gift bag of prizes from the downtown merchants. On December 8th at 9:00 a.m., he and the Mayor are hosting an event with Middlesex County on Small Business Grant Programs. They will be soliciting opinions and thoughts from business owners about what the Borough should be doing moving forward to help through these times. The State of New Jersey has put forth a few new regulations in terms of outdoor dining. Code Officer Scott Brescher has volunteered to help people get a sense of what these new requirements are. They are generally about snow on top of tents in terms of safety and fire exits. Outdoor dining is heartily encouraged with temperatures in the 50's. He encouraged residents to take a break from online shopping and go downtown and support the local merchants.

Councilman George reported that at the last Public Works Meeting they began to discuss the issue of bulk trash pickup. There are a number of recommendations that they are considering. They found that they picked up 100 tons at the last pickup versus 40 tons over the summer. With tipping fees around \$17,000, it was the costly and biggest pickup yet. They feel they can accommodate 50 pickups on each side of town and they are considering going to an appointment system twice a year. They are also considering, if the town-wide garage sale is held, they might wrap one general pickup. With that tonnage, it took them 7 days to pick everything up. The Public Works Committee is considering bringing forward a program in January that would be contingent on whether the annual town-wide yard sale is held. On the agenda tonight is a resolution regarding the energy aggregation program. In response to the RFP, from the various companies that responded, that there was no savings over the present PSE&G rates.

Councilwoman Foster reminded everyone that weather has changed and it is darker outside. Walk on the sidewalks and continue to wear protective gear. Remember to change your batteries in your smoke detectors and carbon monoxide detectors. In the Police Department there has been a staggering of shifts due to holidays. They are looking at the upcoming police forum that may need to be rescheduled due to limited staff.

Borough Administrator Jover reported that Borough Staff will be working staggered schedules in the Borough offices for the next couple of weeks. Residents can come to the municipal offices for services by appointment only.

Borough Attorney Schmierer - No report.

Mayor Brill Mittler reported that due to the effects of COVID-19 there has been a significant increase in participation at the Food Pantry and the HP Gives a Hoot group that has been working with the Zone 6 Teen Center to provide food for other families. She gave a shout out to the volunteers of the Food Pantry, HP Gives a Hoot and the Zone 6 Teen Center and all the dedicated employees that work at the Community Center who help the volunteers make these efforts happen. Things have been busier than ever these last few weeks. Highland Park has 363 cases of COVID-19 as of yesterday and that is almost 3% of the Borough's population. There were 70 cases in the month of October, 78 cases in November and it is heading higher each month. She is not happy to think that we may be back at the kinds of levels we saw in the spring. She asked everyone who has been traveling to visit family to please quarantine in their home for 14 days before interacting with other people in town outside of your home; avoid groups, especially indoors; and continue to wear mask whenever in public and keep 6' of social distance. We will get through this, but she believes it will be a bumpier road as we head into the colder winter months.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves. The total time for this session is 21 minutes; three minutes maximum per speaker. Comments are limited to items on the agenda. If you want to speak on an item that is not listed, there will be an opportunity to do so later in the meeting.

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

The Clerk reported advertising an ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX ACCEPTING PURSUANT TO N.J.S.A. 40A:12-3 A CONSERVATION EASEMENT WITH TRAIL PROVISION ON BLOCK 75, LOT 15.02 BOROUGH OF HIGHLAND PARK TAX MAP, 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 Councilman George, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

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

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

On motion made by Councilwoman Foster, seconded by Councilman Hale, the ordinance entitled as above, being Ordinance No. 20-2015, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Fine, Foster, George, Hale.

Opposed: None.

Absent: Councilperson Kim-Chohan.

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

No. 12-20-306

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX ACCEPTING PURSUANT TO N.J.S.A. 40A:12-3 A CONSERVATION EASEMENT WITH TRAIL PROVISION ON BLOCK 75, LOT 15.02 BOROUGH OF HIGHLAND PARK TAX MAP, passed on final reading at this meeting be delivered to the Mayor for his/her 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 Neptune, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

Resolution Nos. 12-20-307 through 12-20-318, were duly adopted on motion made by Councilman George, seconded by Councilwoman Canavera, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Fine, Foster, George, Hale.

Opposed: None.

Absent: Councilperson Kim-Chohan.

