

REGULAR MEETING – OCTOBER 5, 2021

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, October 5, 2021, and was called to order by Mayor Brill Mittler at 7:02 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler; Councilpersons Canavera, Foster, George, Hale, Hersh, Kim-Chohan; Borough Attorney Schmierer; Borough Administrator Jover; Borough Clerk Hullings.

Absent: None.

On motion made by Councilman George, seconded by Councilwoman Canavera, the minutes of the Regular/Work Session Meeting held August 3, 2021, and the Special Meeting held August 17, 2021 were approved, as distributed, by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: None.

Abstain: None.

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

Councilwoman Canavera reported that October is National Breast Cancer Awareness Month about 1 in 8 U.S. women, and 1 in 1000 U.S. men will develop invasive breast cancer over the course of their lifetime, and being proactive in this fight is crucial. The Board of Health wants to remind everyone that Covid-19 is still an issue and to please follow social distancing and get vaccinated. Food insecurity is still high we have two programs to help. The Community Food Pantry is open the second and fourth Thursday from 9 am to 10:45 and 6pm-7and the Saturday following the second and fourth Thursday of every month from 9:30am -10:30 pm-following Thursday of every month. Donations can be made using their Amazon wish list. The HP Gives a Hoot Food pantry is open every Tuesday from 10:00 a.m. until 11:00 a.m. Donations can be made by mailing a check to borough hall with a memo that it is for HP gives a hoot. Between these two programs, they are serving over 300 families. The Mental health commission wants to remind everyone of the Middlesex county crisis hotlines: Rutgers University Behavioral Health Care HOTLINE: (855) 515-5700; Raritan Bay Medical Center HOTLINE: (732) 442-3794. PLEASE REACH OUT FOR HELP!!

Councilman Hale reported that he wanted to thank everyone from Main Street and Century 21 Real Estate as well as Teri and the Department of Public Works for the successful return of the town wide garage sale, this past weekend. It was great to see everyone out again. Next Sunday, October 10<sup>th</sup>, the Highland Park High Schools DECA Program is working with local restaurants and Main Street Highland Park on the HP Sampler Food Fest. This is a tasting menu event where the students will be encouraging people to go to local restaurants to sample a variety of dishes. It is a cheap date with samples running from \$3 to \$6. If you would like a Food Fest Menu or if you are a restaurant and want to sign up please email [mainstreethighlandpark@gmail.com](mailto:mainstreethighlandpark@gmail.com) one word no caps for mainstreet Highland Park. He also wanted to remind everyone that Highland Park Restaurant week is coming up on October 23-31<sup>st</sup>. This is designed to highlight all of the great restaurants in Highland Park. Participating restaurants will be offering promotions for everyone during that week. If you are a restaurant that wants to participate, please reach out to [mainstreethighlandpark@gmail.com](mailto:mainstreethighlandpark@gmail.com) or check the main street web site. He also wanted to report that they have had a couple of great kick off meetings. The first one was with VEO rides, our Highland Park Scooter provider. We gave them a tour of downtown Highland Park with Rebecca and Javier of Main Street Highland Park to give them the lay of the land. The next step is that they will provide us with their thoughts and ideas about where it might be best to create scooter-parking stations. We will review it and hopefully we will start seeing scooters around town. We “think” we know where the scooters will be needed and wanted but once we are, up and running we will have actual data from the scooter which will allow us to adjust to the situations. So stay tuned for more to come. The second meeting was with our parking and traffic consultant, Level G Associates. Thanks to both Jim Nichol and Rebecca Hersh from Main Street for joining us. The first step from Level G will be collecting data on parking, as it exists in Highland Pak today and having discussions with local businesses about parking hopes and dreams. He thought it was a good kick off and they kicked around many ideas and he was impressed at Level G’s openness and flexibility.

Councilwoman Kim-Chohan reported that she wanted to thank Main Street Highland Park for the town wide garage sale event. She signed up for the first time and a lot of out of towners came to shop, especially on Sunday.

