

REGULAR MEETING – SEPTEMBER 6, 2022

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, September 6, 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 September 1, 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 September 1, 2022, and has remained continuously posted as required by law.

Present: Mayor Brill Mittler; Councilpersons Foster, George, Hale, Hersh arrived at 7:59 p.m.; Borough Attorney Schmierer; Attorney Baumann; Borough Administrator Jover, Borough Clerk Santiago.

Absent: Councilpersons Canavera, Kim-Chohan.

Ron Breining, one of the Field Inspectors and the Project Supervisor, for the revaluation process appeared to give a presentation. Today was officially their start date for the revaluation, however due to inclement weather they were unable to go and perform any of the exterior inspections. People may have seen him driving around doing vacant lots or checking out properties. We typically do that during rainy days or snowy days in the latter parts of the year so we can try to be efficient in our data collection. There may be weather again tomorrow but they hope to get out at least a little bit tomorrow. On Thursday, they will start inspections for properties located on the North side. Once completed, they will do inspections in the Triangle and then move to the South side. There are only a few of them doing inspections right now, but they hope to have more hands on deck as the year progresses. Anyone with concerns or wanting an appointment to be scheduled prior to your initial visit should contact their office or contact the Tax Assessor's Office. They hope to complete initial inspections by mid-October and then they should be able to finish appointments and second attempts in early to mid-November. Our contact number is 1-866-957-1388 or you can visit our website ppareval.com. There is a Highland Park tab there and it has the initial contact letter and it has the brochure that is sent along with the letter that should answer a lot of general questions.

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

Councilwoman Foster reported that September is National Preparedness Month. We have lots of well needed rain, but need more of it to keep our reservoirs full and our plants happy. People should always have a ready kit available for emergencies with needed medications, flashlights, chargers, etc. and put in a place where they have easy access to it. More information will be posted on the Borough website about how to prepare and suggested items to pack in case of an emergency. Blood banks are in desperate need of blood and asking for people to donate this weekend at the New Jersey Blood Service Center, 167 New Street, New Brunswick. She mentioned the construction that is going on in town in some areas and the inconveniences some residents are experiencing. She asked residents to bear with them as they take steps to address those issues.

Councilman Hale reported that the Arts in the Park event is returning on Sunday, September 11th. This is a huge event for Highland Park and Main Street Highland Park. The event features artists from all over the State and from around the Country to come and show their wares. There's music and food and it's a big street party. The event will run from 11:30 a.m. to 4:30 p.m. on Raritan Avenue. The following week they will have an outdoor movie theater at 9:00 p.m. and they will be showing the movie Raising Arizona. There will be a Night Owl Market on the 17th. This is an arts and crafts market that runs from 4:00 p.m. to 8:00 p.m. The town wide garage sale will take place on the 17th and 18th. It is an opportunity to get out and walk around to see all the wonderful offerings that residents have out.

Councilman George reported that he drove the roads almost every day during the grinding and paving projects to see how we're doing. He gave a shout out to the Police Department, the Department of Public Works and the workers who really moved this large project along in a relatively short time. There is still a lot of inconvenience on River Road as the road was milled and is awaiting paving by the County. There are some changes in schedule for trash pickup this week because of the Labor Day holiday. Bulk trash pickup has been moved to start after the town wide garage sale. Recycling will be cancelled the week of the 20th.

Councilwoman Foster added to her report by noting that the Smart Street Program will launch tomorrow with a ribbon cutting at the Welkovits Pavilion at 3:30 p.m.

Borough Administrator Jover thanked everybody for their patience in getting through the PSE&G road restoration. She knows that they could do better with the no parking signs and they will continue to refine the protocols. If all goes well, this is the last week for milling and paving. After the completion of the PSE&G paving work, there are a bunch of Borough roads that will be paved this year. PSE&G can only restore the amount of square footage that they disturb and that is to protect the ratepayers. We try to get as much of the roadway improved as is reasonable and then we try to fold our road projects around that. Some roads are halfway paved and we will be inspecting those roadways and if it makes sense to come back in a future Borough project to complete the remaining half. You will see a portion of South 4th Avenue not repaved and the concrete areas on Johnson Street and Montgomery Street not done. Those roadways will be addressed as part of the upcoming Borough project. Information on the road projects can be found on the Borough website. The County will be doing some innovative striping for the Borough to make it a little more pedestrian and bicycle friendly by narrowing the roadway with some shoulder markers and allowing for parking spaces along River Road in front of the new building on the corner of River Road and Walter Avenue. The County will be looking at adding additional crossings across River Road on both sides of Walter Avenue and Harrison Avenue. They do paving one year and concrete work the next year. Lastly, there were some issues with improper parking on Walter Avenue and she believes the Police Department

is looking at the issue and they will put up some temporary signage. Permanent signage will be put up as soon as they have the mark outs and the bike lane will be installed next month. The developer's contractor will be doing that work under the supervision of the Borough.

