

## REGULAR MEETING – MARCH 15, 2022

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, March 15, 2022, and was called to order by Mayor Brill Mittler at 7:00 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Pledge of Allegiance was led by Councilman Hale.

### **ROLL CALL:**

Present: Mayor Brill Mittler; Councilwoman Foster, Council President George, Councilman Hale, Councilmember Hersh, Councilwoman Kim-Chohan; Borough Attorney Schmierer; Borough Administrator Jover, Borough Clerk Santiago.

Absent: Councilwoman Canavera.

No Agenda Questions by Council Members.

Council President George made a dedication to Mary Denver of the Native Plant Sanctuary.

### **Council Reports:**

Councilman Hale reported the 5 K run is on May 1, 2022 from 9 am through 10 am. The Spring Street Fair and Earth Day Celebrations are also on May 1, 2022 from 11 am to 4:30 pm. The Main Street Highland Park Farmers Market is April 1, 2022. The Boroughs Neighborhood Preservation is up for approval tonight. He wish everyone a happy Purim and St. Patrick's Day.

Councilmember Hersh reported Highland Park's Recreation Dept. is hosting a Leprechaun Hunt, which ends March 17, 2022. Check the Recreation Dept.'s website for more information and a list of activities coming up. He participated in a March for the People of the Ukraine. Please visit the Interfaith Rise Facebook page for a link for more information how you can help. We are moving forward on a Bond Ordinance and a Shared Services Agreement for improvements to the Municipal Recreation Complex the track and field at the High School.

Mayor Brill Mittler added that it would bring people into our community and benefit our high school students and adults would also benefit from the track and field improvements.

Councilwoman Foster reported on March 24, 2022 at 6:30 pm, we're having our Police Community Forum. It will be posted on the Borough website. Also we're looking for full time or part time paid Firefighters for positions we have open. Visit the Borough of Highland Park website for other positions available to be filled. We are also in need of crossing guards. Lastly the weather is getting nicer. This is just a reminder to kids to wear their helmets to be safe on the roads.

Councilwoman Kim Chohan reported the Middlesex County Board of Taxation is requiring that Highland Park conduct a town wide revaluation of all properties this year. It will likely be this summer and involve visits by property assessors hired by the Borough to all private and commercial properties. The assessments will require inspectors indoors and outdoors. The last one took place in October 1990. Tonight we are going over this year's budget. We have a lot to discuss. She want everyone to be refreshed by the time we get to that work session and have their notes so we can have a healthy dialogue on this.

Council President George asked everyone to please keep your support and prayers for the Ukraine. Everyone enjoy Purim and St. Patrick's Day. We have Bond amendments to the Library Reconstruction Project under the State Library Construction Bond Act. He spoke about the lease for the Bergen Auto Building to lower Raritan Watershed partnership in their Boat Building Project. It's a public and accessible project they're going to be presenting at the Street Fair. Earth Day has various projects for education, children, as well as an artist component. He attended the League of Municipalities Mayor's briefing on electric vehicle updates and also provided a summary of our current trash and recycling plans for the near future.

Borough Administrator Jover reported we sent out a community email today in regards of the State's new program called The Low Income Household Water Assistant Program for qualified households help to payback any bills owed. The information is on our website where you can apply or you can call 732-819-3788 that's the Tax Office. Any of our residential customers from the Water and Sewer Department are eligible for installment plans they have accrued balances during the period between March 9, 2020 and March 15, 2022. We can offer an installment plan to help you pay that back over time, however, as a requirement you have to stay current on all charges. There's more information on the website [hpborough.com](http://hpborough.com).

Borough Attorney Schmierer – No report.

Mayor Brill Mittler reported we are pleased to welcome people back into our building. Masks are now optional and we're preparing for a gradual return to in-person meetings. I'm grateful for the infectious disease professionals on the Mayor's Wellness Campaign, who gave sound advice on the pandemic. As Councilwoman Foster mentioned the borough is inviting residents to a Highland Park Community Program with the Police Department to discuss the State of New Jersey Attorney General's Use of Force Policy and the 2021 year end numbers and 2022 quarter one Department Statistics. The meeting will be held on zoom, March 24<sup>th</sup> 7 to 8 pm. The zoom address is available via different news stories that the borough is issuing plus it's posted on the front of the Borough's website. The Mayor spoke about her Equity Advisory Council. We will be approving the Revitalization of Woodbridge Avenue. The Mayor reported on the Ukraine situation and urged people to be active in local government and vote.