Councilwoman Foster reported that October 27<sup>th</sup> would be the 3<sup>rd</sup> Annual Police Department Trunk or Treat event. They will be returning to the community center parking lot for this year’s event. If anyone is interested in decorating a trunk, please reach to Officer O’Mara at [bomara@hpboro.com](mailto:bomara@hpboro.com). Be on the lookout for flyers with more details coming soon. Car setup is at 4pm to be ready for kids from 5-7. **Adult Police Academy:** The Highland Park Police Department is looking for 20 applicants for our first ever HPPD Adult Police Academy. The Academy consists of seven sessions, begins at Borough Hall on Monday, November 8th, and continues every Monday through December 20<sup>th</sup> from 7:00PM- 9:00PM. The goal of the Academy is to give applicants an opportunity to meet and learn from our Highland Park Officers while giving some insight into what Police Officers do. Participants will have an opportunity to see how our Patrol division, Detective Bureau, and Traffic Bureau operate, as well as experience lessons regarding Use of Force - to include the use of an interactive video simulation with de-escalation and decision based scenarios at the Middlesex County Police Training Center. If you are interested in attending, please contact Ptl. O’Mara at 732-572-3800x4262 or [bomara@hpboro.com](mailto:bomara@hpboro.com). Schools are in sessions and more programs are being run outside of the building during and around school hours, it is important that residents be aware of additional foot and vehicle traffic this creates especially around our schools. The Highland Park Police

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Department is looking for Crossing Guards. You will work 7.5 hours a week at a rate of \$19.36. There are different start times depending on your post, but if you have 45 minutes between 7:25 and 8:45 in the morning and again between 2:15 and 3:20 in the afternoon, this is a great opportunity to interact with the public, keep our young people safe and make some money. If you or someone you know are interested, please contact Sgt. David Soden of the HPPD Traffic Safety Unit at 732-572-3800x4260 or email him at [DSoden@hpboro.com](mailto:DSoden@hpboro.com).

Councilman Hersh reported that he wanted to thank the Highland Park Arts Commission for putting together an amazing Highland Park Window Art Tour, the centerpiece of the eight-week Highland Park Window Art Walk, which highlights dozens of artists throughout the downtown as we partner with retailers who have generously donated window space. This event was in loving memory of Fred Cole, a long-time Highland Parker, coach, and artist and what a tribute it was. Residents are invited to the annual Halloween Costume Parade and Festival! It will be held outside at the HP Community Center on October 24<sup>th</sup> from 1pm to 4pm and is free to all! Stop by to enjoy music, snacks, and our bounce house! We look forward to seeing you there! Please save the date and stay tuned for our annual Veterans Day parade, which will be held on November 11<sup>th</sup> as we walk from the Doughboy Monument to Monument Square in New Brunswick. Wednesday, October 6, 2021 is Walk to School Day! All Bartle School families, strollers, bikes and dogs are invited! Join Mrs. Knapp, the staff, Highland Park Police Department, and Keep Middlesex Moving to support this cause! 7:30 AM: Meet on Raritan Ave. at N. 5th Ave. (Stop and Shop parking lot). 7:40 AM: Leave for a fun group walk to school. **State Funds for Recreational Complex and Raritan Riverwalk** - he referenced a few items on the consent agenda today that are very encouraging. Highland Park was awarded \$750K from the state budget this year for track and field renovations, where they will be partnering with the school district to make sure they have an athletic facility that lives up to our expectations and allows Highland Park to host various athletic events on our home field. Next, the state budget earmarked a separate \$250K to conduct a feasibility analysis of the Raritan River Trail connector concept, which would connect Donaldson Park and Johnson Parks. This is a very important infrastructure idea. Many thanks to Mayor Brill Mittler, Sen. Diegnan and Assemblymembers Karabinchak and Stanley for helping us secure these funds. The Mayor will speak more on these exciting projects. The Highland Park town wide garage sale was awesome. Garage bands were awesome. The eviction moratorium in NJ is ending, but there is help out there. Go to [www.hpboro.com](http://www.hpboro.com) and click on the "Rental Assistance" circle <https://www.housinghelpnj.org/>. Help your tenants apply for the Emergency Rental Assistance Program that can help them pay portions of their rent. To qualify, households must include at least one person who is eligible for unemployment or who has experienced a financial hardship due, directly or indirectly, to the COVID-19 pandemic. Household income must be at or below 80 percent of the area median income. Despite the end of the federal eviction moratorium, New Jersey households with income below 120% of your county's Area Median Income are protected from eviction or removal at any time for nonpayment of rent, habitual late payment of rent, or failure to accept a rent increase that accrued from March 1, 2020 to August 31, 2021. Households with income below 80% of your county's Area Median Income and other specific circumstances may also be eligible for protection from eviction or removal through December 31, 2021, and other assistance and services. Finally, he apologized to Mark Liebeskind for his comment about Mr. Liebeskind having Borough staff read his letter. As a former journalist and a journalist at heart, Hersh said, the public should have every opportunity to submit comments for public consumption.

