

REGULAR MEETING – DECEMBER 21, 2021

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, December 21, 2021, 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; Councilperson Foster, Councilman George, Council Member Hersh, Councilwoman Kim-Chohan; Borough Attorney Schmierer; Emma Von Thun appeared on behalf of Borough Administrator Jover; Deputy Borough Clerk Santiago.

Absent: Councilwoman Canavera, Councilman Hale.

Council Member Hersh questioned if Resolution 12-21-314, to approve participation in the Garden State Municipal Joint Insurance Fund, was the same arrangement as before, which was confirmed by Mayor Brill Mittler.

Mayor Brill Mittler read a proclamation for three long time Planning Board Members who are leaving their positions, Kim Hammond, Alan Kluger, and Steve Nolan.

On motion made by Councilman George, seconded by, Council Member Hersh the minutes of the Regular/Work Session Meetings held December 7, 2021, were approved, as distributed, by the following roll call vote, to wit:

Ayes: Councilwoman Foster, Councilman George, Council Member Hersh, Councilwoman

Kim-Chohan.

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale.

Abstain: None.

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

Councilwoman Foster reported that the Police Department has caught the perpetrators responsible for the rash of burglaries, and there have not been any burglaries since the arrest. For many months the Borough has been in need of additional crossing guards, and we have finally met our goal. There are now enough crossing guards to keep our town safe, especially our children safe. She thanked the Fire Department for assisting with the tree lighting, and thanked the First Aid Squad and Public Safety who have been working hard to keep everyone safe from Covid as the numbers are rising again.

Councilwoman Kim-Chohan reported at the last meeting residents discussed in the work session the town-wide reevaluation. She gave the information for the Borough Tax Assessor, Thomas Mancusco. If a resident would like to request their property record card, his email and phone number are on the Borough website.

Councilman Hersh reported that registration for the winter soccer clinic is now open for grades

kindergarten through fifth. Rovers International Soccer Camps and Clinics will be running an outdoor winter clinic starting January 9<sup>th</sup> at 1:30pm at the municipal recreation complex. Space is limited so please sign up now. We are very excited to pair with the Highland Park Public Library on a new class called Science and Stories. It will take place at the Highland Park Community Center on Wednesdays starting January 12<sup>th</sup> at 2pm. You can register now at Highland Park Rec.com; space is limited so please sign up now. Join us for five virtual classes for grades 3 through 12 that will teach performing arts skills starting on January 6<sup>th</sup>. Class topics include improv, choreography, voice, and virtual direction, registration is due by January 4<sup>th</sup>. You can register now at Highland Park Rec.com. Registration is open for the youth winter track club for grades 3 through 5 which will start January 9<sup>th</sup> and will run for five sessions at the municipal recreation complex on Sundays from 3 to 4pm. You can register now at Highland Park Rec.com. The borough is working with a team of residents who have been working on short term and long term improvements to our pocket parks. We are going to be starting some pocket parties for ages 3 through 5 starting January 11<sup>th</sup>. Science and stem classes for ages 3 through 5 will be starting January 12<sup>th</sup>, as well as a winter basketball clinic for grades 3 through 8. Registration is not yet available because we are still working out some programmatic details. Please stay tuned for updates. You can now register for our adult winter programming, space is limited and registration before the program starts is mandatory. Raconteur Radio is a project by resident Alex Dawson who will be doing a production of A Christmas Carol that will take place tomorrow, December 22<sup>nd</sup>. The event is open to the public and will begin at 6:30 pm.

Councilman George reported that it is not official until the governor signs the legislation, but the Highland Park Library was approved for a round two construction bond. We are waiting for the legislature to finalize the bill for the governor to sign, which should take place fairly soon. In public works, as you know the council rejected the bids at the recommendation of the administration for the water meter replacement. The bids did not come in within the range estimated by the engineer, but that has been redone so despite some delays, we will be moving forward with the water meter replacement, which is a large part of our infrastructure improvements. Sustainable Highland Park and the Environmental Commission are cooperating to do background research with regard to possible restrictions or limitations on leaf blowers. It is an interesting project they were both working on independently, and they are going to be cooperating on that doing extensive research and looking at other ordinances. The Borough is working with volunteers and the Raritan Watershed Partnership to gather some background regarding Mill Brook. Based on their cleanup work with the DEP, hopefully in 2022 we can begin to receive some guidance not only in some of the areas where we know that we have had severe flooding, but in other areas that contribute to that flooding.