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

No. 12-20-307

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that an Adjourned Meeting of the Mayor and Borough Council will be held at Borough Hall, 221 South 5th Avenue, Highland Park, NJ on Tuesday, January 5, 2021, at 6:30 PM.

BE IT FURTHER RESOLVED that the Organization Meeting of the Borough Council for the Year 2021 will be held at Borough Hall, 221 South 5th Avenue, Highland Park, NJ on Tuesday, January 5, 2021 at 7:00 PM.

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

No. 12-20-308

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, 2020 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:

SHAKIYLA BROWN, Police Officer, at an annual salary of \$44,449.00, effective December 1, 2020.

DAVID SODEN, DRE Stipend, \$300.00, effective December 1, 2020.

MICHAEL WIECZORKIEWICZ, Superintendent of Public Works, \$103,000.00, effective November 12, 2020.

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, 2020 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:

MARIO DIAZ, Part-Time Safety Telecommunicator, at an hourly rate of \$22.01, effective December 1, 2020.

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. 12-20-309

WHEREAS, Robert West, Mechanic, has resigned from his position with the Borough of Highland Park effective October 31, 2020; and

WHEREAS, Robert West is entitled to payment for time spent on paid sick leave from August 1, 2020 through October 31, 2020, at his 2020 rate of pay with all normal and ordinary deductions, including pension, as calculated below; and

	Calculation	Amount Due
Sick	65 days @ \$300.96 per day	\$19,562.40

WHEREAS, Robert West is entitled to retroactive payments for vacation and personal time already paid out, based on the final contract settlement with the Department of Public Works Association, effective November 13, 2020 as calculated below.

	Calculation	Amount Due
Vacation	116.00 hrs @ \$1.46 per hr	\$169. 36
Personal	12.00 hrs x \$1.46 per hr	\$17.52

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that the unused accrued time payment in an amount not to exceed \$19,749.28 be approved and distributed in the next available pay cycle.

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

No. 12-20-310

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Borough of Highland Park Council of the Borough of Highland Park, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Highland Park Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Highland Park Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highland Park, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Highland Park Borough Council does hereby authorize acceptance of funding for strategic plan for the Highland Park Municipal Alliance grant for fiscal year 2021 (October 1, 2020 – June 30, 2021) in the amount of:

DEDR	\$5,838.00
Cash Match	\$1,459.50
In-Kind	\$4,378.50

2. The Highland Park Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

No. 12-20-311

WHEREAS, Car 20 LLC/AA Checker and LR No. 12, LLC 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 licenses for the year 2021; 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 Public Safety Committee was duly adopted as above:

No. 12-20-312

WHEREAS, Leon Rozenbalt has 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 2021; 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

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

No. 12-20-313

WHEREAS, the Borough Highland Park has deemed it necessary to purchase and install new water meters throughout the water system with Automated Meter Reader (AMR) capabilities;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator shall be and is hereby authorized and directed to seek RFP’s for purchase and installation of water meters.

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

No. 12-20-314

WHEREAS, the Borough of Highland Park water and sewer system operator, USA-Highland Park has identified two manholes as posing potential risks due to their configuration; and

WHEREAS, the location of these manholes are at North 3rd Ave and South 8th Ave; and

WHEREAS, the cost of these repairs is estimated to exceed the bid threshold of \$44,000.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator shall be and is hereby authorized and directed to seek RFP's for the repair of the above referenced manholes.

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

No. 12-20-315

WHEREAS, new federal legislative requirements to America's Water Infrastructure Act (AWIA) were signed into law on October 23, 2018, called the Community Water System Risk and Resilience Act ; and

WHEREAS, the Borough of Highland Park is required to conduct a Risk and Resilience Assessment (RRA) of the drinking water system by June 31, 2021; and

WHEREAS, the Borough of Highland Park is responsible for completing an Emergency Response Plan within six months of RRA certification; and

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

WHEREAS, Middlesex Water Company, the Borough of Highland Park's contract operator as secured a proposal from CDM Smith Inc., a qualified engineering firm in the State of New Jersey; and

WHEREAS, funds for this purpose are not to exceed the amount of \$15,000.00 without further resolution of Council; and

WHEREAS, funds will be available for this purpose in the amount of \$15,000.00 in account No. 0-05-55-500-233, as reflected by the Certification of Funds by the Chief Financial Officer, shown below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Borough Administrator is authorized and directed to authorize Middlesex Water Company to contract with CDM Smith Inc. to provide the required AWIA services with an amount not to exceed \$15,000.

