

## REGULAR MEETING – JULY 5, 2022

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, July 5, 2022, and was called to order by Mayor Brill Mittler at 7:02 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 July 1, 2022 and was posted on the Borough website at [www.hpboro.com](http://www.hpboro.com) and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on July 1, 2022, and has remained continuously posted as required by law.

Present: Mayor Brill Mittler; Councilpersons Canavera, Foster, George, Hersh; Borough Attorney Schmierer; Borough Administrator Jover, Borough Clerk Santiago.

Absent: Councilpersons Hale, Kim-Chohan.

Mayor Brill Mittler presented proclamations to Detective Sean McGraw and Officer Sean Garley for their skilled and selfless actions in saving the life of a distraught person on the Morris Goodkind Bridge.

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

Councilwoman Foster reported that the Junior Cadet Academy is still accepting applications. She reminded residents to please lock their cars and to not leave valuables in their cars. She also reminded residents to keep their doors locked at all times. She encouraged everyone to wear helmets when riding their bicycles or e-scooters and to look up from their cell phones when they are crossing the street. They had an awesome fireworks celebration and it was wonderful being out and seeing so many people.

Councilwoman Canavera reported that July is National Independent Retailer month. The month-long observation offers an opportunity for us all to show our local small businesses our appreciation. Independent retailers support their communities by offering flexible employment. They are the people sponsoring local events and many other organizations in the community. The Board of Health wants to remind everyone that it is flea and tick season and to please make sure to check yourself, your children and pets who have been outside. The Commission for Universal Access wants to remind everyone that July is annually recognized as Bereaved Parents Awareness Month, which is a month dedicated to raising awareness for the support necessary when one endures the loss of a child. The Human Relations Commission wants to remind you that it is National Minority Mental Health Awareness Month which is meant to shed light on the multitude of mental health issues experienced within communities of color, including black and indigenous people and others that face disproportionate inequities due to systemic barriers and historical adversity. Food insecurity is still high and Highland Park has two programs; the Community Food Pantry and HP Gives a Hoot. Between these two programs we are serving over 300 families each month. Information is available on the Borough website. The Mental Health Commission wants to remind everyone that if you are having a mental health crisis to please reach out for help. The Middlesex County hotline numbers are Rutgers University Behavioral Health Care HOTLINE: (855) 515-5700; Raritan Bay Medical Center HOTLINE: (732) 442-3794 Or Text HOME to 741741.

Councilman Hersh reported that today he joined Governor Murphy and others as the Governor signed a series of gun safety bills into law. It is unsettling to see the words Highland Park in the news with yesterday's shooting in Highland Park, Illinois. Our hearts are with our neighbors and communities around the country as they grapple with more senseless, preventable death. Highland Park could be any town USA. It's easy to imagine what happened in Illinois happening right here. It's easy to imagine it when my kids ride their bikes to their local camps today. It's easy to imagine when we gather as a community for the holidays. It's easy to imagine because it's happening somewhere. This is why when we have national or global crisis it's important to remember that the response starts right here at home. It's worth repeating that in New Jersey, because of decades of tireless activism, we have among the strongest gun laws in the country. We rank 48<sup>th</sup> among the 50 states in the number of per capita gun deaths per year. That is according to the Gifford Law Center, but there's certainly more to do and many of the guns used in these mass shootings were purchased legally. The Borough Council supported several of the bills that were signed into law today and the Borough Council supported those bills through a resolution at our last Council meeting on June 14<sup>th</sup>. They include requiring gun owners who move to New Jersey to obtain a firearm purchase or ID card, require ammunition manufacturers and dealers to keep a detailed electronic record of sales and report them to the State Police. He encouraged residents to contact their Legislators at 202-224-3121 to let them know that you support the legislature and Governor Murphy's action on their gun safety 3.0 package of bills. It's never too late to get involved and up to date with Mom's Demand Action NJ the