Borough Administrator Jover – No report.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler reported on the latest Covid-19 developments in our region. She quoted from the December 20<sup>th</sup> Star Ledger headline, “reported hospital cases are climbing to an eight month high. New Jersey had over 6,200 confirmed new positive cases each day on Thursday, Friday and Saturday, which brings us close to the highest one day total in New Jersey of 6,922 cases. We also have the highest number of hospitalized patients. The CDC’s Covid-19 tracker rates Middlesex County’s transmission rate in red or high, and states everyone in Middlesex County should wear a mask in public indoor settings”. Mayor Brill Mittler stated in light of this news and many other troubling indicators, the Mayor’s Wellness Campaign Vaccination Action Team unanimously recommended in a meeting last night, all public meetings

in Highland Park should require visitors to wear masks whenever they are inside buildings and not eating and drinking. This recommendation includes all our businesses, houses of worship, schools, and borough buildings. The Mayor's Wellness Campaign Group includes four respected medical professionals in the field of infectious diseases and community leaders from public schools, religious communities and others. I take their advice very seriously, and call upon our businesses, houses of worship, schools, and private associations to institute policies that ask all visitors to wear face masks. I plan to meet with our businesses, spiritual leaders, schools, and community leaders individually in the next two weeks to reiterate this call and urge their personal involvement in keeping our residents safe at a time when Covid-19 cases are rising high, and people are more likely to gather in groups. Mayor Brill Mittler noted this is the last council meeting of the year, and she thanked the council members, the administration, and all residents for all the work that went into keeping all of our residents safe.

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, 100 North 2<sup>nd</sup> Avenue, commented on the snow removal plan. She referred to an email from Joan Hullings in 2013. The email refers to sidewalk law, residential versus commercial sidewalks. Municipal Ordinance cannot deflect liability from the public entity onto the homeowner. Abutting residential homes are the responsibility of the public entity. State law trumps municipal ordinance and residential owners would only be responsible for a dangerous condition that they created such as negligent repairs, planting a tree or creating a snow bank. Please also know that the state permits under 40:55-123 free snow removal for qualified residential properties as in senior citizens. Mayor Brill Mittler asked the borough attorney to look at the ordinance that was mentioned regarding homeowner versus the public entity and snow removal.

Mary Forsberg, 317 Denison Street, commented she sent in an OPRA request, and the Borough Clerk sent back a very nice email, and suggested that she ask these questions directly. She questioned why the borough would issue an RFP for private property. Mayor Brill Mittler asked Ms. Forsberg to wait for the public comment session to speak about the topic.

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

The Clerk reported advertising an ordinance entitled, WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY AMENDING CERTAIN SECTIONS OF CHAPTER 86, ENTITLED, "FAIR SHARE AFFORDABLE HOUSING" OF THE CODE OF THE BOROUGH OF HIGHLAND PARK TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY SUPERIOR, was duly advertised 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 Council Member Hersh, seconded by Councilman George, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

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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.

Lois Lebbing, 100 North 2<sup>nd</sup> Avenue, asked what the resolution covers and what the changes are.

Edwin Schmierer, Borough Attorney gave details of the changes to the ordinance. These are clarifications, not really major changes to the ordinance recommended by our affordable housing attorney. One change is that deed restrictions will stay on the properties for at least 30 years, and cannot be released until they are released by the governing body. The other change is set forth for the purposes of the affordable housing trust fund. We can now collect money when there is a commercial or residential development and that money goes into a trust account, and there is a list of items which we can spend the money on such as down payment assistance, and other types of affordability assistance.

Mary Forsberg, 317 Denison Street, commented she knows something about Mount Laurel, and that affordable housing is a very good and important thing. They pull back all the potential money that people would have made by owning these things. You buy it at one price, sell it at the same price, and if it appreciates you don't get to keep any of that money, or you only get to keep a percentage of the appreciated value of your house. The thing I find unfortunate about this is you wrote a resolution in which you said that developers should not have to pay prevailing wages to the people that work for them who build these affordable units. Prevailing wages are important, it seems a bit hypocritical that you would be saying we do not require our developers to pay prevailing wages, and yet we are promoting affordable housing. Edwin Schmierer, Borough Attorney clarified the legislation was to exempt 100% affordable developers and non-profits from having to pay the full prevailing wage. The idea was that if they had to do that it would have a chilling impact on the ability of those entities, which would really hurt their ability to deliver affordable housing.

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 Council Member Hersh, seconded by Councilman George, Resolution 12.21.305 to adopt and advertise Ordinance No. 21-2039, was duly adopted, the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale.

The Clerk reported that an ordinance entitled, ORDINANCE AMENDING THE HIGHLAND PARK BOROUGH CODE PURSUANT TO N.J.S.A. 40:55D-53 REGARDING LAND DEVELOPMENT PERFORMANCE, MAINTENANCE AND RELATED GUARANTEES, was duly advertised for consideration of passage on final reading by title and affidavits of publication thereto are on file. The ordinance was also posted and made available for public inspection as required by law.

