

REGULAR MEETING – OCTOBER 19, 2022

A Regular Meeting of the Highland Park Mayor and Council was held via Zoom, on Tuesday, October 19, 2022, and was called to order by Mayor Brill Mittler at 7:03 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 October 14, 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 October 14, 2022, and has remained continuously posted as required by law.

Present: Mayor Brill Mittler; Councilpersons Foster, George arrived at 8:19 p.m., Hale, Hersh, Kim-Chohan; Borough Attorney Schmierer; Borough Administrator Jover, Borough Clerk Santiago.

Absent: Councilperson Canavera.

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

Councilwoman Foster reported that the Use of Force report from the Police Department was posted and there were no incidents of any type of use of force. The Police Department will be doing their trunk or treat on Monday, October 24th from 6:00 p.m. to 8:00 p.m. at the Community Center. Anyone interested in participating or helping out can contact Officer O'Mara. On Monday, October 24th, the Knights of Columbus will be giving their annual safety award to members of our Police Department, Fire Department and First Aid Squad at Police Headquarters at 4:00 p.m. October is Fire Prevention Month and residents are encouraged to change the batteries in their smoke detectors, carbon monoxide detectors and radon detectors. Information is available at sparkyschoolhouse.org. It can teach children how to recognize sounds for fire safety, fire safety in the kitchen and how to help people and keep safe. Pedestrian safety is important this time of year when it gets dark much earlier. We need to utilize sidewalks to keep each and every one of us safe. When crossing the street people should keep their heads up and drivers should slow down. Friday, November 11th will be the Veteran's Day parade that will begin at the Doughboy monument. Residents are urged to come out and show support for Veterans.

Councilman Hersh reported that Highland Park will be hosting a community blood drive on Wednesday, November 9th from 12:00 p.m. to 6:00 p.m. at the Community Center. He thanked Joe Romano and Kim McGraw and the staff at the Community Center for making this event become a reality. To ensure the event will be successful, we need at least 50 people to sign up to donate blood and it only takes one hour of your time and each donation can save up to three lives. To donate blood, visit nybc.org/drive and search sponsor code 65031. The annual Halloween costume parade and festival will be Sunday, October 30th from 1:00 p.m. to 4:00 p.m. at the Highland Park Community Center parking lot. There will be music, dancing, bounce houses, carnival games, face painting, crafts, refreshments and giveaways. The annual Veteran's Day observance and parade will start at 11:00 a.m. on Friday, November 11th at the Doughboy Monument. After the ceremony, the parade will proceed down Raritan Avenue, ending in New Brunswick. Joseph Anton Guchek, Sr. will serve as the Grand Marshal. The annual Bike Rodeo, powered by the Highland Park Police Department, Keep Middlesex Moving, the New Brunswick Bike Exchange and the Safe Walking and Cycling Committee was a fun and educational success. The event, which took place at the Bartle School parking lot on October 12th and featured safety tips, protective and reflective gear, free bike inspections and a road safety course. The borough regularly hosts bike, automobile and pedestrian safety programs to keep up-to-date on efforts to make Highland Park safer for cyclists and pedestrians. To volunteer, reach out to Sgt. David Soden at the Police Department. Safe routes to school is funded to improve our key crosswalks, pedestrian ramps and our bicycle and pedestrian plan. It maps out the long-term vision for bicycle and pedestrian mobility in Highland Park. He thanked the Safe Walking and Cycling Committee for their hard work and Councilwoman Susan Welkovits. Highland Park High School's class of 1982 will host a fundraiser to name the Robert Stevens Auditorium stage in memory of their classmate Willie Garson Paszament whose love of acting flourished on that stage. Willie was probably best known for his portrayal of Stanford Blatch on the HBO show Sex in the City. The entry path to the school will be lined with engraved bricks personalized for the donor. There a limited number of bricks available and they will be installed by the end of the year. To donate a brick, go to donate.brickmarkers.com/HPHS. If you have any questions you can email him or you can email LeafYourMark HP@gmail.com. The money raised will also be used to upgrade the sound system in the auditorium. The track and field restoration is complete. He encouraged everyone to go down and reclaim this valuable community asset that was out of commission for a while. Many thanks to the contractors that worked on this project as well as borough staff for seeing this project through.