Brady Campaign to prevent gun violence. Karen Kanter was at the gun signing today and she got a pen from the Governor. You can learn about how gun laws save lives if you go to [giffords.org](http://giffords.org). It was a wonderful time at the annual Independence Day fireworks. He thanked Community Services, the Police Department The Volunteer Fire Department, the First Aid Squad and the Library. It was nice to share the mic with Mayor Brill Mittler, Council President George and Councilwoman Foster. It's wonderful to be able to share a river and share the show with New Brunswick. Our fireworks present a true regional attraction from both sides of the river. This Independence Day, and every day, let's think about what's happening in our communities and around the country to ensure environmental, economic and racial justice and let's think about reproductive rights and public safety. It's important to note that women's health care and reproductive rights are still very much alive and well here in New Jersey. Let's think about an act on what's required to be intentional about these efforts and let's make this a year of action. The first installment of the Park Stock Summer Concert Series will be on Thursday, July 14<sup>th</sup> from 6:00 to 8:00 p.m. at Grove 1 in Donaldson Park. The headlines for the first concert is the twilight jazz samba quintet. There will be food trucks on site and it will be an overall good time. There are four performances lined up on July 21<sup>st</sup>, August 4<sup>th</sup> and August 11<sup>th</sup>. It was great to see the collaborations between Middlesex County and Highland Park come to fruition with regard to the playgrounds. He thanked Commissioner Director Ron Rios and Mayor Brill Mittler for the improvements at Donaldson Park. It was great to see the kids and parents out on the playground again. Back in May, the Borough, with the Highland Park Public Schools, did begin working on upgrading the recreation complex. The renovations include resurfacing the track, reinstalling a new turf field and upgrading the area lighting to energy efficient fixtures. The work is expected to be completed in early September. The complex is not open to the public right now.

Councilman George thanked Kim McGraw and Councilman Hersh. The reunion of everyone at the park for the fireworks was genuinely impressive, with the largest crowd he's ever seen. You could see the hillside when the rockets went off was entirely covered as were both fields. It was very impressive, the coordination was excellent and the new format was delightful. He was there with Councilwoman Foster and Councilman Hersh and they thought the event was terrific. The Queer Ear concerts on North 4<sup>th</sup> Avenue last week were a great event. Sustainable Highland Park is having an online forum on composting. There are some setbacks because of DEP requirements which would make the Borough essentially a commercial composter and the permitting and fees are exorbitant and prohibitive. We'll be talking more in the near future about a program that they've looked into and will be coming to the borough to look for support of public works which is to adopt a drain. It sounds silly, but it really is an excellent idea at a very inexpensive cost or not cost, if we pilot it ourselves. Volunteers literally adopt a particular storm drain with the increased monitoring of storm water runoff as required by the State. It doesn't involve anything more extensive than making sure the drains remain clean and free of debris. If you notice after a rainstorm the leaves can wash in and actually stop our storm water management system from working efficiently. That contributes a lot to the flooding that we've been experiencing. The bulk trash program was appointment only last year and there were 335 stops on the South Side and 371 stops on the North Side which is almost double the amount of pickups from the previous year. The Superintendent of Public works reported that it went very well with no glitches and the crews were able to assist with bulk trash pickup after trash and recycling pickups.

Borough Administrator Jover reminded residents on the North Side and Triangle that tomorrow is garbage pickup due to the holiday schedule. There is a resolution on the agenda tonight regarding the award of the contract for revaluation services. Once the agreement is signed, the State also has to sign off on the agreement, and then they will work through a timeline to get the revaluation program started. They will send out communications and host community meetings where the public will be invited to ask questions and learn more about the process.