Councilman George reported that the town wide garage sale was great and South 2<sup>nd</sup> Avenue ruled. He had someone pull up from Michigan who said he comes here for these sales. The upside of the yard sale leads to the downside of bulk trash pickup. On the North Side and Triangle this week, that recycling has been cancelled so that the Department of Public Works can attend to the bulk trash pickup. On Thursday, they will be working on the South Side. The Borough has been putting more attention to trash removal and trash clean up as part of redevelopment. With the success of the farmer's market and the town tables during the pandemic, they have seen more trash. We had a meeting with Main Street to discuss ways along the main thoroughfares to better clean up. Tonight on the work session, we will be discussing the draft snow removal manual. We will also be discussing the Shade Tree Advisory Committee's plan for tree plantings to make it a more streamlined and efficient process. During the last couple of storms, there was river flooding and the Native Plant Sanctuary had a lot of damage. Most of the plantings were washed away and there was damage from deer. The volunteers are putting it all back together and held two cleanups. A group from Rutgers and the Lower Raritan Watershed assisted with the cleanup. The Library is being cleaned up from the storm damage from Hurricane Ida.

Borough Administrator Jover reported that there would be a flu clinic at the Community Center on Thursday, October 7<sup>th</sup> from 10am to 12pm. The County is running the clinic and participants are asked to fill in their consent forms in advance. The Borough offers Covid testing four days a week on Mondays, Wednesdays and Fridays as well as on Sundays. Turnaround time for results is good.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler announced that she received a phone call from Governor Murphy to tell her that Highland Park will receive two New Jersey State FY 2021 budget allocations that, together, total \$1 million dollars. Resolutions to accept these two items are on tonight's agenda. First, we will be receiving \$750,000 for much-needed upgrades to the recreation field/complex behind the Highland Park High School, between North 4<sup>th</sup> and North 5<sup>th</sup> Avenues. This area serves as the home for many of the Borough's recreation programs as well as the high school's football, track & field, and soccer teams. The area also serves local running and soccer clubs, and members of the public who can be seen walking and running around the track or making use of the playground with their young children. Additionally, the turf field and the viewing stands have served as the site for numerous borough events. The heavy use of the recreation field/complex over the years has left it worn down and unsafe in areas. The track barely passed inspection in 2019 and the maintenance staff believes it will no longer pass inspection, putting at risk a broad array of Borough programs as well as a host of local fitness & recreation functions for residents. This state funding will enable us to upgrade the complex and fields, install LED lighting, and add ADA-friendly changes to the playground area. These changes will benefit hundreds if not thousands of Borough residents and visitors each year.

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We will also receive \$250,000 to create a River Trail Connector that will serve as a bridge between Donaldson Park and Johnson Park. Currently, there are no safe passages that enable residents and visitors to travel back & forth from the two heavily used county parks. The efforts to make this trail happen are the results of the hard work and dedication of former Councilmember Susan Welkovits, may she rest in peace. These funds will allow us to develop a ¾ mile connector trail, which will include a section with boardwalk, a rest area with river access, a pedestrian bridge to traverse a small ravine near South Adelaide Avenue and Valley Place, river access stairs by the intersection of River Road and Route 27, and upgrades to pedestrian crossings of Route 27. This project will offer enhanced fitness, recreation, sightseeing, and environmental activism options to our residents. She thanked Borough Administrator Teri Jover who championed both projects and created narratives to clearly explain their impact, as well as to our State Senator Patrick Diegman and our State Assemblymen Robert Karabinchak and Sterley Stanley, who successfully advocated for them in the NJ State Legislature. As she has mentioned in the past, she has created a newly formed Mayor's Wellness Campaign/Vaccination Action Team. This team held their first highly successful event – a vaccination clinic at a HP HS football game last month. Spearheaded by Board of Education member Chris Woodward and Rutgers Professor Norma Bowe, this clinic resulted in 32 people receiving their vaccinations. The Vaccination Action Team is led by Dr. Cliff Lacy and includes physicians, community leaders, clergy members, and others amongst its ranks. They are working on other vaccination clinics in town; please stay tuned for news about those events. Finally, she thanked Jeff, Joe, and all the volunteers of the Southside Clean-Up Team for the excellent work they are doing to help keep our community free of debris and garbage. She had an excellent meeting with Joe today and she will be discussing ways the Borough can begin to implement more secure trash containment in town with Council President Phil George and Administrator Teri Jover.