**Public Participation:**

Mayor Brill Mittler opened the public participation.

Ann Sherber, 321 Mansfield St indicated that she was in support of the cannabis statute and amendments on the agenda. This is a wonderful addition to the community.

Dan Stern Cardinale, 221 Harper Street said he was in support of the cannabis ordinance . He is against having in person public meetings until there is no capacity limit.

Thea Dolberg, 317 Montgomery Street. She supports the cannabis ordinance.

John Bucu, 41 Byron Place, Somerset said he is against the cannabis ordinance, will not move back to Highland Park. Highland Park taxpayers subsidize health care for Mayor and Ms. Foster, when they have prominent businesses. If we didn't do that it would save the town money. My question is can you tell me how much actual money for Highland Park taxpayers sent to the Health Care costs for each person and can you do it for the last three years. Business Owners he knows have not been told about what's going on with cannabis. Meet the people and tell them what's going on.

Edward and Betty Epstein, 208 Cedar Ave. Betty indicated that she was against cannabis in Highland Park. Wants other towns to do it first so we can see what problems that occur. She thinks this is going to be a big mistake for the town,

Edward Epstein, 208 Cedar Ave. Due to his background as an Adult Probation Officer and his experience in it he is against the cannabis ordinance.

Mary Botteon, 709 Madison Ave said that she was against the cannabis ordinance. Wanted to know if things went badly from the approved passed ordinance, does the Council have a viable option for removing these businesses? Council has provided false information regarding delivery services. Wanted to know what would change their minds on this.

Jill Levy, 228 Felton Avenue said that she is against the cannabis ordinance. Thinks property value will go down. More accidents, people will not want to rise their children here, and quality of life is at risk and use and abuse of Youth.

Dr. Karen Ebbo Avery. 402 Graham Street, said that she is against the ordinance for cannabis. She will be forwarding to your attention a communication exchange that she had with another Council attorney, regarding the matter of advertisement of pot with regard to youth increased use and abuse of pot. Feels there will be a significant public health crisis in due time.

Davon McBremen, 39 Tall Oaks Drive, East Brunswick, was in favor of the cannabis ordinance. Intends to open a cannabis shop with the intent of being responsible and will follow all regulations.

There being no one further, Mayor Brill Mittler closed public participation.

**Ordinances Requiring a Second Reading:**

The Clerk reported advertising 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 was duly advertised for consideration of passage on final reading by title and affidavits of publication are on file. The ordinance was also posted and made available for public inspection as required by law.

On motion made by Councilman Hale, 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 Hale, seconded by Councilman George, the ordinance entitled as above, being Ordinance No. 2043, was duly adopted by the following roll call vote, to wit:

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

Opposed: None

Absent: Councilwoman Canavera

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

No. 3-22-75

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY AMENDING CHAPTER 230, LAND DEVELOPMENT CONCERNING AUTOMOTIVE SERVICE AND REPAIR GARAGES", 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, 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 was duly advertised for consideration of passage on the final reading by title and affidavits of publication or on file the ordinance was also posted and made available for public inspection as required by law.

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

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

Rebecca Hersh, 331 Felton Avenue, spoke in favor of the cannabis ordinance

Alan Kluger, 115 North 10<sup>th</sup> Avenue, spoke in favor of the cannabis ordinance, however, has issue with the number of licenses being allowed.

Devon McRimen, 39 Tall Oaks Dr., East Brunswick spoke in favor of the ordinance and expressed an interest in opening a business in Highland Park.

Jessica Sweet, 116 Benner Street spoke in favor of the ordinance and believes 6 licenses is very smart due to the retail space available for various residents.