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

No. 12-20-316

WHEREAS, in conjunction with an annual review of all receivables and reserves, certain capital projects have been completed and there are various grant receivables identified in the General Capital Fund that are outstanding; and

WHEREAS, these receivable balances are deemed no longer valid or needed; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following grants receivable be canceled to the listed account:

GRANT	ORDINANCE #	AMOUNT	CANCELED TO:
DOT-Felton & Graham	1934	\$33,647.20	Capital Fund Balance
DOT-Various Roadway Impr	1968	\$12,000.00	Ordinance #18-1968
County of Middlesex-			
First Aid Squad Improvement 1758		\$75,000.00	Capital Fund Balance
Federal FEMA Grant	1896/1947	\$17,800.00	Capital Fund Balance
CDBG Access/Walkway Mun Bldg	1606/1611	\$88,357.85	Capital Fund Balance
TOTAL GRANTS RECEIVABLE CANCELED		<u>\$226,805.05</u>	

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

No. 12-20-317

WHEREAS, on June 3, 2020, Governor Murphy signed Executive Order No. 150, declaring that effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, and bars, referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas; and

WHEREAS, Executive Order No. 150, permits Municipalities to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.3, a municipality may enact emergency or temporary special traffic regulations by Resolution; and

WHEREAS, the Borough of Highland Park desires to temporarily change the existing two-way traffic pattern along No. Fourth Avenue between Route NJ 27 (Raritan Avenue) and Denison Street to a one-way street in the southward direction only, to accommodate outdoor dining by local business; and

WHEREAS, the Borough of Highland Park desires to temporarily close a portion of So. Third Ave to all traffic for more than forty-eight (48) continuous hours between Route NJ 27 (Raritan Avenue) and Magnolia Street, to accommodate outdoor dining by local businesses; and

WHEREAS, during the temporary closure of So. Third Ave, the detour routes shall be along the municipal roadways of So. Second and So. Fourth Avenues; and

WHEREAS, the temporary change of No. Fourth Ave to a one-way street, and the temporary closure of So. Third Ave will impact the state highway of Route NJ 27 (Raritan Avenue); and

WHEREAS, pursuant to N.J.S.A. 39:4-8a, any municipal regulation which places any impact on a state highway or temporarily closes a street for more than forty-eight (48) continuous hours, shall require the approval of the Commissioner of Transportation; and

WHEREAS, the New Jersey Department of Transportation agrees to revise by a work order for the traffic signal along Route NJ 27 (Raritan Avenue) at the intersection of Third Avenue to match the proposed for the temporary closure of So. Third Avenue.

NOW, THEREFORE IT BE RESOLVED by the Borough of Highland Park Council, Middlesex County, State of New Jersey, the following temporary traffic regulations shall be in effect from December 1, 2020 to February 28, 2021 as follows:

**In the Borough of Highland Park:
One-Way Street(s) (TEMPORARY)**

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides as indicated below:

Name of Street	Direction	Limits	Parking Permitted
No. Fourth Ave	South	Rt 27 to Denison Ave	Yes

Street Closure(s) (TEMPORARY)

Name of Street	Limits
So. Third Ave	Rt 27 to Magnolia St (only half of the block is closed)

BE IT FURTHER RESOLVED that this Resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

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

No. 12-20-318

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 12/01/2020 can be found in the Bills List Journal Book No. 40.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Hale, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Fine, Foster, George, Hale.

Opposed: None.

Abstain: None.

Absent: Councilperson Kim-Chohan.