#### Borough Attorney Schmierer – No Report.

Mayor Brill Mittler reported that so much has happened in the last month locally, statewide and nationally. She is dismayed by the direction the Supreme Court has signaled that our country is heading, she remains positive in the surety that many of us who do not agree with these recent decisions will not capitulate to the reduction of our basic rights. Know that as leader of the Governing Body she assures residents that they will continue to respond to and act on their needs and the needs of all residents, men, women, teens, children, straight, gay, non-binary, rich, poor, middle class, Christian, Jewish, Muslim, Buddhist and other religions, or no religious preference born in America or immigrant to Highland Park. Our Highland Park values will not be compromised. The Park Partners program that invites residents to participate in deciding how some of our tax revenue is given back to Highland Parkers who come up with programs to benefit our community was back in 2022. Voting was held on June 26<sup>th</sup> and over 300 residents

participated. Five excellent proposals were selected. You can learn more about the winning programs on the Borough website. She congratulated all the winners. Many of you have seen the improvements to the playground areas in Donaldson Park. Middlesex County worked very closely with us. They invested \$750,000.00 in the project and produced state-of-the-art, safe, educational and weather-resistant play areas. She has been involved with the League of Municipalities, a statewide organization of Mayors and Elected Officials from all 565 New Jersey Municipalities, and the New Jersey League of Mayors in efforts to start receiving funds from energy tax proceeds wrongly withheld by the State for decades. These funds, rightfully due to municipalities to help our real estate taxes, were kept in New Jersey state coffers for decades. Thanks to our efforts, the New Jersey legislature has included the beginning of reimbursement of past due energy tax rebates in the new fiscal year 2023 budget. Through 2021, the State owes Highland Park over \$11,500,000.00. We will begin to see the gradual return of this money that is due to the Highland Park taxpayers. This is a great victory for Highland Park and all New Jersey municipalities and will assist in our efforts towards tax stabilization. We are heartened by the positive response to our new e-scooters in town. Many of our citizens are reported users and people are generally happy with this new eco-friendly transportation option. As with any change, we must be mindful of concerns raised. Please expect a learning curve as we work through the new mode of sustainable local transportation. We are working with VEO, the supplier of our e-scooters, to increase awareness of and safe use of our e-scooters. As you drive around town, please stay aware of all of our new means of transportation. There have been awful recent Supreme Court decisions on Roe v. Wade, open carry weapon laws, EPA rights to regular power plants, etc. These are setbacks of decades of progress. Many residents have expressed alarm to me. I commend the New Jersey State legislature and Governor Murphy for quickly exploring and already passing strong responses, especially in gun laws and reproductive rights. Highland Park is considering responses as well such as an ordinance amendment to our open public meetings ordinance that would ban firearms in all of our public buildings, including schools. This ordinance amendment will be on the August Council agenda. Tonight we will be voting on a resolution that bans firearms from any municipal buildings. Voting in all elections really counts. These Supreme Court decisions didn't occur in a vacuum, they are the direct results of historically low voter turnout in the 2016 Presidential election which has been reported at only 54.8 percent of voting age population. That means that over 45 percent of the population that is eligible to vote, didn't vote. We can't surrender to cynicism. Politics can be messy and at times, even dirty, but elected officials can and often do accomplish things that broaden people's rights, protect our environment and keep us safer. When someone casually dismisses the whole political process or the entire government, they are really just walking away from their civic obligation to get involved, get informed, make thoughtful choices and stay involved. Now more than ever, we need more people to get involved as citizens who enjoy privileges in this great democracy. It is our sacred responsibility to keep track of the news, to stay informed on what our elected officials are doing and to share views with our elected officials. She thanked Councilman Hersh for sharing contact information to allow us to do that. We are doubly privileged to live in the State of New Jersey which hears what we have to say about these issues. It behooves us to recognize and thank our Legislators for the actions that they have taken and continue to voice our opinions loudly and clearly. As you know, several gun bills cleared both chambers in Trenton and three more gun violence prevention bills were signed into law today by Acting Governor Sheila Oliver. The bills that were part of the violence intervention program include S3301, which establishes hospital-based violence intervention programs in the Department of Health, S3312, which requires certain hospitals to provide hospital-based or hospital-linked violent intervention programs in order to be designated as level 1 or level 2 trauma centers, and S3323, which requires victim counseling services to partner with trauma centers to refer certain victims to violence intervention programs. Thanks go out to Highland Park's own Karen Kanter, President of the Brady Middlesex County, for her tireless work on gun safety and control issues. Lastly, Governor Murphy signed a \$50.6 billion dollar state budget that includes \$45 million dollars to expand family planning and abortion services and security upgrades for clinics, a move that will prepare New Jersey to be an even safety haven state as 26 other states move to outlaw or severely restrict the procedure. I am proud to be a resident of New Jersey. There's more to do, but we will continue to work hard.