Pat Bell, 219 South 7<sup>th</sup> Ave spoke in favor of the cannabis ordinance and thinks it will benefit the budgetary point and tax revenue.

Randy Solomon, 331 Felton Avenue spoke in favor of the cannabis ordinance. It will be good for business, people will come from out of town to visit the shops. It's good for revenue.

Shelly Saleh, 366 North Fourth Ave., asked why all of her questions were not being addressed. Is there any books or spreadsheets to view for the public as to costs and benefits of this ordinance.

Dr. Ken Finn, 6005 Del Monaco in Colorado Springs said that he was not in favor of the ordinance and gave specific examples of why it's not a good idea and implored the Council to follow the science and not money and public opinion,

Dan Stern Cardinale, 221 Harper Street said he was strongly in favor of the cannabis ordinance. We need to maximum the economic benefit from it and thinks the potential downsides have been grossly exaggerated.

Jen Voorhees, 300 Donaldson Street spoke in favor of the cannabis ordinance.

Steve Rubin, 66 South Adelaide Avenue said that he was against the cannabis ordinance. It is not the best moral thing to be promoting in our town.

Michael Nass and Lisa Kaplan, 123 South Adelaide Avenue are strongly in favor of ordinance.

Kai and Tatiana, 118 North 5<sup>th</sup> Avenue said she is strongly against the ordinance due to health, safety and reputation of our town. .

George Bogard, 206 Amber Street said he uses cannabis for medical reasons, and he is in favor of the cannabis ordinance.

Leah Cambitus, 459 Lincoln Avenue said she was strongly not in favor of the cannabis ordinance, her concern is for children and criminal acts.

Jason Postelnik, 606 Avid Street spoke in favor of ordinance and thinks the more it is made normalized, the less taboo and probably less attractive to a young child or adolescent.

Freda Zarni, 229 Donaldson Street spoke against the cannabis

Sasha Rudy, 237 Cleveland Avenue spoke in favor of the cannabis ordinance.

Dr. Minnie Verder, 30 South Adelaide Avenue spoke against the cannabis ordinance.

Eric Silverman, 30 South Adelaide Avenue spoke against the cannabis ordinance.

Ruth Matilski, 109 South 4<sup>th</sup> Avenue spoke in favor of the cannabis ordinance.

Dave Seaman, 427 Benner Street spoke in favor of the cannabis ordinance.

Jeff Boyd, 337 Graham Street spoke in favor of the cannabis ordinance.

Mary Botteon, 709 Madison said she would like to follow up on a previous question. Ask for each Council member to answer what it would take to change their minds of being in favor of ordinance.

Councilmember Hersh indicated that he did not have an answer for that, we're in the process of a public hearing where we're hearing opinions. The Council is about to vote for or against something for the second time.

Mary Botteon replied I'd like to clarify that it's not just a question from this evening this has been going on for months and months.

Mayor Brill Mittler replied to Ms. Botteon that she will get the answer to that when the Council takes a vote.

Mary Botteon asked the Mayor when we have a new business come into town, you know council members are very good about promoting that business and going there themselves and supporting that business. She asked for a raise of hands how many of you plan to be consumers at these new pot shops?

Mayor Brill Mittler replied it was not an appropriate question for the Council, but will allow any council person who wants to speak to address that if they want to.

Dan Stern Cardinale, 221 Harper Street spoke in favor of the cannabis ordinance.

Rita Polos, 48 Skyview Terrace spoke against the cannabis ordinance

Mayor Brill Mittler noted when cannabis was on the ballot, 70 percent of Highland Park voters, voted in favor of it and did not want people to think it was just a handful of people.

Marilyn Poker, 231 Valentine Street spoke in favor of the cannabis ordinance.

Eric Silverman, 30 South Adelaide Avenue spoke against the cannabis and provided examples of why he opposes ordinance.

Tim McKinnon, 201 South 2<sup>nd</sup> Avenue spoke in favor of the cannabis ordinance.

Abby Stern Cardinale, Harper Street spoke in favor of the cannabis ordinance.