No. 12-20-319

WHEREAS, the Government Energy Aggregation Act of 2003 (P.L. 2003, c.24; N.J.S.A. 48:3-93.1 et seq.) (“Act”) and rules promulgated by the New Jersey Board of Public Utilities (N.J.A.C. 14:4-6.1 et seq.) (“Rules”) govern the establishment and implementation of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers join together for the purchase of electric utility services by a government aggregator; and

WHEREAS, by Ordinance No. 20-2004 adopted on June 23, 2020, and in accordance with the Act and the Rules, the Borough of Highland Park (“Highland Park” or “Borough”) created a Government Energy Aggregation Program in the Borough of Highland Park, New Jersey, known as the Highland Park Government Energy Aggregation (“HPGEA”), or otherwise referred to as the Highland Park Community Energy Aggregation (“HPCEA”), for the purpose of obtaining power supply cost savings for residents while facilitating a transition to an increased use of renewable energy sources in order to mitigate the impacts of climate change and many of the costs associated with the impacts of climate change that are borne by municipal government; and

WHEREAS, in accordance with Ordinance No. 20-2004 the Borough Council of Highland Park is the Lead Agency of the HPGEA; and

WHEREAS, the residents of the Borough of Highland Park are included in the HPGEA on an “opt-out” basis, as set forth in the Rules; and

WHEREAS, by virtue of Ordinance No. 20-2004 and in accordance with the Act and Rules, the Borough Council is authorized to solicit proposals for electric generation service and energy aggregation services on behalf of the Borough’s residents, and award a contract for the Provision of Electric Generation Service and Government Energy Aggregation Services on behalf of participating residential customers subject to the parameters set forth in Ordinance No. 20-2004; and

WHEREAS, on November 5, 2020 the Borough, in its capacity as Lead Agency of the HPGEA, publicly noticed and issued a Request for Proposals (“RFP”) for the Provision of Electric Generation Service and Government Energy Aggregation Services for the HPGEA by New Jersey Board of Public Utilities (NJBPU)-licensed and qualified electric power suppliers in New Jersey; and

WHEREAS, the RFP provided for a two-stage process that included: Stage I for the submission of supplier questions and comments and the submission of qualification documents by interested, NJBPU - licensed electric power suppliers; and Stage 2 for the submission of price proposals; and

WHEREAS, the RFP also provided for the submission of separate pricing proposals for three potential contract terms commencing in March 2021, and for two different contract language options (A and B); and

WHEREAS, the RFP also provided for the submission of pricing proposals for two different renewable energy content products, including: 1) the Baseline Enhanced Renewable Energy Product which would be the default product for all HPGEA-participating residents and which has renewable energy content that is 20% greater than the state Renewable Portfolio Standard (“RPS”)-compliant amount of renewable energy (so-called ‘RPS + 20%’), with all additional renewable energy content above and beyond the RPS being sourced from within the region as described in the RFP and consistent with Ordinance No. 20-2004, and 2) a Voluntary 100% Renewable Energy Product, as described in the RFP, that individual participating residents can choose for a pre-determined price premium above the baseline product price; and

WHEREAS, during Stage 1 non-binding Notices of Intent and other required qualification documents were received from four (4) NJBPU-licensed electric power suppliers; and

WHEREAS, a number of supplier questions and comments were received and, as a result, on November 19, 2020 a document entitled “Responses to Supplier Questions, Clarifications and Addendum No.1,” which supplemented and amended the RFP, was issued and distributed to all suppliers that had submitted a Notice of Intent to Propose and/or requested a copy of the RFP; and

WHEREAS, Stage 2 price proposals and accompanying Transmittal Letters were submitted by four (4) NJBPU-licensed electric power suppliers by the 12:00 noon December 1, 2020 deadline set forth in the RFP; and

WHEREAS, the Borough, in consultation with its energy agent, has conducted an in-depth evaluation of qualifications and analysis of pricing proposals, in accordance with the evaluation criteria set forth in the RFP and Addendum No.1; and

WHEREAS, pursuant to the RFP, the Borough reserved the right to make an award to a supplier, or to make no award at all; and

WHEREAS, pursuant to the Rules and the RFP, the Borough shall base its award of a contract to a NJBPU-licensed electric power supplier for the Provision of Electric Generation Service and Government Energy Aggregation Services for the HPGEA upon the most advantageous proposal, price and other factors considered; and

WHEREAS, as a result of the evaluation of qualifications and proposals and analysis of price proposals submitted on December 1, 2020, the Borough Council has determined that no contract award shall be made at this time.

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

1. The Borough hereby rejects all price proposals received on December 1, 2020 in connection with the HPGEA Program.
2. The RFP shall be held open for a period of up to 120 days from the date of this resolution, and the Borough may accept refreshed prices from the pre-qualified suppliers at an appropriate time as determined by the Borough in consultation with its energy consultant and announced via an addendum to the RFP.