Chief Abrams noted that a couple of weeks ago they started getting complaints about some of the parking and traffic issues on Walter Avenue. He had his Traffic Safety Unit take a look at it and they came up with a couple of ideas. The problem at the time was things were still under construction so there was nothing permanent. They went out today and put temporary no parking signs so they can enforce no parking on the wrong side of the street and parking against the flow issues. The Department of Public Works has to call for mark outs. Once that gets done, we should have signage up there and the ability to make sure people are parking correctly.

Borough Attorney Schmierer – No Report.

Mayor Brill Mittler reported that it was delightful to see young families and children walking to school with backpacks again all throughout New Jersey. It is a wonderful sight to see as we return to normalcy here in Highland Park and the rest of the State. She has also been enjoying the Facebook photos proud parents have been posting of their sons and daughters in new grades and she wished all the children, their parents, their teachers and school administrators much success this year. As you are all aware, all of us at Borough Hall, your Council Members and I, plus the staff were working all summer to help make improvements in our town. We've recently received official notice that we were awarded three grants for projects in town. First, a \$150,000.00 New Jersey Urban Community Forestry grant for community forestry activities led by our Shade Tree Advisory Committee; a \$7,674.00 grant from the Municipal Alliance for mental health and drug prevention efforts in the public schools overseen by our Community Center staff; and a \$5,000.00 Youth Leadership Grant funded by the Governor's Council on Alcohol and Drug Abuse for prevention efforts in the schools. She thanked the staff and the Governing Body for achieving these grants. She has been working the last month and a half to identify grocery store options for our town in the wake of the decision of Stop and Shop to close sometime in 2023. She has been in discussions with the New Jersey Food Council to fine tune what our options are and who are the most likely candidates. We're also exploring how we can leverage our redevelopment plan and the contact it has given us with developers interested in the Borough to find a supermarket that can thrive in Highland Park. She thanked the Borough Administrator and Councilman Hale for their work on this. Lastly, she is pleased to announce, that barring no surprise Covid outbreak, the Borough will return to in-person Council Meetings on Tuesday, November 1st. These meetings will be fully in person meaning all participation is in real life and there will be no hybrid remote components. The meetings will be broadcast live on our Fios and Optimum Cable access channels as well as the YouTube channel.

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 2nd Avenue, commented that she wanted a more detailed explanation for item 14a on the consent agenda regarding microgrid services. She also asked for an explanation of item 14i on the consent agenda regarding special environmental counsel for JSM vs. Highland Park.

Marion Sackrowitz, South 5th Avenue, commented about item 14i on the consent agenda that authorizes an additional \$50,000.00 for legal fees in addition to \$200,000.00 that had been previously authorized. She asked for status update on that litigation matter and noted that she is concerned that so much money is being spent before the property is remediated.

Mary Forsberg, 317 Denison Street, commented about the addition of Wachovia Bank and the Parktown building to the redevelopment. She commented that they have picked the one spot in town that is quite successful, the farmer's market, to be redeveloped. She doesn't believe they have done research on the kinds of things Highland Park really needs. She asked about the parking study that was done. She does not believe in Mr. Constantine's vision for the borough and suggested they find other planners.

Peter Spool, 146 Graham Street, commented that he recently visited the farmer's market in Metuchen and saw their redevelopment of a large parking lot with a multi-story building with a parking garage adjoining the building. There was also a very nice large square adjoining the parking deck where they have their farmer's market. He suggested they use Metuchen for comparison rather than a larger town for ideas. As for the redevelopment plan, he hasn't seen anything concrete about what the advantages are for residents,

Abby Stern Cardinale, Harper Street, spoke in favor of the redevelopment as there is clear data on the benefit of redevelopment. She is a big proponent of parks and redevelopment does not take away from that.

