

REGULAR MEETING – FEBRUARY 15, 2022

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, February 15, 2022, and was called to order by Council President George at 7:00 PM. Annual Notice of this meeting was provided to The Home News Tribune, the Star Ledger and the Highland Park Planet on January 5, 2022. In addition, notice of this meeting via zoom was faxed to The Home News Tribune and emailed to The Star Ledger and the Highland Park Planet on February 9, 2022 and was posted on the Borough website at www.hpboro.com and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on February 9, 2022, and has remained continuously posted as required by law.

Present: Councilpersons Canavera, George, Hale, Hersh, Kim-Chohan; Borough Attorney Schmierer; Borough Administrator Jover

Absent: Mayor Brill Mittler, Councilwoman Foster

Council President George asked the Council members to present their reports.

Councilwoman Canavera reported February is Teen Dating Violence Awareness Month. According to the Domestic Violence Awareness Project, approximately 1.5 million high school students in the United States experience physical abuse from a dating partner. One-quarter of parents don't talk to their teens about domestic violence. Abuse includes physical, psychological, or sexual abuse. Visit youth.gov and lovesrespect.org, for conversation starters and resources. Teen dating violence sets a pattern for continued domestic violence. The Board of Health would like to remind you February is also American Heart Month. This is a time for us to re-evaluate our heart health habits. Some ways to do this is to know your number such as blood pressure and cholesterol levels. Also try to be more active. Heart disease can happen at any age so know your children's numbers too. Also a reminder that smoking and vaping affect your heart health and those around you. Please remember to wear masks at all times when in public. The Housing Authority would like to remind residents impacted by Covid-19 to check the NJ Eviction Prevention Information page to see if you are protected from eviction. You can check the following website, <https://covid19nj.gov/pages.renter>. The Human Relations Commission meeting is tomorrow at 7pm. The zoom link is on the Borough website. The Community Food Pantry opens the second and fourth Thursdays of each month from 9:00am - 10:45am and 6:00pm - 7:00 pm, and on the Saturdays of those weeks from 9:30am - 10:30am. Donations can be made using their Amazon wish list. The Highland Park Gives a Hoot Food Pantry is open every Tuesday at the Zone 6 Teen Center from 10am to 11am. Donations can be made by mailing a check to Borough Hall with a memo that it is for Highland Park Gives a Hoot. Between these two programs, they are serving over 300 families. The Mental Health Commission wants to remind everyone that if you have a mental health crisis please reach out for help. The Middlesex County Crisis hotline at Rutgers Behavioral Health Center is 855-515-5700, the Raritan Bay Medical Center Hotline is 732-442-3794, and you can also text home to 741741 for help.

Councilwoman Kim-Chohan reported tonight on the agenda is the request for a proposals for the reevaluation as we move forward and prepare for the town wide reevaluation. She wished everyone a belated Valentine's Day.

Councilman Hersh reported the Recreation Department spring programming is listed on the website at highlandparkrec.com. You can attend Zumba every Wednesday 9:15 am, and every Friday at 11 am. Free tax assistance at the Community Center will be held through April 6th. Please call the center for details. There will be free blood pressure screening on the first and third Friday of each month at the Community Center at 11am until 12:30pm. On Thursday March 17, please join us for an afternoon performance of authentic Irish music by local artist Brian Szura, starting at 2pm in the parking lot of the Community Center. Please join us Tuesday, March 22nd at 11:30 am for a Collaging Art Program. Please reach out to the Community Center to register. The Highland Park Historical Commission has received a \$15,000 grant from the Arts Institute of Middlesex County to conduct a survey that documents approximately 200 resources running the length of the Lincoln Highway historic corridor. The survey and documentation will be conducted by a qualified historic preservation consultant. They will also develop a historic context statement and will determine if there is a potential historic district or any site individually eligible for historic designation or recognition. The Lincoln Highway is the first transcontinental road for automobiles in the United States, and is the main thoroughfare traversing the Borough of Highland Park. The road has a long history that can be traced back to its earliest documented use as a trail by the Lenape Indians. Thank you to Michelle Racciopi, the Highland Park Historical Commission, and the Borough's Administration Team of Teri Jover and Emma Von Thun for getting it done. The Historical Commission is very active, and they are a great example of volunteers working closely with the Borough Staff to achieve their aim. The Borough held a virtual public information session to provide residents and businesses with information on the intersection safety improvements being designed for Phase I of the Highland Park's 2016 Safe Route to School Project. The Borough Safe Routes to School Project targets intersection safety and access improvements in the neighborhoods surrounding the Borough's public schools. The project design and construction costs are funded by the federal government, and is administered through the New Jersey Department of Transportation. Phase I of the project was awarded in 2016 and Phase II was awarded in 2018. You can watch the presentation at www.hp.boro.com, and go to the government dropdown tab at the top and click on "Safe Routes to School". If you would like to submit questions or comments on the Phase I project, please contact Teri Jover, Borough Administrator, by phone at 732-819-3789 or email at tjover@hpboro.com or mail to 221 South Fifth Avenue, Highland Park, NJ 08904 by Thursday, February 17th.