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

Lois Lebbing, North 2<sup>nd</sup> Avenue, commented about leaking water cap that says gas behind the gun shop that has been leaking for over a year. She notified the Department of Public Works and PSE&G. She asked for an explanation of Resolutions 14c and 14e. She also commented about resolution on carrying firearms and hoped that they would be getting metal detectors for borough buildings.

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Alan Silver, South 3<sup>rd</sup> Avenue, asked about the traffic study and whether or not it was done through a competitive bidding process. He asked what the annual budget is for defending legal challenges against the Borough. Lastly, he commented about the e-scooters and noted that he has seen people riding them very recklessly and he is concerned about safety.

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

The Clerk reported advertising an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING SECTION 407-11 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" SETTING FORTH THE FEE SCHEDULE FOR BASIC TOWING SERVICES", for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

On motion made by Councilwoman Canavera, seconded by 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 Councilwoman Foster, seconded by Councilwoman Canavera, the ordinance entitled as above, being Ordinance No. 22-2054, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hersh.

Opposed: None.

Absent: Councilpersons Hale, Kim-Chohan.

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

No. 7-22-166

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 AMENDING SECTION 407-11 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" SETTING FORTH THE FEE SCHEDULE FOR BASIC TOWING SERVICES.", passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by her, 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 following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilwoman Canavera, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hersh.

Opposed: None.

Abstain: None.

Absent: Councilpersons Hale, Kim-Chohan.

No. 7-22-167

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.

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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 the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilwoman Canavera, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hersh.

Opposed: None.

Abstain: None.

Absent: Councilpersons Hale, Kim-Chohan.

No. 7-22-168

WHEREAS, pursuant to Resolution 2-22-65, the Borough Council of the Borough of Highland Park authorized the solicitation of proposals through the competitive contracting provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-4.1 *et seq.*, for purposes of selecting a qualified revaluation firm to complete a municipal-wide revaluation of the Borough of Highland Park; and

WHEREAS, on June 9, 2022, and consistent with the Request for Proposals Documentation issued by the Borough, the Borough received one proposal from Professional Property Appraisers, Inc. to complete revaluation of all properties (except for the identified 44 complex commercial properties) for the price of \$269,365.00; and

WHEREAS, the Tax Assessor, Borough Administrator and Borough Attorney have evaluated Professional Property Appraisers, Inc.'s proposal and based thereon have determined that it is consistent with the Borough's Request for Proposals Documentation and is most advantageous to the Borough, price and other factors considered; and

WHEREAS, the Borough Administrator recommends that the Council award a contract to Professional Property Appraisers, Inc. for the reasons set forth above and the reasons set forth in the report recommending an award to Professional Property Appraisers, Inc.; and

WHEREAS, funds for this purpose are available in Current Account No. 2-01-300-60-002-010 in an amount not to exceed \$300,000.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2022-07.

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

1. The above preamble is incorporated herein as if set forth at length.
2. The Borough Council hereby awards the Agreement for Revaluation of the Borough of Highland Park to the firm of Professional Property Appraisers, Inc., with offices in Cinnaminson and Toms River, New Jersey, for an amount not to exceed \$300,000. This authorization is subject to the approval of the Director of the Division of Taxation, in the Department of Treasury.