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.

Lois Lebbing, North 2<sup>nd</sup> Avenue, asked about the purchase of the house on South 3<sup>rd</sup> Avenue and wondered whether it was the house where the daycare center is located. She suggested that the Borough look at North 6<sup>th</sup> Avenue, which is a one-way street, as a possible location for town tables.

Mary Forsberg, Denison Street, commented that she thinks it is a good idea to hold the resolutions for landscaping/architectural design on South 3<sup>rd</sup> and the authorization of the temporary street closures. She lives close to both of those locations and there is very little use of the space unless there is a music performance. She wondered why they are spending nearly \$500,000 for a property when there is no plan for South 3<sup>rd</sup> Avenue. She believes there are more important things to do with the money like fixing the library roof, which has leaked for years. She wondered about the environmental consulting firm they are hiring. Lastly, she asked about the amount of money spent on the master plan and redevelopment plan in planning fees.

Peter Spool, 146 Graham Street, commented about the closure of South 3<sup>rd</sup> Avenue and the way it disrupts traffic in town. He notices much more traffic on side streets due to the closures. He does not notice much activity at the town table locations. He wondered if it would be easier and simpler to put some of those tables on the sidewalks. He thinks have town tables on North 4<sup>th</sup> Avenue makes sense as there are more businesses nearby that sell food and drink, but only one location on South 3<sup>rd</sup> Avenue. He thinks the street closures are a safety hazard and is aware that cars have hit several people.

Zev Strupinsky, 512 South 3<sup>rd</sup> Avenue, commented that after the last meeting, he spoke to about ten households on his street and the majority of the people were not aware of the borough planning to permanently close South 3<sup>rd</sup> Avenue. None of them expressed support for such a closure. There is more traffic on 2<sup>nd</sup> and 5<sup>th</sup> Avenues due to the closures and it is difficult to cross the street. The use of the town tables on South 3<sup>rd</sup> during the week is close to zero. He understood the premises for the temporary closures due to the pandemic. The permit is expired and he asked if they legally could still keep those roads closed.

Abby Stern Cardinale, 221 Harper Street, expressed strong support for the closures, particularly at South 3<sup>rd</sup> Avenue. She has two small children and she utilizes those tables many times during the week. Those tables are essential for people with small children to be able to gather and have a safe place to meet other families. There are many food establishments that you can walk to and pick up food in the area. As she walked around during the yard sale this past weekend she overheard a conversation, they were saying something about the town tables, and that it is their favorite part of the town. The benefits of the town tables far outweigh the little bit of inconvenience.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY PERSONS WITH DISABILITIES AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

On motion made by Councilwoman Canavera, seconded by Councilman Hale, 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 Councilwoman Canavera, the ordinance entitled as above, being Ordinance No. 21-2033, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hale, Hersh, Kim-Chohan.

Opposed: None.

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Absent: None.

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

No. 10-21-241

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY PERSONS WITH DISABILITIES AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 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.

The Clerk reported advertising an ordinance entitled, ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH DAVID R. TAWIL AND YEHUDITH TAWIL TO ACQUIRE BLOCK 3001, LOT 7 ON THE TAX MAP OF THE BOROUGH OF HIGHLAND PARK, 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 Hersh, 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.

Dan Stern Cardinale, Harper Street, thanked the Governing Body for doing this and showing their commitment to the South 3<sup>rd</sup> Avenue pedestrian plaza.

Mary Forsberg, 317 Denison Street, asked why they are buying the property on South 3<sup>rd</sup> Avenue when they have no real purpose for it. Mayor Brill Mittler noted that they have plans that they would like to pursue for public spaces and this is an opportunity for them to make something good happen for the residents. Councilman Hale noted that the purchase of this property allows for a lot of potential uses with the existing lot on South 3<sup>rd</sup> Avenue and will give them a great deal of flexibility for the future.

Alvin Chin, South 3<sup>rd</sup> Avenue, commented that he lives within 50 yards of this property. Although it is not clear about what will happen, residents on this block are prepared to hear what the Borough has to say and they are prepared to either support or oppose the plan, but they are keeping an open mind. He does not see a problem with acquiring this property especially if it opens the potential to connecting it to South 4<sup>th</sup> Avenue.