Councilman Hale reiterated the comments made by Councilman Hersh about the Historical Commission. They have been part of the Neighborhood Preservation Project, and we have gotten a lot of great information from them that will help shape what we do on Woodbridge Avenue based on its history. We are looking forward to working with them in the future as we better understand the history of Highland Park, and how that can be brought forward today as we work towards redevelopment. The Neighborhood Preservation Project is moving along with a lot of wonderful things planned for the future. Councilman

Hale commented on the agenda item related to the ordinance for cannabis. The ordinance is not a do over, it is clarifying the procedures and processes by which cannabis businesses are going to be licensed. The ordinance tonight does two things. The first thing is it makes a space for medical cannabis. When we originally adopted the ordinance, it did not allow for potential licenses for medical dispensaries. The reasoning for that was we were waiting on the State for guidance. We wanted make sure if someone wanted a medical dispensary that would be allowed under the ordinance. It doesn't increase the number of potential licenses, it will remain at 6, but we did make a space for one of the licenses to be a medical facility for a little more diversity in the cannabis retail market. The second thing is after consulting with many folks across the state, in particularly in New Brunswick, we decided that the initial licensing process is going to be rfp or a request for licenses. We will gather the licenses over a period of time and review them all at once. Because this a new process and a new class of business, we are going to collect all applications before making a decision on any licenses. Everyone should understand, no license in Highland Park will be valid without the potential applicant having a State license. If they earned the State license, they can move forward with the Highland Park license. The ordinance is a clarification, it expands medical marijuana without expanding the number of potential sites, and outlines the process about licenses.

Council President George reported as we continue to celebrate Black History Month and celebrate the Lantern Festival this last day of Lunar New Year, the unseasonably warm weather has allowed DPW to start pothole repair a little bit earlier. We all know that some of our roads are in very poor condition, but the work by PSEG and Middlesex Water are essential so we have to cope with the inconvenience until our coordinated efforts to repave the streets can start when the weather breaks. Administration and Public Works, along with Public Safety, are coordinating the work so we don't run into a situation where we are tearing up roads that are just repaved, we are trying to avoid that by using our computerized system to coordinate the work. The benefit is that more roads will end up seeing some repaving and the work will benefit more neighborhoods. DPW will again be conducting bulk trash removal by appointment this year. The appointments will start in March for April pick up dates which will extend into May, and we will shortly have instructions on scheduling pickups available on the Borough website and social media. The Environmental Commission is continuing work on the Greenways Connection between Johnson Park and Donaldson Park. The Environmental Commission has information from the 1995 study done on that greenway. Today we arranged a file share with the Borough to move the grant program forward. Sustainable Highland Park has proposed a resolution supporting the statewide effort to amend the State Constitution to include a green bill of rights to extend the rights to a safe and healthy environment for all of us. The Public Works Committee will be reviewing the resolution for recommendation for this Council's consideration at a future meeting. The Shade Tree Advisory Committee will also be presenting to the Public Works Committee regarding the 2022 tree planting program with some additional ways to sustain our trees and understory canopy which is so essential to our environment. They also have information on the survivability rate of the trees that have been planted over the past few years to help to amend and tighten our program. Staff has work very diligently with the Administration to improve this year's planting program with more focus on the success in the plantings. Just a reminder, I have had a number of questions over the last week or so regarding the Park Partners Program which we ordinarily be doing right about now. Unfortunately the pandemic has not been kind to this delightful gathering, but the Borough plans to post and circulate in April the procedure for an expanded presentation in June.