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3. Upon approval of the award and Agreement by the Director, as may be required by law, the Mayor and Borough Clerk shall be authorized and directed to execute an Agreement with Professional Property Appraisers, Inc. consistent therewith.
4. A copy of this Resolution, and the executed Agreement, shall be placed on file in the office of the Borough Clerk.
5. The Borough Clerk shall publish a notice in the official newspaper of the Borough summarizing the award of the Agreement, including but not limited to the nature, duration, and amount of the Agreement, the name of the vendor and a statement that the Resolution and Agreement are on file and available for public inspection of the Office of the Borough Clerk.

Resolution Nos. 7-22-169 through 7-22-182 were duly adopted on a motion made by Councilman George, seconded by Councilwoman Canavera, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Canavera, Foster, George, Hersh.

Opposed: None.

Absent: Councilpersons Hale, Kim-Chohan.

Abstain: None.

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

No. 7-22-169

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2022 budget in the sum of \$10,000.00, which is now available from the Community Energy Plan Grant (CEPG) Program, and

BE IT FURTHER RESOLVED that the like sum of \$10,000.00 is hereby appropriated under the caption of Community Energy Plan Grant Program.

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

No. 7-22-170

WHEREAS, Borough of Highland Park has applied for and has been awarded a grant in the amount of up to \$54,581.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment and Remedial Investigation of the Bergen's Car Care Center property.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highland Park that the above referenced grant is hereby accepted and the Borough Administrator is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Highland Park.

BE IT FURTHER RESOLVED that a comprehensive plan exists specifically for the development or redevelopment of suspected or confirmed discharge of a hazardous substance or hazardous waste in the host municipality or can otherwise demonstrate its commitment to the Authority that the Project Site will be developed or redeveloped within a three-year period from the completion of the remediation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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

No. 7-22-171

WHEREAS, by Resolution adopted on July 6, 2021, the Borough Council awarded a Contract for "Emergency Repairs to the Water & Collection System" to J. Fletcher Creamer & Son, Inc. for \$177,246.00 and initial term of one year; and

WHEREAS, the Administrator, in consultation with the Chief Financial Officer and Municipal Attorney's office, has requested the approval of Change Order No. 1 which would increase the contract amount by an additional \$153,118.31 for the initial one-year term; and

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WHEREAS, the Local Public Contracts Rules (N.J.A.C. 5:30-11.9) specify a procedure for change orders which exceed the 20% limitation; and

WHEREAS, the Administrator has consulted with the Municipal Attorney's office and has reviewed the factual circumstances surrounding the requested change order, and the Attorney's office has advised that the issuance of the change order would not constitute an abuse of the aforesaid Rules and procedures; and

WHEREAS, funds for this purpose are available in Current Account No. 1-05-55-500-423 in an amount not to exceed \$153,118.31 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2022-08.

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 Council hereby determines and states that public bidding and contract award for a new contract for the performance of the additional work would have interfered with the efficient and safe completion of the work and would not have been economically practical.

2. Issuance of the change order is in the best interest of the Borough, and Change Order No. 1 is hereby approved.

3. This Resolution, when counter-signed by Fletcher Creamer & Son, Inc., shall serve as a contract amendment to the original contract for the purpose of confirming the increase in the contract price by \$153,118.31, the amount of Change Order No. 1.

4. The Borough Clerk is hereby directed to cause to be printed once in the official newspaper a brief notice indicating the additional amount to be expended, the original contract price, the nature of the original and additional work, and why it is necessary to expend the additional funds. The Borough Clerk shall keep a copy of the advertisement on file, where it shall remain available for public inspection.

5. The Borough Clerk shall report to the Division of Local Government Services on an appendix to the Borough's annual budget all change orders from the previous fiscal year which exceeded the 20 percent limitation. This report shall be made on a form provided by the Director. A summary of the report shall be included as supplemental material in the annual audit of the Borough.

