

REGULAR MEETING – APRIL 19, 2022

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, April 19, 2022, and was called to order by Mayor Brill Mittler 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 April 12, 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 April 12, 2022, and has remained continuously posted as required by law.

Present: Mayor Brill Mittler, Councilpersons Foster, Hersh, Kim-Chohan; Borough Attorney Schmierer; Assistant to Borough Administrator Von Thun; Borough Clerk Santiago.

Absent: Councilpersons Canavera, George, Hale; Borough Administrator Jover.

Mayor Brill Mittler read a proclamation declaring April 2022 as National Arab American Heritage Month. She also issued a proclamation in honor of the retirement of long-time volunteer Sheila Highsmith.

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

Councilman Hersh reported that he is Chair of the Recreation and Arts Committee. He encouraged residents to visit www.highlandparkrec.com to check out the abundance of programming. July 3rd is the fireworks event with New Brunswick. The Arts Commission has put together a new program in partnership with the Recreation Department entitled the HP 250/24 writing contest that is open to any resident regardless of age. The purpose is to write a story that is 250 words or less and be given only 24 hours to submit the story after receiving your assignment. He thanked Nikki Gonzalez for the creativity of this initiative and for working with Kimberly McGraw at the Recreation Department. Once you register to participate, you will receive an email on Saturday April 30th at midnight with a writing assignment in a particular genre. You then have 24 hours to complete your story and email it back. The Arts Commission will read through the assignments and select a winner.

Councilwoman Kim-Chohan – No Report.

Councilwoman Foster reported on the installation of the traffic light on North Fourth Avenue that was installed by the D.O.T. The Borough would like to have some adjustments made to it, make it bigger so that it is more visible. Emails have been sent to the D.O.T. and the Borough is awaiting a response. She and Councilman Hersh have been working with the Safe Walking and Cycling Committee on getting the pedestrian safety awareness campaign going at the end of May. The Police Department is participating in the Click it or Ticket Campaign as well as a campaign to not use cell phones while driving. She reported that the Borough did a traffic challenge and she indicated that they would share it on the Borough website so that people can see how well they do with distracted driving. The challenge takes about 25 minutes, but is super informative. The traffic light on by Irving School on 11th Avenue has been down for the past six weeks. The Borough is aware of the problem and they are working on getting the parts to fix the light and get it re-installed. Last week, the Police Department held the first of a series of meetings entitled "Conversation with a Cop". Officer O'Mara was at the Community Center to meet with residents and he will be available again on April 26th, May 3rd and May 31st from 5:00 to 6:00 p.m. The Junior Cadet Academy will be held from July 11th to July 15th from 8:00 a.m. to 4:00 p.m. There are still spots available and anyone interested should contact Officer Omara at 732-572-3800, ext. 4262.

Assistant to Borough Administrator Von Thun – No Report.

Borough Attorney Schmierer- No Report.

Mayor Brill Mittler commented that she hoped everyone had a very Happy Easter, Passover and a meaningful Ramadan and that they got to spend time with their families. On May 1st, the 2022 Park Partner's Program will begin and residents are invited to submit their ideas that will be judged at a public exhibition. The grant program provides up to \$2,000 to five winning projects. Submissions are made in the following five categories: arts, culture and diversity, safety, universal access or health and wellness. The voting session will be held on a Sunday afternoon in June at the Highland Park Community Center. Applicants must complete an application, accessible on the borough website, and submitted to Communications Department, Harry Glazer. Submissions must be received by Tuesday, June 7th at 1:00 p.m. She commented that she has often stated how important she believes public art is in enhancing the day-to-day lives of all residents. We have seen creativity spring up in unique ways such as park benches, landscaping and the ever popular colorful murals that bedeck several of our buildings. Many residents have voiced excitement to see the new mural going up and taking shape on the side of the building 75 Raritan Avenue. In their working session, they will be discussing a proposal for another unique mural to be placed on one of the entryways into Highland Park. This mural project will demonstrate the connection between Highland Park and neighboring New Brunswick. All of these projects further enhance Highland Park's positive reputation as a home of free expression and creativity.