Borough Attorney Schmierer- No Report.

Borough Administrator Jover reported the Borough has four open positions in various departments, and encourages anyone who is interested in a job in municipal government go to our website and review the offerings or share them with anyone who might be interested.

Council President George 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 2nd Avenue, commented she is looking for an explanation for #13a on the agenda, Ordinances requiring a First Reading, regarding the Amendment to Auto Repair Garages. Ms. Lebbing also requested more information on #16 on the agenda, she would like to know more about the appointment for the Rehabilitation & Redevelopment Screening Committee. Councilman Hale commented the ordinance about repair garages is to allow our existing auto repair garages to apply for a state license to be able to sell a number of cars on their lot, which is limited to 4 cars. Many of our auto repair places have approached us and often spend a great deal of time rehabbing cars and want to be able to sell them on their lot. There is a state program that allows them to be able do that, but there needs to be a local ordinance to allow them to do that. It is an attempt to help our existing repair garages find some extra income in these tough times. The Rehabilitation & Redevelopment Screening Committee is an informal group that provide developers with guidance on potential projects. No decision making is made there, it is simply an opportunity for someone to lay out potentially what they want to do on a particular site, and to get feedback from members of the Planning Board and Zoning Board. The process is voluntary and has proven successful in a number of instances. Rebecca Hand is being appointed tonight, she is the new Chair of the Planning Board.

Betty Epstein and Edward Epstein, 208 Cedar Avenue. Ms. Epstein commented we both signed a petition in August that we are against having cannabis in Highland Park, and unfortunately the council voted for it to happen. Highland Park is a family town, we can walk everywhere. Why do we want cannabis stores in Highland Park, not only saying that, but why we would want 6. We only have 3 pharmacies in town, and we have a downtown that is maybe 5 blocks long on Raritan Avenue, do we need a store on every block, this is crazy, and we should not have it. It is detrimental to the town, it is going to affect our property values, and it's dangerous for kids. Kids aren't allowed to buy it, but kids always find a way to get what they want. The Council should reconsider this, if you cannot ban it, at least

limit and restrict it as much as possible. Ed Epstein commented he is opposed to the idea of cannabis in Highland Park. For over 20 years he was an adult probation officer in Chicago. The clients that use drugs do it to get high to escape from reality. Marijuana was a gateway drug based on the idea on having more extensive drug use, and sometimes death. The effects of marijuana can be detrimental in young adults. The existence of cannabis businesses in Highland Park would lead to the need of police control and it would possibly create more activity for the police in this area. These type of businesses will have a detrimental effect on our property values. Highland Park is a family oriented, walkable town, and it should not change.

Mary Botteon, 709 Madison Avenue, commented every action you take to facilitate commercial cannabis sales in this town, is not only a disgrace to many of us, as the previous speakers mentioned, but it is violation of the federal controlled substances act. If tax proceeds ever do get delivered to Highland Park's financial officer, as soon as that cash is processed, you are all further illegally complicit under the IRS code which references trafficking and controlled substances. It is important especially as this is a finance resolution tonight. A couple of questions on the documentation you have for the amendments to the cannabis ordinance. You have failed to include the Planning Board Attorney's recommendation that the cannabis ordinance should include a 1,000 feet from a school as well as "all other federal and state regulations". This should be in the Highland Park Ordinance. Exhibit A refers to cannabis items shall not be stored or housed "at the office or dispatch without trained security personnel guarding the items", what office or dispatch location are your referring to? Will any trained security personnel be armed at any location that sells or has commercial pot on the premises? In the interest of transparency, the words recreational thc and psychoactive cannabis should be in the ordinance to make clear to Highland Park residents what you are each referring to every time you have written in "cannabis retailer" as opposed to just saying personal use, adult use, or retail. You are being very misleading and unclear. On your licensing application, there is no mention cannabis businesses need to provide their estimated costs to the borough for their proposed operations, which should be in there as well. You want to add the ability of a medical cannabis shop to also sell THC recreational pot, this is not lost on those of us that saw this was a condition presented to you several years ago by the pot shop you invited in. Last but not least, you want to remove security fencing and gates, explain how this would enhance the safety of the public.