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 7-22-172

WHEREAS, by Resolution adopted on July 6, 2021, the Borough Council awarded a Contract for "Emergency Repairs to the Water & Collection System" to J. Fletcher Creamer & Son, Inc. for \$177,246.00 and initial term of one year; and

WHEREAS, the initial term of the Contract with J. Fletcher Creamer & Son, Inc. expires on or about July 21, 2022, and the Contract provides for up to two one-year contract extensions; and

WHEREAS, the Administrator recommends that the Contract be extended with J. Fletcher Creamer & Son, Inc. for the first of the two one-year extensions (2022-2023), as provided for in the Contract; and

WHEREAS, the Administrator also recommends that the Contract amount be increased by an additional 8.5% (\$15,065.91), the maximum permitted by law, for an increased contract amount of \$192,311.91; and

WHEREAS, J. Fletcher Creamer & Son, Inc. has been performing the services under the Contract in an effective and efficient manner; and

WHEREAS, funds for this purpose are available in Current Fund Account No. 2-05-55-500-423 in an amount not to exceed \$192,311.91 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2022-09.

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 Contract for "Emergency Repairs to the Water & Collection System" with J. Fletcher Creamer & Son, Inc. is hereby extended for a one-year term commencing on July 22, 2022, with a not to exceed contract amount of \$192,311.91.

2. All remaining provisions of the Contract for "Emergency Repairs to the Water & Collection System" not inconsistent herewith shall remain the same.

3. This Contract extension is awarded pursuant to N.J.S.A. 40A:11-15 because J. Fletcher Creamer & Son, Inc. has performed the services in an effective and efficient manner.

4. This Resolution, when countersigned by J. Fletcher Creamer & Son, Inc. shall serve as an amendment to the original Contract for "Emergency Repairs to the Water & Collection System" for the purpose of confirming the extension of the Contract term from July 22, 2022 to July 23, 2023, and not-to-exceed contract price of \$192,311.91 for the extended period.

5. A copy of this Resolution shall be placed on file in the Office of the Borough Clerk.

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The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 7-22-173

WHEREAS, the Borough of Highland Park has a need for the services of an Environmental Consultant who is a Licensed Site Remediation Professional (“LSRP”) in connection with litigation entitled JSM at Highland Park, LLC v. The Borough of Highland Park, Docket No. MID-L-4958-17; and

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

WHEREAS, Jonathan Perse, P.G., Cornerstone Environmental Group, LLC, is an LSRP licensed in the State of New Jersey, license #627729; and

WHEREAS, the Mayor and Council desire to provide a written agreement providing for the compensation of Jonathan Perse to serve as the Borough’s Environmental Consultant in connection with the above-referenced matter; and

WHEREAS, funds for this purpose are not to exceed the amount of \$10,000.00 without further resolution of Council; and

WHEREAS, funds will be available for this purpose in the amount of \$10,000.00 in Account No. 2-01-20-155-235 as reflected by the certification of funds available by the Chief Financial Officer certification no. 2022-10.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough, an Agreement for professional services with Jonathan Perse, P.G., LSRP, a copy of which is attached hereto, and that notice of this contract be published as required by law and that a copy of the executed Agreement be placed on file in the Office of the Borough Clerk.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 7-22-174

WHEREAS, the Borough Council of the Borough of Highland Park adopted its 2022 Municipal Budget on May 3, 2022; and

WHEREAS, the state has still not certified the budget to the County Tax Administrator so that the 2022 tax rate can be established; and

WHEREAS, the tax collector cannot bill 3<sup>rd</sup> quarter until an official rate is set by the County Tax Administrator; and

WHEREAS, N.J.S.A 54:4-67 authorizes Council to provide a ten grace period following the required payment date or twenty-five calendar day period after mailing of the tax bills during which interest will not be charges.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland park that the grace period for the 2022 third quarter taxes be extended twenty-five (25) days from the actual date of mailing.