No one else 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. 21-2034, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: None.

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

No. 10-21-242

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH DAVID R. TAWIL AND YEHUDITH TAWIL TO ACQUIRE BLOCK 3001, LOT 7 ON THE TAX MAP OF THE BOROUGH OF HIGHLAND PARK, 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.

The Clerk reported advertising an ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR PURCHASE AND INSTALLATION OF EMERGENCY RADIO CONSOLES AND PORTABLE RADIOS, APPROPRIATING \$250,000.00 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

On motion made by Councilwoman Foster, seconded by Councilwoman Canavera, 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 Councilwoman Canavera, the ordinance entitled as above, being Ordinance No. 21-2034, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: None.

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

No. 10-21-243

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR PURCHASE AND INSTALLATION OF EMERGENCY RADIO CONSOLES AND PORTABLE RADIOS, APPROPRIATING \$250,000.00 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, 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.

On motion made by Councilman Hale, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, Resolution Nos. 10-21-252 and 10-21-254 were tabled from consideration.

Resolution Nos. 10-21-244 through 10-21-257, except Resolution Nos. 10-21-252 and 10-21-254, 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, Foster, George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: None.

Abstained: None.

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

No. 10-21-244

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Distribution License No. 1207-44-007-005, currently inactive, issued to New Athens Corner, Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Highland Park does hereby approve, effective October 6, 2021, the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Distribution License from New Athens Corner, Inc. to Surdas, LLC, for premises located at 80 Raritan Avenue, Highland Park, NJ; and

BE IT FURTHER RESOLVED that the said Borough Council does hereby direct the Borough Clerk to endorse the License Certificate as follows: "This license, subject to all of its terms and condition, is hereby transferred to Surdas, LLC. for premises located at 80 Raritan Avenue, Highland Park, NJ effective October 6, 2021."

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

No. 10-21-245

WHEREAS, pursuant to Resolution No. 4-20-142, adopted by the Borough Council on April 21, 2020, a contract was awarded to Esposito Construction, LLC of Matawan, NJ, for the Improvements to Cherry Street South Park Avenue and South Adelaide Avenue; and

WHEREAS, it appears from Pay Estimate No. 3 and Close-out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$136,586.08, and there is due to Esposito Construction, LLC the sum of \$75,821.46 in accordance with said Pay Estimate for work performed from November 20, 2020 to June 25, 2021; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-821-001 in the amount of \$75,821.46, 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 Chief Financial Officer be and is hereby authorized and directed to pay Esposito Construction, LLC the sum of \$75,821.46, as certified by the Engineer in Pay Estimate No. 3, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of \$98,046.58 and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer and CME Associates forthwith.

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

No. 10-21-246

WHEREAS, the Transfiguration of the Lord, Inc. applied for two raffle licenses for 2021; and

WHEREAS, the raffle license fees of \$20.00 was paid for each raffle license; and

WHEREAS, the Transfiguration of the Lord, Inc. has decided to host the raffles at a location not in Highland Park, and therefore, the applicant is due a refund; and

WHEREAS, the administrative fee for refunds charged by the Borough Clerk pursuant to Section 4 of Highland Park resolution No. 01-21-13 adopted by the Borough Council on January 5, 2021 shall be waived;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director shall be and is hereby authorized and directed to remit to the Transfiguration of

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the Lord, Inc., 23 South 5<sup>th</sup> Avenue, Highland Park, NJ 08904, the amount of \$40.00, the same being the amount of refund due for submittal of raffle license applications.

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

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

No. 10-21-247

WHEREAS, the Borough of Highland Park (the "Borough") has encountered flooding from September 1, 2021 to September 3, 2021 where public infrastructure and individual citizens of the Borough incurred damages; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") has received on September 5, 2021 an approved disaster declaration numbered DR-4614 for said flooding event; and

WHEREAS, the Borough is desirous of relieving building permit fee burdens for repair work and/or improvements being accomplished solely due to recovery from said flooding event.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that building permit fees charged pursuant to Borough ordinances shall be waived until October 31, 2021 for repair work and/or improvements accomplished solely due to recovery from said flooding event. Repair work and/or improvements, or subcomponents thereof, accomplished which are not due to said flooding event shall not be eligible for this fee waiver. Upon review of building permit application materials, the Construction Official shall have the authority to:

- a) make determination of ineligible repair work and/or improvements; and
- b) implement the fee waiver up to and until October 31, 2021.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Director of Code Enforcement and Chief Financial Officer.