Dan Stern Cardinale, 221 Harper Street, commented thank you for clarifying and moving forward with the cannabis work in town. He was happy to see this passed last August, and appreciated the explanation by Councilman Hale. He is glad this is getting off the ground and moving forward, and the data is being followed rather than the paranoia.

Milagros Aguayo, 102 South 10th Avenue, commented my family and I don't want marijuana businesses or laboratories. We have a small town and there are three schools very close, please reconsider why you want to open this.

No one else appearing to be heard, Council President George closed the public discussion.

The Clerk reported that an ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO SOUTH 4TH AVENUE, JOHNSON STREET AND MONTGOMERY STREET PROJECT, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$503,505.00 FROM THE DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM THEREFOR TO PAY THE COST THEREOF, was duly advertised for consideration of passage on final reading by title and 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 Hersh, and carried by unanimous affirmative voice vote, the above-entitled ordinance was taken up on final reading by title.

Council President George 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.

Edward Epstein, 208 cedar Avenue, lives around the corner from Johnson Street, wants to know what is going on and when will the street be finished being torn up. Council President George stated we are going to repave Johnson Street, the concrete will be removed, it will be graded, and it will be repaved.

Lois Lebbing, North 2nd Avenue, asked is this going to be just paving, or are you repairing sidewalks, and adding curb ramps if necessary. Council President George stated curbs that are deteriorated will be repaired, which generally does not include sidewalks, and if necessary, wrap around ADA accessible corners would be taken care of.

No one else appearing to be heard, Council President George closed the public discussion.

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

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

Opposed: None.

Absent: Councilwoman Foster.

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilman Hale, seconded by Councilwoman Canavera, and carried by unanimous affirmative voice vote:

No. 2-22-58

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO SOUTH 4TH AVENUE, JOHNSON STREET AND MONTGOMERY STREET PROJECT, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$503,505.00 FROM THE DEPARTMENT OF

TRANSPORTATION MUNICIPAL AID PROGRAM THEREFOR TO PAY THE COST THEREOF”, 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 that an ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY AMENDING CHAPTER 230, LAND DEVELOPMENT CONCERNING AUTOMOTIVE SERVICE AND REPAIR GARAGES, had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

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

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

Opposed: None.

Absent: Foster.

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

No. 2-22-59

WHEREAS, an Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY AMENDING CHAPTER 230, LAND DEVELOPMENT CONCERNING AUTOMOTIVE SERVICE AND REPAIR GARAGES, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, March 15, 2022, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the “Home News Tribune”, of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

The Clerk reported that an ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK REGARDING CLASS V RETAIL CANNABIS BUSINESSES, CLASS VI CANNABIS DELIVERY SERVICES, AND MEDICAL CANNABIS DISPENSARIES IN THE CBD AND C ZONING DISTRICTS, ESTABLISHING LICENSING, TAXATION, AND ZONING REQUIREMENTS IN CONNECTION THEREWITH, AND PROHIBITING ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH, had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

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

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

Opposed: None.

Absent: Foster.

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

No. 2-22-60

WHEREAS, an Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK REGARDING CLASS V RETAIL CANNABIS BUSINESSES, CLASS VI CANNABIS DELIVERY SERVICES, AND MEDICAL CANNABIS DISPENSARIES IN THE CBD AND C ZONING DISTRICTS, ESTABLISHING LICENSING, TAXATION, AND ZONING REQUIREMENTS IN CONNECTION THEREWITH, AND PROHIBITING ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, March 15, 2022, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the “Home News Tribune”, of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

Resolution Nos. 2-22-61 through 2-22-66 were duly adopted on a motion made by Councilwoman Canavera, seconded by Councilwoman Kim-Chohan, and carried by the following roll

call vote, to wit:

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

Opposed: None.

Absent: Foster.