Marilyn Poker 231 Valentine Street spoke against the cannabis ordinance

Dr. Evan Abrahams, 461 Harrison spoke against the cannabis ordinance

Milagros Aguayo spoke against the cannabis ordinance. Wants them to listen to the doctors and scientist who are experts.

Ray Board, 29B South 2<sup>nd</sup> Avenue spoke against the cannabis ordinance.

Borough Attorney Schmierer said that the Borough Council has received back from the Planning Board their report that they considered this ordinance at their meeting Thursday and that they voted that the ordinance is not inconsistent with the Master Plan. That means that you can vote on this tonight and adopt it with a simple majority. Repeatedly when this ordinance was initially back in August of last year, which was really the ordinance that enabled this whole processto begin we've heard repeatedly that somehow you are violating federal law by adopting the original ordinance and this ordinance is not the case. Our New Jersey Supreme Court recently discussed whether or not the Federal Controlled Substance Act, the one that regulates at the Federal level drug distributions etc. whether or not that was intended to preempt the State of New Jersey or adopting its law and the court found that the Federal law did not preempt the State Law and that you are doing nothing wrong if you are using medical marijuana, if you are using recreational marijuana and if you're a municipality that's authorizing that. The other comment earlier about the class six delivery operations, we had indicated from the very beginning in August that we cannot prohibit the delivery of cannabis in town, that's what the State law says. The State law reads if you get a license from the Borough Council for recreational or medicinal marijuana and you operate successfully for two years, you can delivery your own product. We felt from the very beginning that there would not be a tremendous market in the Borough or stand alone. He wanted to get his straightened out because we hear that you've heard that now during both public hearings on the initial ordinance and then this mandatory ordinance. Mr. Schmierer read the following into the record:

Peter Avery, 402 Graham Street said that the public has a right to know if elected officials have a conflict of interest due to their connection to the pot industry, such as financing the pot industry related to business connections or campaign contributions from pot affiliates funders. He suggested the town experiment with home delivery instead of storefronts. He wanted to know why the Council rejected the viability and practical businesslike 7-eleven on grounds of not keeping with the town's culture yet willing to have multiple pot stores.

Emmy Schatz, 441 South 3<sup>rd</sup> Avenue spoke in favor of the cannabis ordinance.

No one further 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 Councilmember Hersh, the ordinance entitled as above, being Ordinance No. 2043, was duly adopted by the following roll call vote, to wit:

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

Opposed: None

Absent: Councilwoman Canavera

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

**No. 3-22-76**

**BE IT RESOLVED** By The Borough Council of the Borough of Highland Park that the Ordinance Entitled, "An Ordinance by the Borough of Highland Park, 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", 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.

**Ordinances Requiring First Reading:**

The Clerk reported that an ordinance entitled, Bond Ordinance Providing for the Construction of Various Recreation Complex Improvements, by and in the Borough of Highland Park, in the County of Middlesex, State of New Jersey; Appropriating \$2,050,000 Therefor (Inclusive of a New Jersey Department Of Community Affairs Grant in the Amount of \$750,000 and a Contribution from the Highland Park Board of Education in the Amount of \$650,000) and Authorizing the Issuance of \$650,000 Bonds or Notes of the Borough to Finance Part of the Cost thereof, has Duly Been Introduced by The Finance Committee for Consideration of Passage on first reading by title and Supplemental Debt Statement Prepared by the Finance Director was Filed in the Clerk's Office On March 14, 2022.,

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

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

Opposed: None

Absent: Councilwoman Canavera.

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

**NO. 3-22-77**

**WHEREAS**, an Ordinance entitled, BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF VARIOUS RECREATION COMPLEX IMPROVEMENTS, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$2,050,000 THEREFOR (INCLUSIVE OF A NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS GRANT IN THE AMOUNT OF \$750,000 AND A CONTRIBUTION FROM THE HIGHLAND PARK BOARD OF EDUCATION IN THE AMOUNT OF \$650,000) AND AUTHORIZING THE ISSUANCE OF \$650,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, 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, April 5, 2022 at 7:00 PM, for the purpose of considering said Ordinance on final passage.