Hannah Shostack, 146 North 6th Avenue, commented about the Mayor coming up with ideas to keep Stop and Shop in town. She wondered if doing a redevelopment and having a pilot if they would pass along the savings to keep the supermarket.

Nora Krieger, 19 North 6th Avenue, asked who owns the Stop and Shop property and whether or not they own the entire block.

Marian Sackrowitz, North 5th Avenue, commented that it is her understanding that the Borough lost the lawsuit against Jack Morris about payment for the remediation. Borough Attorney noted that the lawsuit has not yet been decided.

Mary Forsberg, 317 Denison Street, commented about Peter Spool's earlier comments about Metuchen. That area as a train station and the parking lot and those apartments are connected to that station. She noted that the Stop and Shop property according to the tax records is owned by Nassau Industries.

Peter Spool, 146 Graham Street, commented that Abby's comments were vague because he was looking for more specifics. He thanked the Mayor for being willing to provide those when he brought up Metuchen. He thinks there are advantages with a larger site than with the smaller multiple sites that they've been looking to redevelop.

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

The ordinance amending Chapter 230 concerning the deed restricted control periods and mandatory set-aside requirements was tabled from consideration, on motion made by Councilman Hale seconded by Councilwoman Foster and carried by the following roll call vote, to wit:

Ayes: Councilpersons Foster, George, Hale.

Opposed: None.

Absent: Councilpersons Canavera, Kim-Chohan.

The Clerk reported advertising an ordinance entitled, ORDINANCE NO. 2056: "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY AMENDING CHAPTER 9 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CONCERNING 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 Councilman George, seconded by Councilman Hale, and carried by unanimous affirmative voice vote, the above-entitled ordinance was taken up on final reading by title.

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

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

On motion made by Councilman George, seconded by Councilman Hale, the ordinance entitled as above, being Ordinance No. 22-2056, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, George, Hale, Hersh.

Opposed: None.

Absent: Councilpersons Canavera, Kim Chohan.

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

No. 9-22-205

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2056: "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY AMENDING CHAPTER 9 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CONCERNING 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 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 Clerk reported advertising an ordinance entitled, ORDINANCE NO. 2057: "AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CHAPTER 197: FLOOD DAMAGE PREVENTION", 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 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.

Lois Lebbing, North 2nd Avenue, asked whether what is written in this ordinance will echo the State code.

Damien Consort, Lincoln Avenue, asked if there is anything in the code that would mitigate existing conditions.

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

On motion made by Councilwoman Foster, seconded by Councilman Hale, the ordinance entitled as above, being Ordinance No. 22-2057, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, George, Hale, Hersh.

Opposed: None.

Absent: Councilpersons Canavera, Kim Chohan.

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

No. 9-22-206

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2057: "AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CHAPTER 197: FLOOD DAMAGE PREVENTION", 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 Clerk reported advertising an ordinance entitled, ORDINANCE NO. 2058: “AN ORDINANCE PROHIBITING FIREARMS IN PUBLIC BUILDINGS 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 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.

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 George, the ordinance entitled as above, being Ordinance No. 22-2058, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster, George, Hale, Hersh.

Opposed: None.

Absent: Councilpersons Canavera, Kim Chohan.

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

No. 9-22-207

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2058: “AN ORDINANCE PROHIBITING FIREARMS IN PUBLIC BUILDINGS 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 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 Clerk reported that an ordinance entitled, AN ORDINANCE CONCERNING THE BOROUGH OF HIGHLAND PARK AFFORDABLE HOUSING PROGRAM AND AMENDING CHAPTERS 86 AND 230 OF THE “CODE OF THE BOROUGH OF HIGHLAND PARK” CONCERNING DEED RESTRICTED CONTROL PERIODS AND MANDATORY SET-ASIDE REQUIREMENTS, had been introduced in writing by the Economic Development and Planning Committee for consideration of passage on first reading by title.

On a motion made by Councilman Hale, seconded by Councilman George, 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.

Opposed: None.

Absent: Councilpersons Canavera, Kim-Chohan.

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

No. 9-22-208

WHEREAS, an Ordinance entitled, AN ORDINANCE CONCERNING THE BOROUGH OF HIGHLAND PARK AFFORDABLE HOUSING PROGRAM AND AMENDING CHAPTERS 86 AND 230 OF THE “CODE OF THE BOROUGH OF HIGHLAND PARK” CONCERNING DEED RESTRICTED CONTROL PERIODS AND MANDATORY SET-ASIDE REQUIREMENTS, 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 Wednesday, October 19, 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. 9-22-209 through 9-22-220 were duly adopted on a 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.