BE IT RESOLVED that pursuant to N.J.S.A 54:4-66.5 no interest shall be charged on unpaid third quarter 2022 taxes provided the same are paid on or before twenty-five (25) days from date of mailing, and provided further that interest thereafter shall be payable at the rate of 8% per annum on the first \$1,500 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from August 1, 2022 until the date of actual payment.

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

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 7-22-175

WHEREAS, pursuant to duly advertised Notice to Bidders solicited pursuant to the provisions of the Local Public Contracts Law, on May 5, 2022 seven (7) bids were received for the 2021 Roadway Improvements Project-resurfacing and reconstruction of South 1st Avenue between Johnson Street and Valentine Street, Tenth Avenue between Raritan Avenue and Woodbridge Avenue, North Tenth Avenue between Abbott Street and Raritan Avenue, Lexington Avenue between the Borough limits and Raritan Avenue, and Alcazar Avenue between Central Avenue and Cherry Street; and

WHEREAS, the lowest bid was submitted by CCM Contracting, Inc. of Green Brook, New Jersey, with a bid of \$619,274.69; and

WHEREAS, the Borough Attorney’s office has reviewed the bid documents submitted by CCM Contracting, Inc. and advises that its submission is in compliance with the minimum bidding requirements; and

WHEREAS, the Borough Engineer has reviewed the bids and recommends that a contract be awarded to CCM Contracting, Inc. as the lowest responsible and responsive bidder; and



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WHEREAS, the award of this contract is subject to the approval of the New Jersey Department of Transportation, in accordance with a Municipal Aid Grant awarded to the Borough; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-825-001 in an amount not to exceed \$438,225.00 and Capital Account No. C-04-55-832-001 in an amount not to exceed \$181,049.69 available on July 6, 2022, for total amount not to exceed \$619,274.69 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2022-11.

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 Council hereby awards a contract to CCM Contracting, Inc. of Green Brook New Jersey for the 2021 Roadway Improvements Project for the not to exceed contract amount of \$619,274.69, subject to the approval of the New Jersey Department of Transportation as may be required.

2. The Mayor and Clerk are hereby authorized and directed to execute an Agreement consistent herewith.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:  
No. 7-22-176

WHEREAS, under the terms and conditions of the Public Contracts Law of the State of New Jersey, a municipality may purchase items without competitive bidding from a firm or corporation currently under contract with the State of New Jersey; and

WHEREAS the Highland Park Police Department is in need of ammunition; and

WHEREAS, under State Contract No. 17-FLEET-00721, the Borough may purchase said ammunition from Eagle Point Gun/T.J. Morris, 1707 Third Street, Thorofare, NJ 08086, at the State contract prices; and

WHEREAS, funds for this purpose are available in Current Fund Account No. 2-01-25-240-255 in an amount not to exceed \$15,000.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2022-12.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief of Police is hereby authorized and directed to purchase said ammunition from Eagle Point Gun/T.J. Morris, 1707 Third Street, Thorofare, NJ 08086 at a total cost not to exceed \$15,000.00; and

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

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 7-22-177

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highland Park formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "MA-2023-Improvements to Washington Avenue, Exeter Street, and Riverview Avenue -00470" to the New Jersey Department of Transportation on behalf of the Borough of Highland Park.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highland Park and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 7-22-178

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:

D'Andre Bell, Public Works Laborer, at an annual salary of \$41,620.80, effective July 5, 2022.

Walter Walker, Public Works Laborer, at an annual salary of \$41,620.80, effective July 5, 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.



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.

Jonathan Lerner, 228 Magnolia Street, commented about his street being dug up for gas main work by PSE&G and that they were told it would be repaved. He also commented about the conditions of other roads in the Borough.

Lois Lebbing, North 2<sup>nd</sup> Avenue, commented about another town dropping CME as their Engineer and going with an in-house Engineer. She also commented that the Borough had an in-house Engineer prior to hiring CME Associates in the 1980's.