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

No. 10-21-248

WHEREAS, the Borough of Highland Park desires to apply for an obtain a grant from the New Jersey Department of Community Affairs (DCA) for approximately \$750,000.00 to carry out a project to replace the track and turf field and upgrade playground equipment; and

WHEREAS, the 2022 New Jersey state budget has earmarked \$750,000.00 for this purpose;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highland Park does hereby authorize the application for such a grant and recognizes and accepts that DCA may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Highland Park and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

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

No. 10-21-249

WHEREAS, the Borough of Highland Park desires to apply for an obtain a grant from the New Jersey Department of Community Affairs (DCA) for approximately \$250,000.00 to conduct a feasibility analysis of the Raritan River Trail Connector concept; and

WHEREAS, the 2022 New Jersey state budget has earmarked \$250,000.00 for this purpose;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highland Park does hereby authorize the application for such a grant and recognizes and accepts that DCA may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Highland Park and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

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

No. 10-21-250

WHEREAS, the Borough of Highland Park has a need for the services of an Environmental Consultant who is a Licensed Site Remediation Professional ("LSRP") in order to address the findings of the New Jersey Department of Environmental Protection inspection report (PI: 262007); and

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

WHEREAS, Excel Environmental Resources, Inc. is qualified and licensed as an environmental consulting firm in the State of New Jersey; and

WHEREAS, Excel Environmental Resources, Inc. has served as the Borough's Environmental Consultant in connection with several matters in the Borough; and

WHEREAS, funds for this purpose are not to exceed the amount of \$26,000.00 without further resolution of Council; and

WHEREAS, funds will be available for this purpose in the amount of \$26,000.00 in account No. 1-01-26-310-238, as reflected by the Certification of Funds by the Chief Financial Officer, shown below.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Borough Administrator and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough, a Professional Services Agreement with Excel Environmental Resources, Inc. for the above described parcels for an amount not to exceed \$26,000.00. The scope of work shall be consistent with the Technical and Cost Proposal for Environmental Engineering and Consulting Services, a copy of which is attached hereto.

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

No. 10-21-251

WHEREAS, on March 3, 2020, the Borough of Highland Park engaged McManimon, Scotland & Baumann to serve as Special Environmental Counsel to assist the Borough in its representation in the matter known as JSM at Highland Park, LLC v. the Borough of Highland Park, Docket No. MID-L-4958-17; and

WHEREAS, there is a need to authorize an additional work on this case beyond the \$150,000.00 previously authorized by Borough Council and that additional amount is not to exceed \$50,000.00; and

WHEREAS, funds will be available for this purpose in Account No. 1-01-20-155-235 in the 2021 budget, as reflected by the Certification of Funds Available by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park in the County of Middlesex that the Council does hereby authorize an increase to the contract with McManimon, Scotland and Baumann, in accordance with the above stated limitations.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Borough Administrator and Assistant Finance Officer.

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

No. 10-21-253

WHEREAS, the Highland Park Department of Public Works has a need to repair a sinkhole on the corner of Riverview and So. 1<sup>st</sup> Avenues caused by extreme rainfall from Tropical Storm Ida, as more fully described on the attached scope of work; and

WHEREAS, the expenses related to the repair of this sinkhole affects the health, safety and welfare of the Borough that requires the immediate response, the need for which was not reasonably foreseen; and

WHEREAS, due to the emergent nature of the repair, it was necessary to have the sinkhole repaired to address the situation; and

WHEREAS, N.J.S.A. 40A:11-6 provides that public bidding and quotes is not necessary in an emergency situation; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-821-001 in an amount not to exceed \$85,000.00, as reflected by the certification of funds by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Superintendent of Public Works is hereby authorized and directed to arrange for said repairs from Jads Construction, PO Box 513, South River, NJ 08882, at a total price not to exceed \$85,000.00; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Superintendent of Public Works & Public Utilities, the Chief Financial Officer, and the Assistant Finance Officer forthwith.