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

No. 2-22-61

WHEREAS, on November 7, 2017, New Jersey voters approved the New Jersey Library Construction Bond Act (the "Bond Act") which authorizes the issuance of \$125 million in State General Obligation Bonds ("Bonds") to provide grants for the construction, reconstruction, development, extension, improvement and furnishing of public libraries in the State of New Jersey; and

WHEREAS, the purpose of the Bond Act is to improve New Jersey's public library facilities in order to ensure the well-being and success of New Jersey residents and for public libraries to best serve the residents of their communities now and into the future, modern, efficient, and technologically-current buildings with flexible space are necessary; and

WHEREAS, the Bond Act requires that proceeds from the Bonds can fund no more than fifty percent (50%) of the costs of the Project and the remaining fifty percent (50%) shall be supported by the appropriate local governing entity in the area served by the public library; and

WHEREAS, on March 24, 2020 the Borough Council of the Borough of Highland Park determined that the Highland Park Public Library was in need of renovations and approved Resolution No. 3-20-113 in support of a grant application to the first round of Bond Act grant funding; and

WHEREAS, on May 4, 2021 the Mayor and Council of the Borough of Highland Park authorized the preparation and submission of a grant application in the amount of \$944,929.00 to the State of New Jersey pursuant to the New Jersey Library Construction Bond Act on behalf of the Borough of Highland Park and authorized execution of the grant application, and any other supporting documents; and

WHEREAS, the Borough of Highland Park has been awarded said grant and determined that it continues to be in the best interest of its residents and the community to authorize and approve the grant agreement in the amount of \$944,292.00 in accordance with the Bond Act to fund a portion of the costs of renovations of the Highland Park Public Library with 50% matching funds in the amount of \$472,465.00; and

WHEREAS, the Mayor and Council of the Borough of Highland Park have been awarded said Grant, the Borough and Library shall take the necessary action to authorize sufficient matching funds for the Project.

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

- 1) Approves the project as described in the building program, and approves and authorizes Library Director Katherine Jagers, Library Board of Trustees President Helen Rovner, Library Board of Trustees Vice President Nora Krieger the and Library Board of Trustees Secretary Cassandra Oliveras-Moreno execution and delivery of the grant agreement and any other supporting documentation as needed with the State of New Jersey pursuant to the New Jersey Library Construction Bond Act on behalf of the Borough of Highland Park.

This Resolution shall take effect immediately.

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

No. 2-22-62

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 4, 2022 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:

Carol Gordon, Crossing Guard, at an hourly rate of \$19.75 per hour, effective 02/04/2022

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 Council as a Whole, was duly adopted as above:

No. 2-22-63

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 the Memorandum of Understanding between the Borough of Highland Park Office of Emergency Management and Middlesex County Office of Emergency Management, Department of Public Safety and Health for utilization of specialized equipment for a period expiring December 31, 2022 attached to the original of this resolution.

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

No. 2-22-64

WHEREAS, after proper notice and advertisement pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., on January 20, 2022 three (3) bids were received for the "Purchasing of Water Meters and Advance Metering Infrastructure and Replacement and Testing of the Existing Meters" project, and as follows:

- | | | |
|----|--|---------------------|
| 1. | Core & Main LLC | \$1,236,165.00 |
| 2. | Ferguson Enterprises LLC dba Ferguson Waterworks | \$1,355,151.25 |
| 3. | Kennedy Culvert & Supply Company | \$1,551,780.67; and |

WHEREAS, the Local Public Contracts Law requires that an award of a contract exceeding the bid threshold be made to the lowest responsive and responsible bidder, and further does not authorize a municipality to accept a materially defective bid; and

WHEREAS, the bid submitted by the apparent low bidder for this project failed to include the bidder's current Experience Modification Rate and/or written documentation that the bidder's EMR was 1.0

or less, the submission of which the Borough explicitly made a mandatory, non-waivable requirement for bidding on this project, which omission renders this bid unresponsive and materially defective; and

WHEREAS, the bid submitted by the second low bidder contained “exceptions and clarifications” to certain material legal terms and conditions contained in the Borough’s Information to Bidders, General Conditions and Supplemental Information to Bidders and General Conditions, creating a “conditional” and therefore materially defective bid; and

WHEREAS, the bid submitted by the third low bidder failed to include, among other things, the bidder’s current Experience Modification Rate and/or written documentation that the bidder’s EMR was 1.0 or less, which omission renders this bid unresponsive and materially defective; and further, even if it had been responsive, the bid price submitted by the third low bidder was substantially higher than the Borough’s cost estimates and appropriation for the project; and