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

Melanie McDermott, 330 South 3rd Avenue, commented that she is co-chair of the Shade Tree Advisory Committee and that she wanted to address item 13c on the agenda. She and co-chair Rosie Baruh reviewed the ordinance and sent some suggested amendments to the Borough Attorney. She requested that the adoption of the ordinance be tabled this evening. If the ordinance is adopted tonight, she requested that the suggested changes be made as soon as possible. Borough Attorney Schmierer

advised that his office received the suggested changes from the Shade Tree Advisory Committee and he recommended that the Council consider adopting the ordinance tonight. Adopting the ordinance will move the committee back into the code book. An amending ordinance can be prepared, reviewed by the Public Works and Public Utilities Committee, and then brought to the Council for introduction at a future meeting.

Mary Forsberg, 317 Denison Street, commented about a New York Times article about marijuana shops in Toronto that she sent to the Governing Body. She is very concerned about the financial implications of pot and Highland Park. She also questioned whether the Borough had a quorum with only three Councilpersons present.

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

The Clerk reported advertising an ordinance entitled, "CALENDAR YEAR ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)", for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

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 Hersh, seconded by Councilwoman Foster, the ordinance entitled as above, being Ordinance No. 22-2048, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, George, Hale.

Abstain: None.

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

No. 4-22-110

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "CALENDAR YEAR ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)", 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 OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY CONCERNING REGULATIONS FOR WRECKER OPERATORS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK", for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

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

On motion made by Councilwoman Foster, seconded by Councilman Hersh, the ordinance entitled as above, being Ordinance No. 22-2049, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, George, Hale.

Abstain: None.

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

No. 4-22-111

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY CONCERNING REGULATIONS FOR WRECKER OPERATORS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK", passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of Neptune, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

The Clerk reported advertising an ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY AMENDING CHAPTER 9 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" BY ADDING THERETO ARTICLE XXIV RECONSTITUTING THE SHADE TREE ADVISORY COMMITTEE, for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

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

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

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

On motion made by Councilwoman Foster, seconded by Councilwoman Kim-Chohan, the ordinance entitled as above, being Ordinance No. 22-2050, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, George, Hale.

Abstain: None.

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilwoman Foster, seconded by Councilwoman Kim-Chohan, and carried by unanimous affirmative voice vote:

No. 4-22-112

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY AMENDING CHAPTER 9 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" BY ADDING THERETO ARTICLE XXIV RECONSTITUTING THE SHADE TREE ADVISORY COMMITTEE", 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 OF THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY PROHIBITING SMOKING AT THE TOWN TABLES AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK", had been introduced in writing by the Economic Development and Planning Committee for consideration of passage on first reading by title.

Borough Attorney Schmierer noted that the Clerk's Office received a letter today from Mark Liebeskind regarding this ordinance that he read into the record.

On a motion made by Councilwoman Foster, 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, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, George, Hale.

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

No. 4-22-113

WHEREAS, an Ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY PROHIBITING SMOKING AT THE TOWN TABLES AND AMENDING THE "CODE OF 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, May 3, 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. 4-22-114 through 4-22-117 were duly adopted on a motion made by Councilwoman Foster, seconded by Councilman Hersh, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Foster, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, George, Hale.

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

No. 4-22-114

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 March 29, 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:

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|----|--|---------------------|
| 1. | Core & Main LLC | \$1,265,751.25 |
| 2. | Kennedy Culvert & Supply Company | \$1,274,130.17 |
| 3. | Ferguson Enterprises LLC dba Ferguson Waterworks | \$1,300,918.75; and |

WHEREAS, the bid submitted by the first bidder named a plumbing subcontractor who did not have a Public Works Contractor Registration Certificate with an effective date as of the bid receipt date as required by law, and therefore, this bid is non-conforming; and

WHEREAS, the second bidder is not registered under the Public Works Contractor Registration Act as required by law, nor is its named meter installation/plumbing subcontractor, and therefore, this bid is non-conforming; and

WHEREAS, the third bidder named a meter installation subcontractor who is not registered under the Public Works Contractor Registration Act as required by law, nor is its apparent plumbing subcontractor; and further, included “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” bid, and for these reasons is a non-conforming bid; and

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that the three (3) bids received on March 29, 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 nonconforming, unresponsive and defective, for the reasons set forth in the “Whereas” clauses.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 4-22-115

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:

Carole Thompson, Asst to the Mayor, at an hourly rate of \$20.00, effective 04/18/2022.