Opposed: None.

Absent: Councilpersons Canavera, Kim-Chohan.

Abstain: None.

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

No. 9-22-209

WHEREAS, "The Electric Discount and Energy Competition Act," P.L. 1999, c. 23 ("EDECA") authorizes the New Jersey School Boards' Association ("NJSBA" or "Lead Agency") to obtain electricity and other energy-related services for local boards of education and municipalities; and

WHEREAS, NJSBA has formed the Alliance for a Competitive Energy Services, hereinafter referred to as "ACES," a Cooperative Pricing System (E88-01-ACESCPS) to effectively obtain electricity and other energy-related services for its members; and

WHEREAS, N.J.S.A. 40a:11-10(b) authorizes municipalities to enter into cooperative pricing agreements; and

WHEREAS, ACES, has offered voluntary participation in a cooperative pricing system for the energy-related services to municipalities and counties; and

WHEREAS, the Borough of Highland Park ("Participant") is a current participant in the ACES Cooperative Pricing System;

WHEREAS, NJSBA and the New Jersey Association of School Administrators ("NJASA") has created, and is also offering, the ACESplus Program, which is designed to assist participating government entities with the evaluation and implementation of certain energy related programs;

WHEREAS, as a member of ACES, Highland Park desires to participate in the ACESplus Program for the purpose of designing a TCDER Microgrid as a part of the NJBPU's Microgrid Design Incentive Program; and,

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

1. This resolution shall be known and may be cited as the "ACES Cooperative Pricing and ACESplus Program Resolution for TCDER Microgrid Design Services."
2. Pursuant to the provisions of N.J.S.A. 40A:11-10(b), the Mayor and Clerk of the Borough of Highland Park are hereby authorized and directed to use the ACES Cooperative Pricing System Agreement and accept and execute a proposal from Gabel Associates which will be kept on file in the Office of the Borough Clerk.
3. Teri Jover, Administrator, or her designee is hereby authorized and directed to work with the Lead Agency, via its professional energy consultant Gabel Associates for the Participant under the ACESplus Program, as authorized by, and in accordance with the requirements of, the Local Public Contracts Law (N.J.S.A. 40A:11-4.6 and 4.1), EDECA and the Proposal at a cost not to exceed \$196,450.00.
4. The New Jersey School Boards Association, through ACES and its professional energy consultant, shall be responsible for complying with the "Local Public Contracts Law," N.J.S.A. 40A:11-1.1 *et seq.* and all other applicable laws in connection with the preparation, bidding, negotiation and execution of contracts in connection with the ACES Cooperative Pricing System and the ACESplus Program.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 9-22-210

WHEREAS, Shyamal K. Ghosh, and David Angel Jr. have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such License for the year 2022; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicant and has reported favorably upon said application;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicants are qualified and that public necessity and convenience would be served by the issuance of said License.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue an Operator Licenses to the aforesaid applicant.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 9-22-211

WHEREAS, pursuant to P.L. 1997, Chapter 99, a municipality may hold a tax lien sale within the last month of a calendar year for any unpaid taxes or other municipal liens or charges that are delinquent as of the 11th day of the eleventh month of the calendar year; and,

WHEREAS, an electronic tax sale provides a greater pool of potential lien buyers, thus creating a more complete tax sale process.

WHEREAS, the Tax Collector has solicited a quote for online tax lien services from ROK Industries, Inc. Agent/Realauction.com; and

WHEREAS, ROK Industries Inc./Realauction.com has the capability to conduct the sale according to the rules and regulations promulgated by the Division of Local Government Services.

WHEREAS, funds are available for this purpose in Current Fund Account No. 2-01-20-145-235 in the amount of \$7,500.00 and Current Account No. 2-05-55-500-233 in the amount of \$7,500.00 for a total amount not to exceed \$15,000.00, as reflected by the certification of funds available by the Chief Financial Officer, no. 2022-27.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, New Jersey, that the Administrator is hereby authorized and directed to contract ROK Industries/Realauction.com as the vendor for the online tax sale and the amount not to exceed \$15,000.