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

Ayes: Councilpersons Canavera, Fine, Foster, George, Hale.

Opposed: None.

Abstain: None.

Absent: Councilperson Kim-Chohan.

No. 12-20-320

WHEREAS, a fundamental purpose of government is to protect the health, safety, and welfare of citizens; and

WHEREAS, the State of New Jersey Constitution declares “All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness”; and

WHEREAS, Governor Philip D. Murphy recognized that “New Jersey is especially vulnerable” to the impacts of climate change and sea level rise, that “minority and low-income communities are disproportionately affected by climate change . . . [and] increased air pollution,” that “in the absence of action at the federal level, states must take the lead in reducing greenhouse gas emissions,” that it is “the policy of this State that . . . New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source,” and that “unlimited present day and future investments in expanded fossil fuel infrastructure [is] a potential waste of both private and public resources”; and

WHEREAS, Governor Philip D. Murphy’s vision for a clean energy future includes a proposed Wind Port in Salem County that “will provide thousands of high-quality jobs . . . and establish New Jersey as the national capital of offshore wind”¹. This project and others like it promise vastly greater, long-term economic benefits to the State of New Jersey than further investments in outdated fossil fuel infrastructure, while safeguarding our environment for future generations; and

WHEREAS, New Fortress Energy is planning the overland transport of Liquefied Natural Gas (“LNG”, also known as liquid methane) by truck on public highways and by rail car on existing railways from a yet-to-be-completed liquefaction plant in Wyalusing, Pennsylvania, to a proposed LNG export terminal in Gibbstown, New Jersey on the Delaware River (the “Gibbstown Logistics Center”); and

WHEREAS, New Fortress Energy subsidiary Energy Transport Solutions received a Special Permit from the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) for the transport of LNG in rail cars designed 50 years ago and never used for LNG transport while subsequent federal rulemaking requires a safer rail car design for all other carriers; and,

WHEREAS, the transport of LNG has unique safety hazards, exposing those along these particular truck and rail routes to unprecedented and unjustifiable risk. An LNG release boils furiously into a flammable vapor cloud 620 times larger than the storage container. An unignited ground-hugging vapor cloud can move far distances, and exposure to the vapor can cause extreme freeze burns. If in an enclosed space, it asphyxiates, causing death. If ignited, the fire is inextinguishable; the fire is so hot that second degree burns can occur within 30 seconds for those exposed within a mile. An LNG release can cause a Boiling Liquid Expanding Vapor Explosion. The explosive force of LNG is similar to a thermobaric explosion – a catastrophically powerful bomb. The 2016 US Emergency Response Guidebook advises fire chiefs initially to immediately evacuate the surrounding 1-mile area. No federal field research has shown how far the vapor cloud can move so in the most recent serious Plymouth, Washington, LNG fire, they evacuated a 2-mile radius; and

WHEREAS, Delaware River Partners, LLC, a subsidiary of Fortress Transportation and Infrastructure Investors, LLC, has submitted an application to the Delaware River Basin Commission under Docket D-2017-009-2 to construct a transloading facility (“Dock 2”) at the Gibbstown Logistics Center that would transfer LNG from trucks and railcars to vessels; and

WHEREAS, the Delaware River Basin Commission states, “The vision of the Delaware River Basin Commission is built upon the Compact signed in 1961 by Delaware, New Jersey, New York, Pennsylvania, and the federal government. It is defined in the Delaware River Basin Compact as, “the conservation, utilization, development, management and control of water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare”; and

WHEREAS, the Delaware River Basin Commission has recently affirmed in its statement on Diversity, Equity, Inclusion & Justice that its “core values” are “Service: to the public, the regulated community and our DRBC colleagues; Respect: for each other, the public and the Basin’s water resources; Professionalism: defined by high ethical standards, integrity, continuous improvement and accountability; and

WHEREAS, neither the State of New Jersey nor the Delaware River Basin Commission has assessed the potential public safety, public health or environmental impacts of the proposed overland transport of LNG by truck or by rail car on the communities along the possible transportation routes between Wyalusing, Pennsylvania, and Gibbstown, New Jersey; and