Councilman Hale reported that Main Street Highland Park will be having a Jack-o-lantern carving contest on Monday, October 31st. Bring your carved pumpkins to the Main Street offices at 212 Raritan Avenue between 9:30 a.m. and 2:30 p.m. They will be put out under the Welkovits pavilion from 2:30 p.m. to 5:30 p.m. for a public judging. There will be pictures of them posted online and voting will continue through November 3rd. The winner gets a Highland Park gift card to be used in Highland Park stores. The art crafter and maker market will take place on October 29th, November 11th and November 26th from 4:00 p.m. to 8:00 p.m. This is where we have local artisans and craft makers come and share their wares. On November 26th, there will be a gingerbread house contest and tree lighting. The menorah lighting will take place on December 18th. The Farmer's Market will continue through December. There is some new public arts that's up on Benner Street funded by the NPP program.

Councilwoman Kim-Chohan reported that she knows everyone has been patiently waiting for the property assessors to come around, but they've been a little bit behind. They are still finishing up with a prior town. She will provide updates on the process. She mentioned the Anchor Program, which is the affordable New Jersey communities for homeowners and renters that replace the homestead rebate program. Some people may have already received some applications in the mail. If you did not, you can go on the State website. Deadline to apply is December 30th. It applies to renters and homeowners.

Borough Administrator Jover – No Report.

Borough Attorney Schmierer – No Report.

Mayor Brill Mittler reported that she was delighted to join so many of our residents and Councilman Hersh at the ribbon cutting for the Reformed Church of Highland Park's Affordable Housing Corporation's latest renovated property. This magnificent multi-family house will become home to several families recommended by the New Jersey Department of Community Affairs. Highland Park is a community rich in creativity and that is on full display in our downtown with our colorful and memorable park benches and murals. For the next few weeks our store windows will be filled with art displays for the annual Windows of Understanding event. She thanked Councilman Hersh, Liaison to the Arts Commission, and John Marron and the Arts Commission, as well as Main Street Highland Park for bringing these unique pieces to all of us. She also thanked Councilman Hale for the work he does with Main Street Highland Park. She thanked Highland Park resident Joe Romano for organizing an all-important blood drive that will be held on November 9th from noon to 6:00 p.m. at the Community Center. She introduced Tova Friedman as a Highland Park treasure. She published a book about her childhood experiences in Nazi Europe and the Nazi death camps. The book, the Daughter of Auschwitz tells her story and sends a message of warning to all of us living in today's world that hate quickly can turn to killing. She congratulated Tova on her book reaching the top recommended lists in several newspapers and communities across the country and the world. She congratulated Council President George for receiving one of this year's ANJEC Municipal Environmental Leadership Awards. This award is only for elected officials who promote causes and improvements in their communities. Finally, the next Council meeting is scheduled for November 1st and will be held in person in the Council Chambers. They will be following the same format as we have in the past but with live streaming capabilities. They will be looking into a new format for future meetings that might allow for some form of additional participation after November 1st.

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.

Mary Botteon, 709 Madison Avenue, commented on the proposed ordinance for closing South 3rd Avenue and the fact that the ordinance should not be acted on. There are other aspects that should be fully explored. The Borough used a \$25,000 grant and taxpayer money to build the pavilion and now the Borough wants to move it. The Borough should have serious discussions with the conditional developer Mr. Tanzmann about accommodating public space at the front of their proposed building. The Borough should invest the money they receive from the Tanzmann sale to purchase the Sunoco site. Before passing the ordinance the Borough should get traffic data for South 3rd Avenue.

Alvin Chin, 31 South 3rd Avenue, commented that he is happy to see a rent control proposal on tonight's agenda. He is also pleased to see the affordability controls and set aside ordinance on the agenda and he encouraged them to adopt the ordinance. He commented about the pedestrian mall that they had during the pandemic and thought it was a great idea and that it is a great idea to make it permanent and he is opposed to delaying the vote to adopt the ordinance. He has seen a benefit to public safety and air quality from closing that street.

Lucinda Holt, 501 Raritan Avenue, commented that she wanted to express her support for a rent control ordinance. The State doesn't have specific rent control laws and there have been a lot of challenges in her building that has a new landlord. She received a new lease with a 52% rent increase.

Will Payne, 115 Lincoln Avenue, commented that he is in support of a rent control ordinance. He is in favor of the closure of South 3rd Avenue. He moved to Highland Park during the pandemic and he saw the great usage of that space.

Judy Yang, 14 North 2nd Avenue, commented about the closure of South 3rd Avenue and the fact that it does not make sense to close off the road when there is more traffic

David Hughes, 330 South 3rd Avenue, commented that he believes we should have a pedestrian mall for people to gather and be safe from cars. This will be a wonderful space where people can gather and enjoy fresh air.

Naomi Almond, 426 Benner Street, commented that streets are designed for cars not for pedestrians. The sidewalks on South 3rd Avenue have plenty of room for tables. By closing South 3rd Avenue, you are pushing cars elsewhere. She thinks it is a big mistake to put a pedestrian mall in the middle of town and in the middle of a thoroughfare.

Matt Cavanaugh, 521 South 3rd Avenue, spoke in favor of the pedestrian mall. He mentioned the FAQ information that was provided for this session and it seemed consistent with their long running planning efforts. He spoke in favor of the rent control ordinance as he is a renter.

James Shelton, 12 North 8th Avenue, spoke in favor of the pedestrian space on South 3rd Avenue. During the pandemic, it made the life of his wife and their children better and he hopes it comes back.

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

The Clerk reported advertising an ordinance entitled, ORDINANCE NO. 2053: "AN ORDINANCE CONCERNING THE BOROUGH OF HIGHLAND PARK AFFORDABLE HOUSING PROGRAM AND AMENDING CHAPTER 230 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CONCERNING DEED RESTRICTED CONTROL PERIODS AND MANDATORY SET-ASIDE REQUIREMENTS", 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 Hale, seconded by Councilwoman Foster, and carried by unanimous affirmative voice vote, the above-entitled ordinance was taken up on final reading by title.

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

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

On motion made by Councilman Hale, seconded by Councilwoman Foster, the ordinance entitled as above, being Ordinance No. 22-2059, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Canavera.

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

No. 10-22-232

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2059: "AN ORDINANCE CONCERNING THE BOROUGH OF HIGHLAND PARK AFFORDABLE HOUSING PROGRAM AND AMENDING CHAPTER 230 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CONCERNING DEED RESTRICTED CONTROL PERIODS AND MANDATORY SET-ASIDE REQUIREMENTS", 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. 2060: AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 328, "SEWER AND WATER", 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 Hersh, 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 Councilwoman Foster, seconded by Councilman Hale, the ordinance entitled as above, being Ordinance No. 22-2060, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Canavera.

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. 10-22-233

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2060: AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 328, "SEWER AND WATER", 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. 2061: AN ORDINANCE ESTABLISHING A PEDESTRIAN MALL ON SO. 3RD AVENUE PURSUANT TO N.J.S.A. 40:56-65 ET SEQ. IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, NEW JERSEY, 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 Hale, seconded by Councilman Hersh, and carried by unanimous affirmative voice vote, the above-entitled ordinance was taken up on final reading by title.

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

Ethan Schoolman, 423 Harrison Avenue, thanked the Mayor and Council for seeing this through and for creating a place to gather socially. Hopefully, this will persuade people not to drive everywhere and make the town beautiful and better for the earth.

Lois Lebbing, North 2nd Avenue, commented about the traffic backups on North 2nd, South 2nd and other streets as people try to maneuver to get around town. She suggested police and fire substations on the North side of town. She suggested they find an alternate site for this public space. The Council is not thinking clearly, they are focusing on Route 27 and they are not helping the citizens.

Paul Sauers, South 6th Avenue, commented that he wholeheartedly agrees that we need pedestrian malls. He was grateful for the mall on South 3rd Avenue during the pandemic. He thinks we need more great places like this.

Mary Botteon, 709 Madison Avenue, asked whether the Borough has ever approached Jack Morris about purchasing the Sunoco property. She thinks it would be a terrific location for the public square without causing the same amount of disruption.

Marian Sackowitz, 617 South 5th Avenue, commented that she is not opposed to the concept of a town square, however she is not sure that the benefit we're getting from this particular location is worth the

possible disruption. She has not seen evidence to show how this parcel can serve as the location for the farmer's market. She is concerned about loss of parking and the traffic flow.

Erin Kelly, 31 South 3rd Avenue, commented that she is a long-time resident and is a volunteer with the Safe Walking and Cycling Committee. She moved to the area of South 3rd Avenue in time to enjoy the pandemic era of the pedestrian mall. She is in favor of re-implementing this public space. From her front porch she has been able to witness the tremendous pedestrian activity on this block. She commended the Council for this proposal and encouraged them to adopt it.

Dan Stern Cardinale, 221 Harper Street, commented that he is in favor of opening the South 3rd Avenue pedestrian plaza. The pedestrian plaza is going to improve safety and it is also going to improve access to Route 27 by providing an avenue of access to something other than cars. A healthy town and a vibrant downtown is going to have spaces specifically for people on foot, for people on bikes and also for cars.

Sasha Rudy, 247 Cleveland Avenue, expressed her approval for the closure of South 3rd Avenue. She moved here from Texas in the middle of the pandemic and fell in love with the downtown. She was devastated when it was closed.

Harold Sackowitz, 617 South 5th Avenue, commented that he does not know whether this is a good idea or a bad idea at this location, but a public space is a good idea. Traffic will move onto other streets when they can't access South 3rd Avenue.

Lois Lebbing, North 2nd Avenue, commented that she agrees that we need a safe logical mall, but she has not heard anything about litter, noise etc. The Council is not thinking about congestion and the problems in turning. She thinks a larger space is needed instead of this small area.

Dan Stern Cardinale, 221 Harper Street, commented that repurposing spaces dedicated to cars for other uses will reduce car use.

Ruth Solomon, 704 South 1st Avenue, commented about the Sunoco property and the fact that it has been an eyesore for years. She asked how long a landlord can keep their property in that condition and she also asked about condemnation. She feels that property is a much better alternative for a public square.

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 Councilman Hale, seconded by Councilman Hersh, the ordinance entitled as above, being Ordinance No. 22-2060, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Canavera.

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilman Hale, seconded by Councilman Hersh, and carried by unanimous affirmative voice vote:
No. 10-22-234

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2061: AN ORDINANCE ESTABLISHING A PEDESTRIAN MALL ON SO. 3RD AVENUE PURSUANT TO N.J.S.A. 40:56-65 ET SEQ. IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, NEW JERSEY, 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 OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 7 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CONCERNING MOTOR VEHICLE PARKING REGULATION, had been introduced in writing by the Public Safety Committee for consideration of passage on first reading by title.

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

Opposed: None.

Absent: Councilperson Canavera.

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. 10-22-235

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 7 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK" CONCERNING MOTOR VEHICLE PARKING REGULATION, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, November 1, 2022, 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. 10-22-236 through 10-22-241 were duly adopted on a motion made by Councilman Hale, seconded by Councilman Hersh, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Canavera.

Abstain: None.

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

No. 10-22-236

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:

Melaina Squicciarini, Librarian, at an annual salary of \$59,752 effective 10/16/2022

Ophir Filhart, Seasonal Recreational Staff, \$13.00/hour, effective 09/22/2022

Christopher Lopes, Crossing Guard, \$19.75/hour, effective 10/16/2022

MaryAnn Autunnale, Principal Clerk Typist, \$46,443, Effective 9/01/2022

Maria Austin, Full-time DCS Driver, \$42,973.00, effective 11/01/2022

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 Recreation and Arts Committee, was duly adopted as above:

No. 10-22-237

WHEREAS, the Borough of Highland Park Community Services would like to apply for a \$5,000.00 to support the Borough's 2023 Parkstock Outdoor Summer Concert Series; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Highland Park Community Services are hereby authorized and directed to execute and submit, the grant application to County Project Support Grant Application-Arts Institute of Middlesex County.

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

No. 10-22-238

WHEREAS, the governing body of the Borough of Highland Park desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$150,000.00 to fund the following project: 2022 NJUCF Stewardship Grant-Reforestation and Tree Planting; and

NOW, THEREFORE, BE IT RESOLVED the governing body resolves that Mayor Gayle Brill Mittler or the successor to the office of the Mayor is authorized to make application for such grant, if award, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$150,000.00, and any amendments thereto which do not increase the Grantee's obligations.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Borough Council of Highland Park authorizes and hereby agrees to match 20% of the total project amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up to 100% of the match will be made up of in-kind serves (if allowed by grant program requirements and the agreement). The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

The following resolution, introduced by the Recreation and Arts Committee, was duly adopted as above:

No. 10-22-239

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. 5 and Close-Out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$84,896.00 and there is due to Hellas Construction Inc. the sum of \$59,079.22 in accordance with said Pay Estimate for work performed from August 24, 2022 to October 10, 2022; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-830-001, in an amount not to exceed \$59,079.22, as reflected by the Certification of Funds Available by the Chief Financial Officer Lori Majeski, certification no. 2022-36; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Hellas Construction Inc. the sum of \$59,079.22, as certified by the Engineer in Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of \$283,446.60, 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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 10-22-240

Council authorized execution of a contract with Top Line Construction Corp. for Improvements to South 4th Avenue, Johnson Street and Montgomery Street, in an amount not to exceed \$499,500.06, without further resolution of Council; and

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

WHEREAS, it appears from Pay Estimate No. 1, filed by CME Associates dated October 12, 2022, that certain work under said contract has been completed and approved, and there is due to Top Line Construction Corp. the sum of \$113,728.15 in accordance with said Pay Estimate for work performed from September 16, 2022 to October 10, 2022; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-829-001 as reflected by the Certification of Funds Available by the Chief Financial Officer Lori Majeski, certification no. 2022-37; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Top Line Construction Corp. the sum of \$113,728.16, as certified by the Engineer in Pay Estimate No. 1, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary;

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 Finance Committee, was duly adopted as above:
No. 10-22-241

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 10/19/2022 can be found in the Bills List Journal Book No. 42.

Mayor Brill Mittler appointed Karin Rabe to the Shade Tree Advisory Committee and Haley Hszung and Hayden Hszung to the Municipal Alliance.

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

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

Abstain: None.

Opposed: None.

Absent: Councilperson Canavera.

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.

Dan Stern Cardinale, 221 Harper Street, thanked the Council for approving the South 3rd Avenue ordinance. He looks forward to having that space back and is happy to see that the application process is moving forward.

Ethan Schoolman, 423 Harrison Avenue, thanked the Mayor and Council for a unanimous vote on the pedestrian plaza. It's going to be a long haul from here, but it's worth it. He thinks it is amazing to see the mobility revolution taking hold with electric scooters and bikes. We are lucky to live in a town where most kids in town can walk to school.

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

Work Session:

Rent Control – Mayor Brill Mittler noted that it has been way too long since we've looked at the issue of rent control in Highland Park. We've taken a look at the current rent control in Highland Park and have recommendations for some changes. Borough Administrator Jover noted that a memo was distributed to Council that the Borough Attorney drafted that walks through some of the key provisions. There is a rent leveling ordinance that is pretty much inapplicable to most renters in town. To establish this ordinance they had specific areas they needed to focus on in terms of policy direction, applicability and which properties this ordinance would apply to. The ordinance would apply to all properties in the Borough from one-family homes to garden apartment complexes. Any rental properties would be subject to the rent control ordinance, which is different than what the current ordinance provides. The original ordinance provided for three-family units with an elaborate registration process. We are suggesting a one-time registration and there is an obligation to keep contact information current. We have limited staff and they feel like their energies will be better spent on implementation of the ordinance and other areas of enforcement. In terms of a rent control board, the current ordinance provides for one and the recommendation is to have a three-person board represented by a landlord, a tenant and a person who is neither a landlord nor a tenant, staffed by myself or a designee. They would need to certify the annual rate increase as well as to hear and decide hardship appeals that may emerge. The rent increase formula that is being proposed would be tied to the CPI, the Consumer Price Index, with a caveat that the annual increase would be either that CPI calculation or a 5% cap, whichever is less. Vacancy decontrol means that when a tenant leaves an apartment that means that the unit is now decontrolled in that the landlord could adjust the rents according to market values. If someone is in a month to month lease because the annual lease has lapsed, that would trigger decontrol for that tenant. If it is the same tenant that goes month to month and they establish a new annual lease, the rent control provisions still apply. Non-waiver ability clause, would be a provision in the ordinance where landlords couldn't try to get the tenants to waive the rent control rights. For education and enforcement, they are suggesting a provision in the ordinance that requires landlords to disclose to their tenants that we do in fact have rent control and provides for a method of publication of that on the property somewhere. We thought it was important that people know their rights and landlords will need some education on this too. We are working with Code Enforcement about how we can make sure we notify the landlords about this ordinance. If we find there is a violation of this ordinance there are mechanisms to assess penalties and address the matter. The Borough Attorney's office has done a draft ordinance and some changes have been made since the Administration Committee met. They wanted to hear from the rest of the Council to make sure there aren't any other considerations that need to be addressed or clarified. Mayor Brill Mittler noted that Highland Park is 40% rentals and it is extremely

important that we pay more attention to this. In the past, increases in rent were higher and it only referred to multi-family dwellings and apartment complexes. Councilman Hale noted that the penalties for violations need to be strong enough that they'll be a deterrent. Borough Attorney Schmierer noted that the ordinances that they have reviewed refer to the general penalty provisions in the code. In the Borough's case, that would allow a fine up to \$2,000 on each violation and it can be a continuing violation if a landlord was to repeatedly violate and increase the rents when they weren't supposed to be increased. Councilman Hale asked if a fine could be retroactive for rent violations. It would be retroactive when the violation occurs not when the tenant realizes a violation. Councilman Hale asked about vacancy taxes on businesses and whether it could be part of this ordinance. Borough Attorney noted that it would be handled separately. Borough Administrator Jover indicated that this could be an item to be discussed at a future Economic Development Committee meeting. Councilman George noted that the old ordinance hasn't had any enforcement and visibility in decades. This ordinance will make it a much simpler, more straightforward and more tenant friendly process. He referenced the board that would be formed for an appeal. He asked if the ordinance designated the person who writes the violation, that it gets to the court in a timely fashion and that there is traction and teeth to the ordinance for the tenants. Borough Attorney Schmierer noted that the enforcement mechanisms have been transferred to the Code Enforcement Officer. Councilman Hersh thanked the tenant renter advocates who have shared their stories with him and Councilman Hale. This is an important ordinance and Highland Park has a high rental population that allows for economic diversity and keeps property values at a reasonable level. Councilwoman Kim-Chohan asked how the appeal process worked with the rent control board. Borough Attorney Schmierer noted that the new rent control board is charged with take care of these hardship requests whether it comes from a landlord of a tenant. If they approve it, it would automatically go into effect. Borough Administrator Jover noted that education would need to be done so that landlords know about the new ordinance. Mayor Brill Mittler noted that there is a standard percentage increase that is allowed on a year-to-year basis to the same tenant. Even if the landlord gets a bigger tax bill, they are still limited to the 5% increase, but could file a hardship. She asked whether the landlords would go to the rent control board that is being created. Borough Attorney Schmierer indicated that they would. Councilman Hale asked if the rent control board would need legal representation and if so, who would that be. That would be an expenditure for the Borough and we would have to figure out where that money comes from. Borough Attorney Schmierer noted that it is possible that they would if they started to receive a number of hardship appeals. They might need the assistance of an accountant to figure out what a reasonable rate of return should be for a landlord in town. He is the Rent Control Attorney in Ewing Township where they have a rent control board. During the year, that board has met four or five times and he has had to go to two meetings. Councilman Hersh asked how they determine a framework of hardships that could be considered complaints. Borough Attorney indicated that during an appeal, the rent control board would have to look at all factors, such as increased taxes, fuel costs, etc. to determine the rental increase. The ordinance would have to define hardship inquiries. Councilman Hersh asked if the ordinance would factor in cost of living increases and whether tenants would have to disclose their income. Borough Attorney Schmierer noted that they have not researched that part of it, but they will now and they will make sure that they can amplify that section to say what you can or cannot request from a tenant and what is personal or private. Councilwoman Kim-Chohan asked if there would be a liaison to this board. Discussion about which council committee it would fall under. There was also a suggestion to articulate the qualifications of the rent control board.

There being no further business, on motion made by Councilman Hale, seconded by Councilwoman Foster, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 9:32 p.m.

Respectfully submitted,

Jennifer Santiago
Borough Clerk