**BE IT FURTHER RESOLVED** that 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 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 Jennifer Santiago 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, Capital Ordinance Providing for Improvements to the Highland Park Public Library, in the County of Middlesex, State of New Jersey, in the Amount of \$944,929 has been introduced by the Finance Committee for Consideration of Passage on first reading by title and Supplemental Debt Statement Prepared by the Finance Director.

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

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

Opposed: None

Absent: Councilwoman Canavera.

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

**NO. 3-22-78**

**WHEREAS**, an Ordinance entitled, CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE HIGHLAND PARK PUBLIC LIBRARY, IN THE COUNTY OF

MIDDLESEX, STATE OF NEW JERSEY, IN THE AMOUNT OF \$944,929.00, 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, April 5, 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 reports introduction of an Ordinance Pursuant to the New Jersey Local Lands and Building Law., N.J.S.A. 40A:12-14(C ) Authorizing Leases for 212 Raritan Avenue and 101 Raritan Avenue by the Borough of Highland Park has been introduced in writing by the Economic Development And Planning Committee For Consideration Of Passage On First Reading By Title.

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

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

Opposed: None

Absent: Councilwoman Canavera.

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

**NO. 3-22-79**

**WHEREAS**, an Ordinance entitled, AN ORDINANCE PURSUANT TO THE NEW JERSEY LOCAL LANDS AND BUILDING LAW, N.J.S.A. 40A:12-14(C) AUTHORIZING LEASES FOR 212 RARITAN AVENUE AND 101 RARITAN AVENUE BY THE BOROUGH OF HIGHLAND PARK, 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, April 5, 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.

**Consent Agenda Items – Resolutions:**

Resolution Nos. 3-22-80 through 3-22-89 were duly adopted on motion made by Councilman Hale, seconded by Councilman George, and carried by the following roll call vote, to wit:

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

Opposed: None

Absent: Councilwoman Canavera

**NO. 3-22-80**

**WHEREAS**, the Borough of Highland Park was awarded a \$125,000 Neighborhood Preservation Program (NPP) grant in October 2021 from the NJ Department of Community Affairs (NJDCA) covering a 12-month period from January 1, 2022 – December 31, 2022 for improvements to the Woodbridge Avenue neighborhood target area; and

WHEREAS, the purpose of the grant is to design and implement a wide range of initiatives to restore a favorable climate for investment and to improve the quality of life for the residents and businesses of this neighborhood; and

WHEREAS, as a condition of the grant, the NJDCA requires that an Implementation Plan (IP) be prepared which delineates the activities of the NPP program and describes the manner in which grant funds will be expended. The plan covers a one-year period (January – December 2022) and contains a possible strategy for four years following subsequently (2023 – 2026); and

WHEREAS, the NJDCA may provide additional funding for plan years two through five dependent upon successful implementation and expenditure of initial funding by December 31, 2022; and

WHEREAS, said plan has been completed pursuant with the required citizen input and other related State mandates; and

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Highland Park does hereby approve the Woodbridge Avenue District Implementation Plan; and

BE IT FURTHER RESOLVED that the Borough Council is hereby authorized to expend funds in accordance with said IP.

**NO. 3-22-81**

WHEREAS, the Department of Community Services wishes to update the outdoor spaces surrounding the Community Center to make it a more usable and functional space for activities and programs; and

WHEREAS, AARP has funds available for this kind of initiative through their Community Challenge program; and

WHEREAS, the Department of Community Services desires to apply for a grant from AARP in the amount of \$10,000; 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 Department of Community Services, the grant application to AARP.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized to sign the grant agreement upon acceptance on behalf of the Borough of Highland Park and that their signature constitutes acceptance of the terms and conditions and approves the execution of the grant agreement.