Tania Varela, Planning, Zoning & Housing Clerk, at an annual salary of \$35,170.00, effective 4/18/2022.

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 Finance Committee, was duly adopted as above:
No. 4-22-116

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

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

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

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex.

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

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Highland Park Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of: \$5,000.00
DMHAS Grant Funding \$5,000.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 4-22-117

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 4/19/2022 can be found in the Bills List Journal Book No. 42.

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

Mary Forsberg, 317 Denison Street, commented again about the article she sent to the Council regarding marijuana. She also commented about the Borough’s redevelopment plan and how the RFP was prepared and who it was sent to. She also asked when the RFP’s were due. It was noted that they are due May 6th.

Dan Stern Cardinale, 221 Harper Street, commented about the ordinance for no smoking at the town tables and thinks it will make it a more family-friendly environment once they are up and running.

Mary Forsberg, 317 Denison Street, commented about the town tables and the fact that they do not exist. She thinks it is insulting to not include North 3rd Avenue as a place where smoking is prohibited.

Ruth Solomon, 704 South 1st Avenue, asked about the closures of streets for town tables and whether or not it will be permanent. Mayor Brill Mittler responded that they have been discussing this for several meetings and they have found the town tables at South 3rd and North 4th to be very popular. There is a trend with downtown communities to close off parts of streets and make them public plazas. They have been talking about this with the D.O.T.

Sophia McDermott Hughes, 330 South 3rd Avenue, commented about the town tables on 3rd and that she is in favor of shutting it down permanently. Last summer it was hugely popular and the tables were always filled.

Borough Attorney Schmierer read a letter submitted by Mark Liebeskind into the record regarding the draft parking study.

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

Work Session:

Court Operations – Councilwoman Foster noted that courts throughout the State have been operating via Zoom. Highland Park’s Judge has been holding sessions in the courtroom throughout Covid to handle the Borough’s caseload. There are certain mandates that the Borough must follow to hold court sessions in person and to have all the security procedures in place. The State is looking at different ways in which to handle municipal court because of Covid. They have seen that the court system can work in a lot of different ways that is convenient for people who need to come to a court setting. She sent an email to all members of the Governing Body last week outlining the various steps that the courts are looking at. One of the steps could be the continuation of zoom court sessions that have proved very convenient. There are some cases that need to be heard in person and they are looking at how to do that going forward. We will also be exploring possibility of consolidating courts, which would be a huge cost savings for the Borough because it takes time, energy and people power to run a municipal court, along with the hiring of security and the devices that need to be in place. She will keep the Governing Body updated on what the Attorney General’s Office will be doing to make courts accessible. Mayor Brill Mittler asked if would make sense to reopen the shared services discussion. Councilwoman Foster agreed that it would be a good idea especially now because the State is looking at zoom courts.

Standing Committees – Councilman Hersh commented about some free-floating committee assignments that have traveled with various Council people even though there have been changes in committee assignments. He mentioned that he was assigned the Safe Walking and Cycling Committee, though he is Chair of Arts and Recreation. There is some overlap and he wanted to have a continued conversation with the Administration Committee to address that. He found himself in the midst of a significant public safety issue that Councilwoman Foster should have been point on. He wanted to raise this issue so that it can be reviewed and adjusted accordingly before the next reorganization meeting.

New Murals – Mayor Brill Mittler noted that we have been talking a lot and doing a lot in terms of public art and murals are becoming more popular. She was approached by a Borough resident whose husband recently passed away and they have had some very strong connections to the City of New Brunswick. She as a well-known mural artist who is interested in putting together a mural for Highland Park that would represent the connection between Highland Park and New Brunswick. She showed some of the work on her screen. She asked Councilman Hersh to get the Arts Commission involved. There is a lot of opportunity moving forward to put Highland Park on the map. Councilwoman Foster noted that they need to have a conversation about the Zone 6 Center. They have been trying to get some help to get something reflective of the community on the center that shows our diversity and who we are.

There being no further business, on motion made by Councilwoman Foster, seconded by Councilman Hersh, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Jennifer Santiago
Borough Clerk