Ruth Solomon, 704 South 1<sup>st</sup> Avenue, commented that she thinks her block has taken the brunt of the PSE&G work. They wrecked her curbing and she wanted to know who is responsible for the repair. She also commented about the noise.

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

Work Session:

Shade Tree Advisory Committee Ordinance Amendment – Councilman George noted that this is an amendment to the boards and commission's ordinance that was revised a couple of years ago to sharpen up the general rules for conducting meetings and to organize them all within one ordinance with regard to procedures. The Shade Tree Advisory Commission portion of the ordinance was dropped and the proposal was simply to bring the ordinance back into the boards and commission ordinance as it was originally drafted. However, there were a number of changes and state legislation regarding number of trees, qualified tree maintenance plans and some immunities granted to the Borough and to the volunteers for Shade Tree Advisory Committees which had been adopted in the meantime. They want to introduce an ordinance with the necessary changes to update our code to match the new State law. The Borough Attorney has worked with the two co-chairs of STAC and these are the updates that will bring our ordinance into compliance with State law.

Veo Scooter – Mayor Brill Mittler asked the Assistant to the Borough Administrator to put together rules and regulations that renters of the e-scooters have to follow. Several of us have received questions from residents asking questions about them being ridden on the sidewalks and whether they have to wear helmets. Borough Administrator Jover noted that an email was circulated to the Governing Body with a link to the ordinance provisions as well as the rules of conduct that VEO abides by and riders have to abide by. People are not supposed to ride on the sidewalk, yet they do. It's going to be a constant effort to educate and inform people and try to guide them into the appropriation locations. People are not happy with parking in the public right-of-way in front of their homes, but that is allowed in most areas of town under our current protocols. As we learn where the ridership is and if we see large clusters of scooters accumulating regularly in neighborhoods, we might be able to identify additional forced parking areas. Helmets are not required, but they are highly recommended. They are not a requirement of the VEO Scooters, nor are they State law, but our ordinance encourages them. We do have plans to have the equivalent of a bike rodeo for e-scooters where VEO would come at no charge for demonstrations on use and how to get the app on their phones. Councilman George wondered if public safety could look at some of the parking because he's noticed a lot of scooters being parking and actually taking up a parking space. He specifically mentioned the area of Crowells Road where parking is at a premium. Borough Administrator Jover noted that there are forced parking areas downtown in those red taped areas where you are supposed to pickup and return the scooters. Councilman Hersh noted that he is a frequent user of the e-scooters and voiced his concern about underage riders riding around town. When we use these scooters we have to be responsible just like when we operate any vehicle in the roadway whether it's a bicycle, a skateboard or a car. It is important to take the e-scooters to a designate parking area or put them between the sidewalk and the street because that's where they belong. He wondered how often VEO comes to retrieve scooters as he sees them parked for quite some time around town. Councilwoman Canavera commented about her concern of underage children renting e-scooters and riding without helmets. Borough Administrator Jover will follow up with VEO to see if there is something we can do to beef up education and enforcement. Councilwoman Foster noted that she will bring this issue to the Public Safety Committee so that they can discuss it in more detail. She has seen kids as young as 10 years old riding scooters in the park with their families. Borough Administrator Jover noted that she has a meeting with VEO next week and looks forward to feedback from the Public Safety Committee that she can share with them.

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

Ayes: Councilpersons Canavera, Foster, George, Hersh.

Opposed: None.

Absent: Councilpersons Hale, Kim-Chohan.

No. 7-22-183

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from the closed session at close of tonight's open session.
2. The general nature of the subject matter to be discussed is as follows:  
JSM vs. Borough of Highland Park
3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

There being no further business, on motion made by Councilwoman Canavera, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:29 p.m.

Respectfully submitted,

Jennifer Santiago  
Borough Clerk