**NO. 3-22-82**

WHEREAS, the pedestrian crossings on River Road at Walter and Harrison Avenues are in need of repair; and

WHEREAS, proposals from qualified electricians were solicited by the Department of Public Works and the results were as follows:

Maul Power Group, \$10,744, repair existing

Intelligent Traffic Supply Products LLC, \$23,122, replace existing; no quote for repair

Jen Electric Inc., \$26,797.50, replace existing; no quote for repair

WHEREAS, funds for this purpose are available in Account No. 2-01-26-310-232 in an amount not to exceed \$12,000, as reflected by the certification of funds by the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED by the Borough Council of Highland Park of the Borough of Highland Park that the Department of Public Works is hereby authorized and directed to engage Maul Power Group, 2553 Route 130 Unit 3, Cranbury, NJ 08512, to complete the necessary repairs.

**NO. 3-22-83**

WHEREAS, several cameras at the Highland Park Police Department were damaged during a severe thunderstorm in 2020; and

WHEREAS, the replacement camera equipment was found not to be compatible with the existing camera and key card system due to the age of the system, thereby necessitating an upgrade; and

WHEREAS, proposals to upgrade the camera and key card system and to provide annual service and maintenance were solicited and the results were as follows:

Integrated Systems & Services Inc., \$14,898

Innovative Electric, \$48,118

WHEREAS, funds for this purpose are available in Account No. C-04-55-820-002 and 2-01-25-240-235 in an amount not to exceed \$16,000, as reflected by the certification of funds by the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED by the Borough Council of Highland Park of the Borough of Highland Park that the Highland Park Police Department is authorized and directed to engage Integrated Systems & Services Inc., 541 Industrial Way Suite B, Eatontown, NJ 07724, to complete the necessary upgrades and maintenance.



**NO. 3-22-84**

**WHEREAS**, the Borough has issued a request for proposals from qualified contractors for the purchase and replacement of all Borough-owned water meters; and

**WHEREAS**, the Borough Water Department is in need of a sufficient supply of water meters and radios to continue with routine replacements until the contract for purchase and installation of water meters is awarded; and

**WHEREAS**, quotes for Sensus iPerl 5/8 x 3/4 meters with smart point radios were solicited from the following companies:

Core & Main, \$21,200.00

Ferguson Supply, no quote provided, indicated that Core & Main pricing was lower

Aaron & Company, no quote provided, indicated that Core & Main pricing was lower

**WHEREAS**, funds for this purpose are available in Account No. U-06-55-603-001 in an amount not to exceed \$21,200.00, as reflected by the certification of funds by the Chief Financial Officer.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of Highland Park of the Borough of Highland Park that the Tax Collector is hereby authorized and directed to order the necessary water meters and radios from Core & Main, 61 Gross Avenue, Edison,, NJ 08837.

**NO. 3-22-85**

**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 and hourly basis, there have been the following changes, to wit:

MaryAnn Autunnale, Principal Clerk Typist, at an annual salary of \$43,839.00, effective 12/01/2021

Linda Jacus, Deputy Clerk, at an annual salary of \$48,000.00, effective 2/28/2022

Jennifer Smith Mullen, Senior Library Assistant, at an annual salary of \$43,337.00, effective 3/16/2022

**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.

**NO. 3-22-86**

**WHEREAS**, pursuant to an Interlocal Services Agreement dated December 18, 2006, a Recreation Complex has been constructed on property adjacent to the Highland Park High School and Middle School and designated as Block 1002, Lot 18 and Block 901, Lot 32 on the Highland Park Tax Map; and

**WHEREAS**, the Borough of Highland Park wishes to join with the Board of Education to renovate facilities within the Recreation Complex including the replacement of the uneven and damaged track and field components, replacement of the uneven and damaged turf field and replacement of the existing lighting system with remote-controlled LED light fixtures; and

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidation Act, *N.J.S.A.* 40A:65-4 et seq. encourages public entities such as the Borough and the Board of Education to join together to complete the aforementioned Recreation Complex improvements; and

**WHEREAS**, *N.J.S.A.* 40A:65-5 requires the adoption of a resolution to enter into a Shared Services Agreement with the Board of Education for the renovation to the Recreation Complex; and

**WHEREAS**, the Board of Education and the Borough of Highland Park are members of the ESCNJ Cooperative Purchasing Program and as such have solicited bids for the completion of the aforementioned renovations to the Recreation Complex with the low bidder being Hellas Construction, Inc. with a bid in the amount of \$1,974,540.00; and

**WHEREAS**, the Borough of Highland Park has solicited a proposal from CME Associates for Professional Engineering Services related to the construction administration of the Recreational Complex improvements and the cost of that work is \$33,530.00; and

**WHEREAS**, the Council of the Borough of Highland Park wishes to authorize the execution of the aforementioned Shared Services Agreement and the award of a contract for the renovations to the Recreation Complex to Hellas Construction, Inc. and the award of a contract for the Professional Engineering Services to CME Associates.