BE IT FURTHER RESOLVED that a certified copy of this resolution is 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. 9-22-212

WHEREAS, Highland Park's Neighborhood Preservation Program (NPP) Stakeholder Engagement Team desires to upgrade the poles along Woodbridge Avenue to enable the installation and illumination of annual holiday decorations; and

WHEREAS, PSEG has a program which allows municipalities to install and illuminate decorations during the winter holidays; and

WHEREAS, the Borough has funds available to pay for the upgrade of 44 light poles to accommodate holiday decorations in an amount not to exceed \$17,000.00 in Grant Account No. G-02-41-749-001 as reflected by the certification of funds available by the Chief Financial Officer, certification no. 2022-28; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized and directed to accept the quote for pole upgrades from PSEG, P.O. Box 14444, New Brunswick, NJ 08906-4444, at a cost not to exceed \$17,000.00.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Borough Administrator Chief Financial Officer forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 9-22-213

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:

- Henry Carle, Crossing Guard, at an hourly rate of \$19.75, effective 09/06/2022
- O'Dell Russell, Crossing Guard, at an hourly rate of \$19.75, effective 09/06/2022
- Symone Banks, Recreation Asst II, at an hourly rate of \$20.81, effective 09/01/2022
- Divir Ravee, Recreation Assistant II, at an hourly rate of \$20.81, effective 09/01/2022
- Charles Jackson, Laborer, at an annual salary of \$41,620.80, effective 09/19/2022
- Christopher Rampacek, Part-Time Firefighter, at an hourly rate of \$21.79, effective 06/02/2022

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 Public Safety Committee, was duly adopted as above:
No. 9-22-214

WHEREAS, Rich's Towing Service Inc., has filed with the Clerk of this Borough for a Wrecker/Towing License to operate heavy duty wreckers in this Borough under the provisions of the Ordinance providing for such license; and

WHEREAS, the Chief of Police has investigated said applicants and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determines that said applicants are qualified and that public necessity and convenience would be served by the issuance of such Licenses.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue Heavy Duty Wrecker/Towing Licenses to the aforesaid applicants.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 9-22-215

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units, including the Borough of Highland Park, to make purchases and contract for services through the use of nationally recognized and accepted cooperative purchasing agreements that have been developed utilizing a competitive bidding process by another contracting units within the State of New Jersey or within any other state; and

WHEREAS, by Resolution 5-09-166, adopted May 5, 2009, the Borough of Highland park entered into an agreement with a local cooperative called ESCNJ; and

WHEREAS, ESCNJ enters into contracts for a wide variety of goods and services; and

WHEREAS, the purpose of entering the contract with ESCNJ was to obtain better prices than the Borough would be able to obtain individually, and to save the Borough the expense of bidding; and

WHEREAS, there is a need for new fencing at the Municipal Recreation Complex to protect the new track, turf and lighting that was installed in collaboration with the Board of Educations; and

WHEREAS, the Borough Administrator has done research and recommends that the Borough utilize the following contract with ESCNJ for the purchase and installation of fencing at the Municipal Recreation Complex:

Item Description	Vendor	Amount	Contract No.
Fencing, Purchase, Installation and Repair	Rosando Fence Inc. T/A Fox Fence	\$65,840.00	ESCNJ #20/21-37

WHEREAS, the Borough has \$65,840.00 in funds available for this purpose in Capital Account No. C-04-55-830-001 as reflected by the certification of funds by the Chief Financial Officer, no. 2022-29; and

BE IT FURTHER RESOLVED, that the Borough of Highland Park be and is hereby authorized to executive and the Borough Clerk to witness any Contract with the above referenced vendor for the items and the amounts listed above.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 9-22-216

WHEREAS, pursuant to Resolution No. 3-22-86, adopted March 15, 2022, the Borough Council authorized execution of a contract with Hellas Construction, Inc. for Improvements to Highland Park Recreation Complex (Athletic Field), in an amount not to exceed \$1,974,540.00, without further resolution of Council; and

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

WHEREAS, it appears from Pay Estimate No. 4, filed by CME Associates, that certain work under said contract has been completed and approved, and there is due to Hellas Construction Inc. the sum of \$166,701.77 in accordance with said Pay Estimate for work performed from July 26, 2022 to August 23, 2022; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-830-001, in an amount not to exceed \$166,701.77, as reflected by the Certification of Funds Available by the Chief Financial Officer Lori Majeski, certification no. 2022-30; and