WHEREAS, the Borough’s Consultants and Administrator also recommend that the specifications for the project be substantially revised; and

WHEREAS, the Local Public Contracts Law requires the rejection of unresponsive bids and bids which contain material, non-waivable defects; and

WHEREAS, the Local Public Contracts Law and specifically N.J.S.A. 40A:11-13.2.d., also authorizes the Borough to reject all bids for certain additional enumerated reasons, including but not limited to when the Borough seeks to substantially revise the specifications for the project’s goods or services.

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

1. The three (3) bids received on January 20, 2022 for the “Purchasing of Water Meters and Advance Metering Infrastructure and Replacement and Testing of the Existing Meters” are hereby rejected on the basis that the three bids are unresponsive and contain material, non-waivable defects, for the reasons set forth in the “Whereas” clauses.

2. Notwithstanding the defective bids received, the bids are also rejected because Borough seeks to make substantial revisions to the specifications for the goods and services, as authorized by N.J.S.A. 40A:11-13.2.d.

3. Borough staff, the Borough Attorney and the Borough’s Consultants are hereby authorized and directed to take all necessary action to make the appropriate revisions to the specifications for the project and to re-advertise same.

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

No. 2-22-65

WHEREAS, the Borough of Highland Park has been ordered by the Middlesex County Board of Taxation to implement a municipal-wide revaluation of all properties within the Borough to be completed by November 1, 2022 to be effective for tax year 2023; and

WHEREAS, the Borough desires to achieve a fair and equitable distribution of the property taxes by ensuring that every taxpayer pays their fair share of the property taxes; and

WHEREAS, the last revaluation of all real property in the Borough of Highland Park was on October 1, 1990; and

WHEREAS, N.J.S.A. 11-4.1, et seq., provides that competitive contracting may be used to procure specialized goods and services, the price of which exceeds the bid threshold; and

WHEREAS, the Division of Local Government Services and the Division of Taxation recommend the use of the competitive contracting process for the proposal solicitations in connection with the revaluation of real property.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk is hereby authorized to advertise a notice for a Request for Proposals (RFP) for the revaluation of all real property in the Borough of Highland Park. Separate RFPs for revaluation of residential and commercial properties may be advertised upon the recommendation of the Tax Assessor and Finance Committee. The proposals will be received and evaluated in accordance with the instructions and methodology provided in the forthcoming RFP documentation.

No. 2-22-66

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 2/15/2022 can be found in the Bills List Journal Book No. 42.

Resolution No. 2-22-67 was duly adopted on a motion made by Councilwoman Canavera and seconded by Councilman George, and carried by the following roll call to wit:

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

Opposed: None.

Absent: Foster.

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

No. 2-22-67

WHEREAS, N.J.S.A. 40A:19 allows for a municipality to adopt a temporary budget within the first 30 days of its budget year when contracts, commitments or payments need to be made prior to the adoption of the regular budget, and

WHEREAS, the Borough of Highland Park requires additional appropriations to maintain operation until such time that the Borough Budget is adopted; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, County of Middlesex, that the following additional temporary budget appropriations be authorized:

Temp Budget amend 1

CURRENT FUND

Tax Assessment OE	6,500.00
Communications OE	20,000.00
NPP Grant	150,000.00
PERS	557,837.18
PFRS	917,623.89
DCRP	15,000.00
	<u>1,666,961.07</u>

WATER/SEWER UTILITY

MCUA	160,000.00
	<u>160,000.00</u>

Resolution No. 2-22-68 was duly adopted on a motion made by Councilwoman Canavera and seconded by Councilman George, and carried by the following roll call to wit:

Ayes: Councilpersons Canavera, George, Hale, Hersh, Kim-Chohan.
 Opposed: None.
 Absent: Foster.

The following resolution introduced by the Finance Committee was duly adopted as above:
No. 2-22-68

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that transfers of 2021 budget appropriation balances shall be made as follows:

Budget Transfer #5

Description	From	To
Group Insurance	25,000.00	
Community & Economic Dev OE		25,000.00
	<u>25,000.00</u>	<u>25,000.00</u>
		0.00

Council President George asked for a motion to appoint Rebecca Hand to the Rehabilitation & Redevelopment Screening Committee, and Irene M. Cohen to the Volunteer Fire Department.