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

1. The Mayor and Clerk of the Borough of Highland Park are hereby authorized and directed to enter into a Shared Services Agreement with the Board of Education of Highland Park in order to undertake and complete renovations within the Recreation Complex.
2. The Mayor and Clerk of the Borough of Highland Park are further authorized and directed to enter into an agreement with Hellas Construction, Inc., 12000 West

Parmer Lane, Austin, Texas 78613 for a contract in the amount of \$1,974,540.00 in order to undertake and complete the aforementioned renovations to the Recreation Complex subject to the adoption of a bond ordinance appropriating funds for this purpose.

3. The Mayor and Clerk of the Borough of Highland Park are further authorized and directed to enter into an agreement with CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859 for a contract in amount of \$33,530.00 for construction administration of the Recreation Complex project subject to the adoption of a bond ordinance appropriating funds for this purpose.
4. The Shared Services Agreement, the Agreement with Hellas Construction, Inc. and the proposal from CME Associates are on file in the Office of the Borough Clerk and may be inspected during regular office hours.
5. A certified true copy of this Resolution shall be furnished upon its adoption by the Borough Clerk to the Highland Park Board of Education and Hellas Construction, Inc.

**NO. 3-22-87**

**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**, pursuant to said resolution a contract was duly executed; and

**WHEREAS**, it appears from Pay Estimate No. 5 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 \$41,178.18, and there is due to JADS Construction, the sum of \$39,084.17 in accordance with said Pay Estimate for work performed ending March 8, 2022; and

**WHEREAS**, funds for this purpose are available in Account No. C-04-55-824-001 as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below; and

**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 in a total amount not to exceed \$39,084.17, as certified by the Engineer in Pay Estimate No. 5 and Close-Out Change Order, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and a and posting of a one-year maintenance bond in the amount of \$109,823.93; and

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

**NO. 3-22-88**

**WHEREAS**, distracted driving is a serious, life-threatening practice that is preventable and can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**WHEREAS**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**WHEREAS**, in 2018 alone distracted driving-related crashes resulted in 2,841 deaths and 400,000 injuries on our nation's roads; and

**WHEREAS**, in New Jersey distracted driving was listed as a contributing circumstance in 50 percent of all motor vehicle crashes in 2018; and

**WHEREAS**, the State of New Jersey will participate in the nationwide UDrive. UText. UPay. Distracted Driving 2022 Crackdown from April 1 – 22, 2022 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**WHEREAS**, the New Jersey Division of Highway Traffic Safety will reimburse the Borough up to \$7,000 for police enforcement of the distracted driving campaign.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Borough Council declares its support for the Distracted Driving 2022 Crackdown both locally and nationally from April 1 - 22, 2022 and pledges to increase awareness of the dangers of distracted driving.

**NO. 3-22-89**

**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 3/15/2022 can be found in the Bills List Journal Book No. 42.

**Resolutions Requiring A Separate Reading**

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

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

Opposed: None.

Abstain: None.