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

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

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

On motion made by Councilman George, seconded by Councilwoman Kim-Chohan, Resolution 12.21.306 to adopt and advertise Ordinance No. 21-2040, was duly adopted, the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale.

Abstained: None.

Consent Agenda Items. Resolution Nos. 12-21-307 through 12-21-315, were duly adopted on motion made by Councilman George, seconded by Councilwoman Frost, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale

Abstained: None.

Resolution No. 12-21-316, Resolution to Approve Budget Transfers, was duly adopted on a motion made by, Councilwoman Kim-Chohan, seconded by Councilwoman Frost, and carried by the following roll call vote to wit:

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

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale

Abstained: None.

Resolution No. 12-21-317, Resolution to Support Same Day Voter Registration Legislation, was duly adopted on a motion made by Councilwoman Frost, seconded by Councilwoman Kim-Chohan, and carried by the following roll call vote to wit:

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

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale

Abstained: None.

Mayor Brill Mittler appointed Beth Stevens to serve as an Alternate #2 to the Board of Health. The above appointment was confirmed on a motion made by Councilwoman Frost, seconded by Councilman George, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilwoman Canavera, Councilman Hale

Abstained: None.

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 that five out of five North Second Avenue neighbors have not received their water bill yet, the bills were sent out the end of November. Two neighbors that face Denison Street had received their bills weeks ago. Secondly, the outside light at the DPW garage annex on Raritan Avenue was on for one night last week, either Thursday or Friday, but not again since then. She asked what page of the redevelopment plan allows for tiny permanent homes, not trailers for seniors who do not want to share a wall, such as an apartment or condo, and also want a small garden. We heard that everything possible would be in that redevelopment plan, but I could not find it. Also, redevelopment law in New York is considering or perhaps passed a law not allowing gas heating and utilities for structures, I believe it was for seven stories or less. What is Highland Park doing to help preserve the air? She asked if the Highland Park Victorian homes and 1920s storefronts were ever listed with movie making companies like in Paterson, which we heard about recently. Borough employee receive longevity pay, why not thank businesses who have been in town for 30, 40 years. Mckinney was here since 1932 and left, and Rutgers Gun Shop was here since the 40s or 50s and left. Isn't there some way we can innovate and say thank you to longtime businesses, and maybe other towns will copy. South 4<sup>th</sup> Avenue between the Stop & Shop and Rite Aid parking lot needs a crosswalk desperately. Denison Street at North 5<sup>th</sup> at the Library does not have a pedestrian crosswalk, please think about Denison Street and all the tenants walking. Please ask the DOT to respect walking towns. Is there a way the DOT can force red lights at the same time, east, north, west & south so that the pedestrians can cross in in every direction. She asked if homeowners could have permission to paint the curb red at the apron ramp to prevent cars from blocking driveways. Mayor Brill Mittler agreed some good ideas were mentioned, and asked if it would be possible to get a list of comments made so they can be addressed and given to the appropriate council person.

Marcos Castro, 432 Montgomery, asked if there is way to expand the vaccination effort in town. He noticed when trying to get a booster shot, the vaccine is not widely available. Some of the pharmacies doing vaccinations are slanted towards the daytime hours. Residents have to go to other towns such as Perth Amboy & Edison to get vaccines. Mayor Brill Mittler commented we have a very dedicated resident Dr. Norma Beau who has a vaccination van. We can see if she can schedule some times where she might be able to get people in town easily vaccinated. Also the county is working on a number vaccination spots, and we will make sure we adequately advertise all the availabilities.

Mary Forsberg, 317 Denison Street, asked why it is legal or appropriate for the Borough to issue an RFP for privately owned land. She asked how do you deal with the fact Jim Polo has a multi-year lease, for the Blue Horse Restaurant that has the parking lot attached, how does that fit into your plans, and has there been there any agreement to buy Jim Polo's property? She questioned about the Woodbridge Avenue corridor. We have gotten a grant that will pay Highland Park over \$600,000 over five years and I am very curious about why are we are investing over \$600,000 over five years on the Woodbridge Avenue Corridor. Mayor Brill Mittler commented we are investing over \$600,000 over five years on Woodbridge Avenue which is part of the neighbor preservation program that the DCA puts together to help communities to upgrade over time. Councilman Hersh commented he does not want to minimize the economic viability of the Woodbridge Avenue Corridor it runs through residential neighbors with schools and restaurants, which makes that corridor a really attractive destination. This part of town needs to have more attention whether it is comes to tree planting, street improvements,

or lighting. Councilwoman Foster stated she has lived in town for 28 years, and she can remember only once any kind of improvement being done on Woodbridge Avenue, which was to help with the overflow sewage. Downtown Highland Park has been beautifully done, the entrance from New Brunswick has been beautifully done, and now we have an opportunity where we have a grant to improve the entrance from Woodbridge Avenue into Highland Park. Councilman George stated the entire Woodbridge Avenue neighborhood is ready to jump up and be counted. It has a different vibe, and it's a great place and a great neighborhood. Councilwoman Kim-Chohan commented it really deserves this grant.