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

No. 10-21-255

WHEREAS, pursuant to Resolution No. 7-21-179, adopted by the Borough Council on July 6, 2021, a contract was awarded to JADS Construction Company, Inc. of South River, NJ, for the resurfacing and reconstruction of South Sixth Avenue between Magnolia Street and Benner Street, South Ninth Avenue between Eden Avenue and Graham Street, North Ninth Avenue between Raritan Avenue and Abbott Street, Benner Street between South Seventh Avenue and South Ninth Avenue, Cliff Court, Lincoln Avenue between Lawrence Avenue and North Fifth Avenue, and Barnard Street between Central Avenue and Woodbridge Avenue; and

WHEREAS, it appears from Pay Estimate No. 2, filed by CME Associates, that certain work under said contract has been completed and approved and there is due to JADS Construction Company, Inc. the sum of \$156,853.37 in accordance with said Pay Estimate for work performed from August 31, 2021 to September 17, 2021; and

WHEREAS, funds for this purpose are available in Account Nos. C-04-55-821-001 and C-04-55-824-001 in the amount of \$156,853.37, 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 Chief Financial Officer be and is hereby authorized and directed to pay JADS Construction Company, Inc. the sum of \$156,853.37, as certified by the Engineer in Pay Estimate No. 2, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief Financial Officer and the CME Associates forthwith.

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

No. 10-21-256

WHEREAS, the Historical Commission desires to survey historical buildings along the Raritan Avenue & Woodbridge Avenue commercial corridor; and

WHEREAS, Middlesex County has funds available for these initiatives through their Historic Preservation and Capital Grants program; and

WHEREAS, the Historical Commission wishes to apply for a grant from the Middlesex County in the amount of \$15,000; and

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WHEREAS, Middlesex County requires a 100% cash match from applicants, which amounts to \$15,000.00, which will be made available in the Historical Commission's 2022 budget should they be selected for this grant; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized and directed to execute and submit, on behalf of the Historical Commission, the grant application to Middlesex County, a copy of which is attached to the original of this resolution.

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

No. 10-21-257

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 10/5/2021 can be found in the

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.

Lois Lebbing, 100 North 2<sup>nd</sup> Avenue, commented about the parking lot from South 3<sup>rd</sup> Avenue being open to the Rite Aid parking lot and noted that it used to be open, but was closed in the 80's. She asked how many buildings in the Borough were flooded due to the storm and how many of those had only sewage. She commented about storm drains not being cleaned out. She also asked about all the properties that the Borough is purchasing.

Abby Stern Cardinale, Harper Street, asked about the Donaldson Park playground and noted that she saw the message that the Mayor put out. She wondered what input Highland Park and the residents would have for the rebuilding of the park. Mayor Brill Mittler noted that she forwards any emails regarding Donaldson Park to Rick Lear from the County. Not everything is going to be feasible because it is in a flood plain. Nothing is going to happen in 2021 and they hope to see something by the end of 2022.

Dan Stern Cardinale, Harper Street, commented that he wanted to speak in favor of the multiple efforts across multiple fronts in terms of redevelopment and in particular the cleaning up of the downtown. Most people are in favor of doing something about the vacant storefronts in the downtown and the parking lots. He is in favor of pedestrian zones as this is a very pedestrian, cyclist-oriented town, and the vast majority of people want to see stuff done to make the downtown more vibrant and more attractive. He thanked them for their efforts.

Mary Forsberg, Denison Street, commented that people who are opposing this are the silent majority. Many people she knows in Highland Park who have lived here for a long time would rather have the town spend its money on the library roof and not buying property. She noted that the Bergen Auto property that the town owns is a disgusting piece of property and she asked that they do something to make it look decent. Highland Park has previously purchased property that they let fall into disrepair and is now part of the redevelopment plan.

Zev Strupinsky, 512 South 3<sup>rd</sup> Avenue, commented that he spoke to the neighbors on his block and none of them expressed support for this plan. They are not opposed to development but there are other avenues besides closing the street to pursue.

Ed Schmierer, Borough Attorney, noted that the Borough Clerk's Office received an email from Marc Liebeskind. Borough Attorney Schmierer read the email into the record.

Lois Lebbing, North 2<sup>nd</sup> Avenue, commented that she was told to call the Borough Administrator's Assistant, to report whether they had flooding. She asked how many people were aware to contact the office to report flooding.