WHEREAS, the Borough Engineer has prepared the attached Change Order No. 2 to the said contract to allow for the deletion of the PA System with an overall decrease of \$7,500.00 in the contract amount; and

WHEREAS, Council has reviewed the proposed Change Order No. 2 for this contract and has approved the same subject to satisfaction of N.J.A.C. 5:30-11.9 relating to change orders;

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 Hellas Construction Inc. the sum of \$116,701.77, as certified by the Engineer in Pay Estimate No. 4, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary;

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Highland Park that Mayor Gayle Brill Mittler be and is hereby authorized and directed to execute Change Order No. 2, dated August 24, 2022, to the contract of Hellas Construction, Inc. upon satisfaction of N.J.A.C. 5:30-11.9 relating to the submission of a certification relating to the change orders to date, to the satisfaction of the Borough Attorney and Engineer; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Administrator, Chief Financial Officer and Hellas Construction Inc.

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

No. 9-22-217

WHEREAS, on March 3, 2020, the Borough of Highland Park engaged McManimon, Scotland & Baumann to serve as Special Environmental Counsel to assist the Borough in its representation in the matter known as JSM at Highland Park, LLC v. the Borough of Highland Park, Docket No. MID-L-4958-17; and

WHEREAS, there is a need to authorize an additional work on this case beyond the \$200,000.00 previously authorized by Borough Council and that additional amount is not to exceed \$50,000.00; and

WHEREAS, the Borough has funds available for this purpose in Current Fund Account No. 2-01-20-155-235, as reflected by the Certification of Funds Available by the Chief Financial Officer, no. 2022-32.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park in the County of Middlesex that the Council does hereby authorize an increase to the contract with McManimon, Scotland and Baumann, in accordance with the above-stated limitations.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Borough Administrator and Assistant Finance Officer.

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

No. 9-22-218

WHEREAS, on June 14, 2022, the Borough of Highland Park engaged GEI Consultants to provide geotechnical engineering expert witness services in connection with litigation entitled JSM at Highland Park, LLC v. The Borough of Highland Park, Docket No. MID-L-4958-17; and

WHEREAS, there is a need to authorize additional work on this case beyond the \$13,000 previously authorized by Borough Council by Resolution 6-22-157 adopted on June 14, 2022 and that additional amount is not to exceed \$12,000 as outlined in the attached proposal; and

WHEREAS, funds are available for this purpose in the amount of \$12,000.00 in account no. 2-01-20-155-235 provided for by the 2022 Municipal Budget, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no 2022-31.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park in the County of Middlesex that the Council does hereby authorize an increase to the contract with GEI Consultants, in accordance with the above-stated limitations; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Borough Administrator and Assistant Finance Officer.

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

No. 9-22-219

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

WHEREAS, the Borough of Highland Park Fire Department is in need communications equipment, specifically a desktop base station for the firehouse dispatch office, mobile radio units for vehicles capable of multiband talk groups, and 30 portable radios; and

WHEREAS, the Borough of Highland Park Police Department has 30 portable radios available for use by the Fire Department pending reprogramming; and

WHEREAS, under State Contract No. 83932, the Borough may contract with Tactical Public Safety for the purchase and installation of a Harris desktop station for a cost of \$3,883.10, purchase and installation of four (4) Harris mobile radio units for a cost of \$24,963.72, and reprogramming services for 30 Borough-owned Harris portable radios for a cost of \$1,875.00; and

WHEREAS, funds for this purpose are available in Current Fund Account No. 2-01-25-265-227, for an amount not to exceed \$30,721.82 as reflected by the certification of funds by the Chief Financial Officer, no. 2022-34.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator and Borough Clerk are hereby authorized and directed to arrange for the purchase, installation and reprogramming of the aforesaid communications equipment from Tactical Public Safety, 1036 Industrial Drive, West Berlin, NJ 08091.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Borough Administrator, Chief Financial Officer and Fire Supervisor.

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

No. 9-22-220

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 9/6/2022 can be found in the Bills List Journal Book No. 42.

The following resolution, introduced by the Council as a Whole, was 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.

Opposed: None.

Abstain: None.

Absent: Councilpersons Canavera, Kim-Chohan.