WHEREAS, no federal, state, or local agency has conducted a risk assessment of the specific transportation route(s) along which the LNG would travel; and

WHEREAS, no full scale Quantitative Risk Assessment, which quantifies the frequencies of events such as transportation accidents and their consequences, has been done of the trucks or rail cars that would contain the LNG that would travel from Wyalusing, Pennsylvania, to Gibbstown NJ; and

WHEREAS, neither the State of New Jersey nor the Delaware River Basin Commission has conducted a comprehensive assessment of the cumulative and long-term impacts of the full scope of New Fortress Energy’s plan to liquefy natural gas from fracking wells in Northern Pennsylvania, transport the LNG by truck or rail to the Gibbstown Logistics Center and export by marine vessels overseas on the Delaware River past Delaware and South Jersey bayshore communities; and

WHEREAS, training or support in the Borough of Highland Park has not been provided for emergency or first response service organizations to respond to accidents, fires, explosions, derailments, or other emergencies related to LNG transport within this jurisdiction; and

WHEREAS, the absence of such assessments and support prevents the appropriate management of and avoidance of accidents, derailments, catastrophic events, health harms, and environmental damage and degradation that could occur from the transportation of LNG through these communities, including risks to public health, property values and the clean air and water upon which all citizens and businesses depend; and

WHEREAS, the potential transportation routes travel through communities with proportionately more minority and low income populations, compounding environmental injustices;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Borough of Highland Park calls upon the members of the Delaware River Basin Commission to disapprove the Dock 2 project, Docket D-2017-009-2.
2. The Borough of Highland Park calls upon the State of New Jersey to act in furtherance of its policy to transition away from fossil fuels by taking all measures possible to prevent the transportation of LNG by truck and/or by rail through New Jersey and by conducting a public health and safety analysis, a quantitative risk assessment, and a comprehensive environmental review of the potential impacts to communities and the natural environment in New Jersey.
3. The Borough of Highland Park calls upon Governor Murphy to rescind state permitting of the Gibbstown Logistics Center Dock 2 based on the lack of comprehensive, full and fair review of the potential public health and safety and environmental impacts of this project.
4. That an official copy of this resolution be filed with the Delaware River Basin Commission, 25 Cosey Road, P.O. Box 7360, West Trenton, NJ 08628-0360 and that copies are sent to the voting members of the DRBC at their respective locations: the Governors of Pennsylvania, New Jersey, New York, and Delaware and the U.S. Army Corps of Engineers.
5. That an official copy of this resolution be filed with New Jersey State Governor Phillip D. Murphy, PO Box 001, Trenton, NJ 08625.

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

Ayes: Councilpersons Canavera, Fine, Foster, George, Hale.

Opposed: None.

Abstain: None.

Absent: Councilperson Kim-Chohan.

No. 12-20-321

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

- General Comments
- Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

- General Comments
- Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highland Park, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution, and the required affidavit to said Board to show evidence of said compliance.

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

Ayes: Councilpersons Canavera, Fine, Foster, George, Hale.

Opposed: None.

Abstain: None.

Absent: Councilperson Kim-Chohan.

No. 12-20-322

WHEREAS, during the winter months when a Code Blue emergency is declared, the Borough of Highland Park wishes to provide a warming shelter in order to protect the health, safety and welfare of residents in need of said shelter; and

WHEREAS, the Borough has also experienced other instances during the year when an emergency shelter is necessary for the Borough residents whose homes or apartments may have sustained damage from severe weather incidents or a fire; and

WHEREAS, the Borough owns 212 Raritan Avenue which contains an apartment which could serve as the Borough's emergency shelter; and

WHEREAS, the Reformed Church of Highland Park Affordable Housing Corporation, a nonprofit corporation of the State of New Jersey, has assisted in the past providing shelter to Borough residents and have offered to oversee and administer 212 Raritan Avenue as the Borough's emergency shelter.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park as follows:

1. The Mayor and Clerk of the Borough of Highland Park are hereby authorized and directed to enter into an Emergency Shelter Program Agreement with the Reformed Church of Highland Park Affordable Housing Corporation to administer and oversee the use of 212 Raritan Avenue as the Borough's emergency shelter. The Agreement offered by this Resolution is on file in the Office of the Municipal Clerk and may be inspected during regular office hours.
2. A certified true copy of this Resolution shall be furnished upon its adoption to the Reformed Church of Highland Park Affordable Housing Corporation, 19 S. Second Avenue, Highland Park, New Jersey 08904.