The above appointments were confirmed on a motion made by Councilman Hale, seconded by Councilwoman Canavera, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, George, Hale, Hersh, Kim-Chohan.
 Opposed: None.
 Absent: Foster.

Council President George 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 Dennison Street, commented she would like a bit of an explanation on the garage ordinance and cannabis ordinance, it would be nice to know what you are talking about when you do these things. She thinks that the Borough is doing so many things, and questions whether everything is going to be done in a very responsible way. At the last meeting there was a discussion about lead being in the water. There are at least 50 properties that have potential lead in their water all over the borough. My home is not part of it, but now maybe I should get my water tested. Ms. Forsberg reread the rfp for tract a, c, d, and stated there are typos in there. An interesting typo is the date of the ordinance that you passed is dated December 10, 2022, and there is a typo in the address of Jim Polo's property, tract d. Council President George requested Ms. Forsberg to forward the pages with the typos so they could be corrected.

Robert Aiello, 90 Cedar Lane, noted he listened to some of his neighbors express their views on a particular topic, and asked how will you consider and respond to the concerns raised. There were

several points made which were emotional, factual, and specific. He would feel better knowing there was due process, and that everyone's opinion was considered in a clear and fair way. Council President George stated we do consider what everyone has to say, in particularly on a number of larger issues like cannabis. We had a number of presentations and hearings, and take all those things into consideration. The council has the obligation to vote to represent people, as well as vote their own judgement.

Edward & Betty Epstein, 208 Cedar Avenue, asked Council President George about Cedar Avenue, the road is horrendous. They have had a lot of expensive car bills because of its condition. Ms. Epstein asked if Cedar Avenue is scheduled to be repaved at any time in the near future. Council President George stated there is a list to go over with the Public Works Committee. If an email is sent with your contact info, I will look where Cedar Avenue is on the list. Ed Epstein commented he really appreciates the Council giving him the opportunity to speak about cannabis, he hopes they take into consideration very carefully some of things mentioned, which should be looked into and further researched.

Mary Botteon, 709 Madison Avenue, commented she is following up on the comments made in the first public session, and any neighbors who want to knock on my door should feel free to do so. Some of her questions in the first session were not answered: what office is the dispatch location for pot that you are referring to, and secondly you want to remove security fencing and gates around any pot business, please explain why removing these items would enhance public safety. Councilman Hale responded the original language in our ordinance about fencing was designed for wholesale and growing businesses that we had thought might be considered, it makes no sense to put a fence around a retail business. The removal of that was because if you have a retail business on Raritan Avenue, it is not practical or reasonable to have fence. Those of types fencing requirements were part of language for different types of cannabis businesses for places that were not going to happen in Highland Park. In terms of dispatch, a delivery business is a business where a courier will go and pick up cannabis and deliver it someplace. That business can be housed in Highland Park, but they can't house cannabis there. The dispatch center that we are talking about is a place that would call delivery people to make a delivery all over the state, this is a process in state regulations, and those could be in Highland Park, they pick it up and deliver it to whoever ordered it. Ms. Botteon stated what is being described is completely contradictory to what appears in Exhibit A, it needs to be clear what you are writing, and what you are allowing and not allowing. Councilman Hale commented it is pretty clear that there are three types businesses allowed, retail, delivery and a medical dispensary, and the prescriptions for those businesses will follow state the regulations and rules. It outlines what will be allowed at the businesses, how those businesses will be secured and ran, and that trained personnel will be present, not armed security personnel. Council President George commented Highland Park will follow the state regulations, along with being aware with the federal horizon with regard to this matter.

Keren Ebel Avery, commented as a concerned citizen and pediatrician who works in this community and surrounding communities, the implication from one of our neighbors is that a lot of us are speaking from a point of paranoia, which is quite harsh and judgmental for those people who are very invested with years of experience in seeing the harms of marijuana on individuals. The main question is why we are contemplating allowing five and six licenses in our town, and why do we need this many types of businesses. In the last month I have seen children that have come into my office that smell like marijuana smoke, if you have multitudes of parents smoking marijuana in their home and their kids are there, that is important to think about.