No. 9-22-221

WHEREAS, the Local Redevelopment and Housing Law (the "LRHL"), N.J.S.A. 40A:12A-1 et seq., as amended and supplemented authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment; and

WHEREAS, the Borough Council has determined to authorize the Highland Park Planning Board (the "Planning Board") to conduct a preliminary investigation of the grocery store property and certain other parcels adjacent to same identified on the Borough Tax Maps as BLOCK 3002, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, and 37, along with all streets and rights of way appurtenant thereto (collectively, the "Study Area") to determine whether all or a portion of the Study Area meets the criteria set forth in the LRHL, and whether all or a portion of said Study Area should be designated as an area in need of redevelopment; and

WHEREAS, the Study Area is currently designated as an "area in need of rehabilitation"; and

WHEREAS, the redevelopment area determination requested hereunder, in connection with the Study Area authorizes Borough Council to use all those powers provided by the LRHL for use in a redevelopment area except the power of eminent domain (a "Non-Condensation Redevelopment Area"); and

WHEREAS, the Borough Council therefore authorizes and directs the Planning Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Borough Council all in accordance with the LRHL,

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation, pursuant to the LRHL to determine if the Study Area satisfies the criteria set forth in the LRHL and should be designated a "Non-condemnation Redevelopment Area."

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein and appended thereto shall be a statement setting forth the basis of investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the LRHL, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area shall be an area in need of redevelopment.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment and evidence in support of those objection shall be received and considered by the Planning Board and shall be made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area and conducting a public hearing at which all objections to the proposed designation are received and considered, the Planning Board shall make a recommendation to the Borough Council as to whether the Borough Council should designate all or a portion of the Study Area as a Non-condemnation Redevelopment Area.

Section 7. If any part of this resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 8. A copy of this resolution shall be filed in the Office of the Borough Clerk.

The following resolution, introduced by the Council as a Whole, was 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.

Opposed: None.

Abstain: None.

Absent: Councilpersons Canavera, Kim-Chohan.

No. 9-22-222

WHEREAS, the Local Redevelopment and Housing Law (the "LRHL"), N.J.S.A. 40A:12A-1 et seq., as amended and supplemented authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment; and

WHEREAS, the Borough Council has determined to authorize the Highland Park Planning Board (the "Planning Board") to conduct a preliminary investigation of the grocery store property and certain other parcels adjacent to same identified on the Borough Tax Maps as BLOCK 3002, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, and 37, along with all streets and rights of way appurtenant thereto (collectively, the "Study Area") to determine whether all or a portion of the Study Area meets the criteria set forth in the LRHL, and whether all or a portion of said Study Area should be designated as an area in need of redevelopment; and

WHEREAS, the Study Area is currently designated as an "area in need of rehabilitation"; and

WHEREAS, because the Study Area is currently in an "area in need of rehabilitation" the Borough Council also authorized the preparation of a redevelopment plan; and

WHEREAS, LRK provided the Borough with a proposal, attached hereto as Exhibit A (the “Area in Need Study Proposal”), setting forth the manner and costs of the preparation of an area in need study for the Study Area; and

WHEREAS, LRK provided the Borough with a proposal, attached hereto as Exhibit B (the “Redevelopment Plan Proposal”), setting forth the manner and costs of the preparation of a redevelopment plan for the Study Area; and

WHEREAS, the Borough wishes to enter into an agreement with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion the area in need study for the Study Area, whichever is earlier, and for a contract amount not to exceed Seventeen Thousand Dollars (\$17,000.00), to be paid in accordance with the rates set forth in the Area in Need Study Proposal; and

WHEREAS, the Borough wishes to enter into an agreement with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of a redevelopment plan for the Study Area, whichever is earlier, and for a contract amount not to exceed Thirty-Six Thousand Dollars (\$36,000.00), to be paid in accordance with the rates set forth in the Redevelopment Plan Proposal; and

WHEREAS, the Borough hereby certifies that it has funds available to compensate LRK for the preparation of an area in need study and the preparation of a redevelopment plan for the Study Area in Account No. C-04-55-814-001 for an amount not to exceed \$53,000, as reflected by the certification of funds by the Chief Financial Officer, no. 2022-33; and

WHEREAS, said services are of a professional nature as to come within the purview of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as being contracts for rendition of professional services that do not require competitive bidding; and

WHEREAS, notice of the award of these contracts shall be published in a newspaper of general circulation in accordance with N.J.S.A. 40A:11-5(1)(a)(i),

NOW THEREFORE, **BE IT RESOLVED** by the Borough Council of the Borough of Highland Park, New Jersey:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Borough Council hereby authorizes a professional services contract with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of the area in need study for the Study Area, whichever is earlier, and for a contract amount not to exceed Seventeen Thousand Dollars (\$17,000.00), to be paid in accordance with the rates set forth in the Area in Need Study Proposal, all subject to the terms and conditions of the Borough’s form professional services agreement.