Dan Stern Cardinale, 221 Harper Street, commented on vaccines, and stated Rite Aid and Unite Pharmacy in town have vaccines and testing available. There is a vaccine clinic at the Highland Public High School January 7th from 3 to 7 pm. New York City is mandating all electric construction with no gas hookup for some starting 2024, and it will be required in all buildings in 2027. I mentioned a couple meetings ago that New York passed this ordinance, and this should be part of what we do for any redevelopment. The smart thing to do going forward is electric on all new construction.

Emily Tannenbaum, 16 Albert Court, asked in light of the pedestrian vehicle accident on Raritan Avenue, she is looking to find out the status of the borough working with the DOT on safety and light timing improvements on Raritan Avenue. She asked if the borough asked for any changes from the DOT, or if they are doing any study on the problem. Councilman Foster commented the Public Safety Committee has discussed this, and the DOT has come out and has been studying the problem. They are going to put in devices to help with the timing of lights and the changing patterns of the traffic turning right onto Raritan Avenue area. The studies have been done, and will continue to happen, changes will be made, but it will not be until the early part of next year. Chief Abrams commented we have been working with DOT and we will alter the intersection of Fourth and Raritan. Traffic coming from North Fourth will no longer be able to make a left turn on to Route 27. That is a first step, and we are going to continue to see what other things can be done. The DOT is looking at other intersections and options, but nothing has been decided as of yet. We are going to proceed with the best option that will keep pedestrians safe and keep traffic moving through the borough. Councilman Hersh commented has been working with our safe walking and cycling team, and we have had a great discussion about this at our last meeting. All the traffic data was sent to the DOT for review. We did not discuss the remedy Chief Abrams just mentioned, but the walkability and safety our downtown is very important for the long term.

Lois Lebbing, 100 North 2<sup>nd</sup> Avenue, commented in 2004, businesses specifically along Woodbridge Avenue received grant money to be fully accessible. Ramps were to be constructed, stairs were to be removed, and the doors were to be widened, but that was not done, awnings were installed instead. She requested funds be allocated to make businesses accessible in the beginning of Woodbridge Avenue, past the triangle, which is long overdue. Councilman Hersh thanked Ms. Lebbing for her concern and encourage everyone to take the survey on the neighborhood preservation program which is available on the borough website. The DCA really requires community participation, and all residents can take the survey and talk about their priorities for Woodbridge Avenue.

Mary Forsberg, 317 Denison Street, asked if it is appropriate for the Highland Park to issue an RFP for private property, she asked what happens if Jim Polo has a multi-year lease, and has there been an agreement with Jim Polo to buy his property. Edwin Schmierer, Borough Attorney commented you can certainly put out an RFP to study for private property as part of a

redevelopment plan. Studying a piece of property and having an individual participate are two different things. Certainly if you do the study and the property owner sees the possibilities of the redevelopment plan, it might convince someone to participate. Mayor Brill Mittler stated she cannot comment on the multi-year lease, and there is not any agreement to buy the property, nor has there been an agreement made over the past few years.

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

Work Session:

Parking Regulations Amendment-Lincoln Avenue, Wayside Drive—Councilman George stated along with Chief Abrams, Public Safety and Ms. Jover, with regard to Lincoln Avenue, the part between Raritan Avenue and up to Walter Avenue, which is one way, the recommendation is to change it to parking on both sides of the street to allow some easing of parking in that area. Our emergency vehicles are able to pass through and it would improve parking in that area. Traffic studies that the Police Department conducted show that the traffic that accesses that route is from the left lane, coming off the bridge on Raritan Avenue, out of New Brunswick. This recommendation will improve parking in the area, and not impede the traffic. The recommendation has to be done by ordinance to allow parking on both sides. The other street is Wayside Drive, it's the outlet everyone knows right near the bridge that is going out of town on Raritan Ave towards Cedar. DPW found it was difficult for the larger trucks to clean Wayside Drive which is the main road. Recommendation was to make the north side, opposite the single family homes, no parking during snow events so the trucks can get through and get Wayside cleaned much quicker. The recommendation is to make the amendment to the ordinance, no parking during snow events. The snow removal plan is actually a policy of some of the ordinance changes that needed to be done that came out of public works and public safety. Councilman Hersh and Councilwoman Canavera are putting together the snow removal plan, it's actually a manual for public works that includes a 20 page appendix, which is very thoroughly done.

There being no further business, on motion made by Councilman George, seconded by Councilwoman Frost, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Jennifer Santiago  
Deputy Clerk