Mary Forsberg, 317 Dennison Street, commented regarding the tax reevaluation, the reevaluation will not be done until November 20th. This Council is responsible for this and should be the ones to determine if the work is done correctly. She would like to know where the 64 trees that have been purchased will be planted, she also sent an information request about redevelopment, there were a lot emails back and forth that were redacted. Once of them was from Jim Polos to Attorney Bauman she was wondering if there was any info on who the master developer was going to be, and wanted an explanation of what a master developer means. Attorney Schmierer commented if an opra request was filed it will be reviewed by the redevelopment attorney who will respond. Councilwoman Kim-Chohan commented the tax reevaluation was ordered by the county tax board in preparation for tax year 2023. We did not strategically pick dates around election dates. The motive is for residents to pay their fair share, it has been 30 years since the last reevaluation like you mentioned, and it is time.

Mary Botteon stated she agrees with Dr. Avery, and it is very disrespectful to presume we are being paranoid or made a reference to stigma of any individual using pot. There has never been an issue on either of those points. Attorney David Evans is watching very carefully what happens in Highland Park. We have been a family friendly town for many years and cannabis will change the character of the town.

Councilwoman Canavera commented that she has had many people speak to her personally because they did not want to come to a meeting and say they were in favor of cannabis. There are many residents who are in favor of cannabis, but due to the stigma around it and them being worried about what people think, they do not want to be publicly acknowledged. She just wanted to point out just because people are not on zoom saying they want cannabis does not mean there aren't people in favor of it.

Dan Stern Cardinale, 221 Harper Street, commented as a parent of two children who will be in Highland Park schools soon, he is comfortable with them walking to school past cannabis businesses. He would much rather have them exposed to legalized cannabis than black market cannabis. There are other legal more dangerous items such as alcohol, opioids, and tobacco products. Being exposed to regular legal cannabis is safer than other things, he is fully in favor of this and sees it as a positive.

Robert Aiello, 90 Cedar Lane, commented Councilman Hale and Mary had a very good discussion, but he feels there was not transparency and resolution. It is a good example of an issue

that should be recorded and researched with transparent resolution for all. It seems to me that issues are raised and then forgotten, and that is not how we should work together as a community.

Milagros Aguayo, 102 South 10th Avenue, commented many people do not support these things, but are not here right now because they do not have a computer or internet to share their opinion, which is why I want to share their voice.

Abby Stern Cardinale, 221 Harper Street, commented this issue has been discussed many times, and as a couple of council members have said, this has been discussed and it is on the record. As a member of the public who often attends these meetings, this issue has been before the public and has been very transparent. In the past I have been pushing for more transparency, and this is one of the issues from the beginning even before the vote, a public discussion was held, and she appreciates that as it is important to hear from the public.

Mary Botteon responded to Councilwoman's Canavera's comment that many people are coming behind the scenes that are in favor of cannabis. In fairness you have to acknowledge, there are over 150 names on our petition, and literally hundreds of residents coming forward saying no. Even if you have many people saying yes, the point we were trying to make for many months is the Council is jumping in taking the opposite side, and none of our concerns have been addressed. We have expressed our concerns over three years in discussing cannabis, the ordinance does not reflect that.

No one else appearing to be heard, Council President George closed the public discussion.

Work Session:

Electric Vehicles – Administrator Jover commented the State of New Jersey has passed legislation in September establishing a model electric vehicle ordinance that also governs, not just charging stations, but the provision of infrastructure. For new construction of five units or more, they have to provide a certain percentage of ev ready spots. There are aspects of that ordinance where there is absolutely no municipal discretion, but there are some standards in that model ordinance where the Borough may want to consider establishing standards that would work better for Highland Park. We have been taking a preliminary look at our options, but wanted to alert the Council and the public we are working on that issue. We are taking a look at the standards by which we have some discretion by making some specific Highland Park modifications.

There being no further business, on motion made by Councilwoman Canavera, seconded by Councilman Hale, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:06 p.m.

Respectfully submitted,

Jennifer Santiago
Borough Clerk