Section 3. The Borough Council hereby authorizes a professional services contract with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of a redevelopment plan for the Study Area, whichever is earlier, and for a contract amount not to exceed Thirty-Six Thousand Dollars (\$36,000.00), to be paid in accordance with the rates set forth in the Redevelopment Plan Proposal, all subject to the terms and conditions of the Borough’s form professional services agreement.

Section 4. The Mayor is hereby authorized and directed to execute professional services contracts in the form of the Area in Need Study Proposal and Redevelopment Plan Proposal attached hereto as Exhibit A and Exhibit B, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough’s counsel and professionals.

Section 5. The Borough Clerk is hereby authorized and directed, upon execution of the Area in Need Study Proposal and Redevelopment Plan Proposal in accordance with Section 4 hereof, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Borough upon such documents.

Section 6. This Resolution shall take effect immediately.

Section 7. A copy of this resolution shall be filed in the Office of the Borough Clerk.

Mayor Brill Mittler appointed Jeffrey Perlman to serve as a member of the Planning Board.

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.

Abby Stern Cardinale, Harper Street, commented about the public parks and the fact that a lot of maintenance work needs to be done at the Felton Street Tot lot and Karsey Street Park. She has discussed this with Councilman Hersh and has emailed him about this issue.

Lois Lebbing, North 2nd Avenue, asked why no explanation was given for item 14a on the agenda that she asked for in the earlier public discussion section. She commented that Highland Park has not adhered to the requirements for affordable housing on Cleveland Avenue.

Gabrielle Wilders, 24 Walter Avenue, commented about the parking issues over the weekend on Walter Avenue. She thanked Officer Bibby for coming out and listening to their concerns and Sergeant Soden, who followed up with her twice. She commented about the faded bike lane lines and noted that she believes another one way sign is needed on Walter Avenue. She also would like to see speed limit signs and parking signs.

Mary Forsberg, 317 Denison Street, questioned why the Zoning Board of Adjustment has not met for a number of years and how the zoning on tracts a, b, c and d was done without going to that board. She asked about a concept plan from 2016 that was done for a borough square.

Daniel Stern Cardinale, Harper Street, commented that he is bummed about the Stop and Shop situation but thinks the Borough can use this opportunity to rework that site and meet a number of specific needs. Thinks the Borough could link the lower part of Raritan Avenue with the upper part along with the Woodbridge Avenue corridor.

Lois Lebbing, North 2nd Avenue, asked again about item 14a on the agenda regarding microgrid project and whether this saved the borough any money

Mary Forsberg, 317 Denison Street, commented about the fact that in 2016, the Borough started authorizing bonding for purchasing properties and other various things for a Borough square. She commented about the condition of the gun and boat shop, the Bergen auto property and the houses that they purchased on South 3rd Avenue.

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

Work Session:

Drought Restrictions – Councilman George noted that the State and some of the water supply companies starting warning that we were getting into drought restrictions in the State of New Jersey. They have listed Central Jersey as an area of extreme drought right now. As of today, Middlesex Water said that their water supply appears adequate, but they’re still recommending volunteer conservation. Our ordinance requires that the Borough Engineer initially make a determination as to whether we’re in drought. He believes that the information from NOAA and the DEP and with the maps and the declarations that we are actually in an area of extreme drought. He understands that the announcement may be coming very shortly. He thinks that we should emphasize awareness and encourage residents to eliminate unnecessary water usage. He will be asking Public Safety to move forward with a resolution. We don’t declare a water emergency, our ordinance simply says that we implement water conservation measures.

The following resolution, introduced by the Council as a Whole, was 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.

Opposed: None.

Absent: Councilpersons Canavera, Kim-Chohan.

No. 9-22-223

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:
Attorney-Client Privilege Briefing
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 Councilman George, seconded by Councilwoman Foster, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Jennifer Santiago
Borough Clerk