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

Work Session:

Repeal of Cat Licensing Ordinance – Councilwoman Canavera noted that there is a cat-licensing ordinance that not many people know about. She has lived here for 13 years, has two cats, and did not know they were supposed to be licensed. It costs the Borough more money to purchase tags for the cat licenses than the number of licenses actually purchased. The Board of Health reviewed this and felt that the Borough should not have this requirement. She is not sure when the requirement to obtain cat licenses became effective. Councilwoman Foster noted that there was a problem in the past with the overpopulation of cats running around and this was one of the ways to curb the cat population. It was not put into place as a money making option. Councilman Hale asked if there is a cat problem now. The Borough has to purchase so many tags as a minimum order and we do not seem to sell enough to cover the cost of the licenses. Councilwoman Kim-Chohan commented that people should be made aware of the fact that cats are required to be licensed. Animal Control uses the license information to return pets to their owners if they should get lost. Borough Clerk Hullings noted that the Borough issues between 25-30 licenses per year but has to purchase a minimum of 200 metal tags. The cost of the tags is more than is collected as the licenses are \$5. Councilman George asked if cat owners have to present proof of vaccination to license the cat and the Borough Clerk confirmed that information. Councilman Hale commented that the notification of missing cats occurs on social media as opposed to years ago. He would be in favor of eliminating this ordinance. Councilwoman Kim-Chohan asked if the licenses for cats are the same as dogs. Borough Clerk Hullings noted that dog licenses are \$10/\$13 and a portion of those fees go to the State of New Jersey. Cat licenses are \$5/\$8 and those fees stay with the Borough. Dogs are required to be licensed by the State of New Jersey, but cats are not. Councilman Hersh agreed with Councilwoman Kim-Chohan about notification to residents about the requirement to license cats. He has concerns about outdoor cats and the effects on the ecosystem. Borough Administrator Jover pointed out that licensing cats and providing a tag only helps with finding them if they are wearing a collar with the tag attached. Councilwoman Kim-Chohan



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noted that she thinks cat owners should have the same responsibility as dog owners and that the licensing should be advertised. Mayor Brill Mittler asked that Councilwoman Canavera go back to the Board of Health and review with them the comments of the Borough Council regarding the ordinance.

Snow Removal Plan – Councilman George thanked the Borough Administrator, Superintendent of Public Works and Councilman Hersh and Councilwoman Canavera. The rough draft of the operating portion of the manual was put together and is under review. It lays out policies and procedures, some of which were followed and some of which were the result of their meeting and discussions. They will circulate the final draft that will contain two addenda, which relate to the proper mixture of the brine. It is broken down into depth of snow that activates the snow program. It begins at two inches to bring in some crews to start working on primary and secondary roads; it prioritizes removal and it goes to four inches and above when the snow begins to accumulate and it lays out the brining procedure. A section that was added was the clearing of intersections, especially along Raritan Avenue and Woodbridge Avenue. Discussion about alternate site to put snow that is removed and whether to utilize DPW staff to attend to snow removal at corners, when available, and charge back to the property owners. It was noted that to pick up snow and move it to another location would require a special permit from NJDEP. Councilman George noted that DPW does not need more of the large equipment, but would prefer the smaller dump trucks with the lower sides and another Kubota. They are smaller, multi-functional and fit into areas where the trucks do not fit and are suitable for use on public sidewalks.

Tree Planting Recommendations – Councilman George noted that there is a tree-planting program and trees are selected off a list. The Shade Tree Advisory Committee has been taking a more active role in planning and last year switched to a zoned planting plan. The recommendation is to begin to limit the planting program to once a year instead of twice a year. Spring is a busy time of year for the Department of Public Works, so the recommendation would be to do a planting in the fall and limit the number of trees to 50-60. Once a tree is planted, it needs to be watered and there needs to be a watering contract, as residents do not always care for the tree. There needs to be more outreach to residents to make it an opt-in plan.

Resolution in Support of Fossil Fuel Divestment in State Pension Fund and GSMJIF – Councilman George noted that Sustainable Highland Park recommends that the Borough pass a resolution urging the state pension funds, primarily Police and Fire, to divest themselves of any stock or holdings related to fossil fuels and the manufacture and sale of fossil fuels. It was suggested that language be added to the resolution to suggest that they invest in good, sustainable, renewable resources.

Resolution in Support of Withdrawal of Gas-Fired Power Plant Application in Keasbey - Councilman George noted that this is a resolution recommended by Sustainable Highland Park in opposition to the gasification plan in Keasbey. Highland Park is in the plume and Sustainable Highland Park would like the Borough to consider a resolution to oppose this plant.

There being no further business, on motion made by Councilman George, seconded by Councilwoman Foster, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:36 p.m.

Respectfully submitted,

Joan Hullings  
Borough Clerk