Absent: Councilwoman Canavera

**No. 3-22-90** Resolution to Approve Emergency Temporary Appropriations,\

**WHEREAS**, it has been found necessary to make a special emergency appropriation to meet certain expenses incurred or to be incurred from a Middlesex County Board of Taxation order to implement a municipal-wide revaluation (“order”) requiring the appropriation of funds of the Borough of Highland Park, County of Middlesex, State of New Jersey in the amount of \$400,000, and

**WHEREAS**, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and special emergency notes issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act,

**NOW, THEREFORE BE IT RESOLVED** by not less than two thirds of the full membership of the governing body affirmatively concurring as follows:

1. Pursuant to N.J.S.A 40A:4-53, a special emergency appropriation is hereby made in the amount of \$400,000 for the Middlesex County Board of Taxation order to implement a municipal-wide revaluation. The \$400,000 appropriated herein is sufficient to fund the special emergency.
2. The Special emergency appropriation set forth in Section 1 hereof shall be provided for in the budgets of the succeeding years by the inclusion of not less than \$80,000 annually in each of the next five years’ succeeding budgets.
3. Special Emergency Notes in accordance with NJSA 40A:4-55 not in excess of \$400,000 are hereby authorized to be issued by the Borough.
4. Such Notes shall be executed by the Mayor and the Chief Financial Officer of the Borough and the official seal shall be thereunto affixed and attested to by the Clerk of the Borough.
5. All Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough. The Notes shall bear interest at such rate or rates and be delegated to the Chief Financial Officer of the Borough and the authority to determine all matters in connection with the Notes issued, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. The CFO is also hereby authorized to sell part or all of the Notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The CFO is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Notes so sold, the price obtained and the name of the purchaser.
6. The Borough covenants to maintain the exclusion from gross income under 103(a) of the Code, of the interest on the Notes issued under this resolution.
7. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
8. This resolution shall take effect immediately.

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

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

Opposed: None.

Abstain: None.

Absent: Councilwoman Canavera

**No. 3-22-91**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

**WHEREAS**, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

**WHEREAS**, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Highland Park, in the County of Middlesex, State of New Jersey urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is forwarded to the 18th District Assembly Members Sterley Stanley and Robert Karabinchak, and State Senator Patrick J. Diegnan, Jr., Governor Murphy, and the League of Municipalities.

**Second Public Participation:**

Mayor Brill Mittler opened the floor for public participation:

Marnar Schneiderwolf, 403 Harrison Avenue indicated they were not in favor of the Cannabis Ordinance. Believes it could affect families, children and the Town.

Abby Stern Cardinale, Harper Street said she was excited about some things passed tonight. Asked how much additional money has been allocated toward these parks and what the timeline is once that money is hopefully earmarked toward the parks.

Borough Administrator Jover replied it was a mixture, some of what we've been discussing about is maintenance which is built into the Public Works budget, some of it we'll be putting in an amount in the Capital Improvement budget. We also have some grants out there.

Councilmember Hersh added that they are continuing to have meetings with the Legislators and a meeting with our County is tomorrow to discuss our pocket parks as well. As we get through the budget cycle we can't quite answer all the questions, but we will have updates shortly.

Dan Stern Cardinale, 221 Harper Street said he was happy to see improvements in two parks. Excited to see progress of the Cannabis Ordinance.

Lisa Kaplan, 123 South Adelaide Avenue asked if they were going to close South 3<sup>rd</sup> and North 4<sup>th</sup> again since the weather is getting warmer.

Councilman Hale replied we're looking forward to doing all we can to close the streets again. There's a few legislative issues that we are working on through. We fully intend to have those streets closed again.

Lisa Kaplan, 123 South Adelaide Avenue asked what issues there were for the closures to take place.

Councilman Hale replied that himself, the Mayor and Borough Administrator Jover have been working closely with Senator Diegnan and Senator Sarlo. In the past because of the pandemic it was an emergency legislation. Then there's another law Senator Sarlo that allows closing the streets through November 2022. We're working on some clarifications on that. You should know we're working very hard to reopen those tables.

There being no one further, Mayor Brill Mittler closed the second public participation session.

**Work Session Items: No Formal Action To Be Taken.**

a. 2022 Budget Discussion

Borough Administrator Jover gave an overall review of the 2022 budget. Councilwoman Kim-Chohan asked about new hires and Council voting on new hires and commented that salaries and wages is too high. Ms. Jover indicated she would schedule an Administration meeting to further discuss.

There being no further business, on motion made by Councilman George, seconded by Councilman Hale, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 11:04 p.m.

Respectfully submitted,

Jennifer Santiago  
Borough Clerk