Mayor Brill Mittler appointed Jeffrey Anthony to serve as the Alternate #2 Member of the Board of Health for a term to expire January 1, 2022.

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

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

Opposed: None.

Abstained: None.

Absent: Councilperson Kim-Chohan.

Mayor Brill Mittler appointed Alan Kluger to serve as a Regular Member of the Planning Board for a term to expire December 31, 2020.

Mayor Brill Mittler appointed Jeffrey Perlman to serve as the Alternate #2 Member of the Planning Board for a term to expire December 31, 2020.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves. Speakers are limited to 3 minutes and the discussion to end at 9:00 PM.

Mary Forsberg, 317 Denison Street, commented about the proposed redevelopment plan and asked about a parking garage/parking plan and whether a parking study had been completed. She also mentioned the issue of parking meters and the possibility of residential parking permits.

Rebecca Cypess, Brookdale Court, commented that she is a member of the Middlesex Black Jewish Coalition and mentioned bill A4656 and S2963 which allows for the establishment of a Civilian Complaint Review Board.

Matt Hersh, 333 Felton Avenue, commented about the master plan presentation that was done at the redevelopment meeting. He is in favor of a walkable downtown. He encouraged support of Assembly bill A4656.

Jeffrey Anthony, 501 Raritan Avenue, thanked the Mayor for appointing him to the Board of Health.

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

Work Session:

Rules of Order – Borough Attorney Schmierer noted that there was a draft circulated by the Municipal Clerk. The most recent amendment to the rules of order was done in December, 2018. Periodically, the Rules of Order are reviewed and certain updates and revisions are suggested. The most significant revision in this set of rules of order involves the transition the Council made in the beginning of the year to do away with the agenda meeting and to incorporate that into the regular meeting. Borough Administrator Jover noted that they merged the work session into the regular meeting and there is one agenda and one meeting.

Mental Health Commission – Mayor Brill Mittler provided an update and thanked Councilwoman Canavera for her involvement. They are still in the process of putting together the bylaws. She hopes to have them established in time for the next meeting and placed on the agenda for a vote.

2021 Bulk Trash Program – Councilman George noted that they are still working on it in the Public Works Committee. The recommendation is 50 pickups on the North Side/Triangle and 50 pickups on the South Side twice a year with the possibility of a third town-wide pickup if the yard sale. The pickups are recommended for April/May/June and September/October. They feel rules need to be established as they move forward and put this together and they will be discussing it at the next Public Works Meeting. Reservations need to be booked timely and in advance so that the Department of Public Works can arrange its time. Trash needs to be put out in advance as they cannot go back.

Bring Your Own Bag Ordinance – Borough Administrator Jover noted that this item as discussed at the Public Works Committee. There was a strong push from Sustainable Highland Park. We took a hiatus from enforcement due to the difficulty in getting paper bags and that no longer appears to be an issue. The State of New Jersey passed legislation and the Governor signed the legislation to do a much more aggressive ban on plastic, ban on paper, and Styrofoam. That is going to take 18 months to get up and running. The question came up about what to do about Highland Park's ban in the meantime. There seems to be a consensus to get it back up and running, but giving the merchants time and notice. The proposal would be to start communicating now that in the New Year we will be resurrecting the ordinance and that enforcement would begin by mid-February. They will communicate with the merchants about the new legislation that is coming that will require additional preparation and they will coordinate with Main Street Highland Park.

A4930/S3013 – Councilman Fine noted that he wanted to ask the Council to support putting draft resolution that was sent out on the consent agenda for the December 15, 2020 council meeting. The bills would change all references of security aid to health and safety aid in the School Funding Reform Act of 2008 and related statutes to reflect that a secure school also includes student's mental health and well-being. The bills would also amend the Secure Schools for all Children Act to provide that the aid allocated for the provision of security services to non-public schools under the statute and will also be used for mental health services. This is funding that was already voted on and approved by the State Legislature. It would allow the entities to use some of those funds for mental health services.

Goals – Not discussed.

There being no further business, on motion made by Councilman George, seconded by Councilman Fine, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:04 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk