

REGULAR MEETING – NOVEMBER 22, 2022

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5<sup>th</sup> Avenue, on Tuesday, November 22, 2022, and was called to order by Mayor Brill Mittler at 7:01 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, and was posted on the Borough website at [www.hpboro.com](http://www.hpboro.com) and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on January 5, 2022, and has remained continuously posted as required by law.

Present: Mayor Brill Mittler; Councilpersons George, Hale, Hersh, Kim-Chohan; Borough Attorney Schmierer; Borough Administrator Jover, Borough Clerk Santiago.

Absent: Councilpersons Canavera, Foster.

Downtown Redevelopment RFP – Debra Tantleff gave a brief synopsis of her qualifications. Her company is working on redevelopment projects in Belmar and Millburn. They are working on the second phase of a project in Union with Fidelco, who is the joint venture partner for the proposed Tract A. They recently completed a gorgeous boutique project in downtown Red Bank and an affordable housing project for Veteran's in Jersey City. They focus on ground up multi-family and mixed use and specialize in downtown vibrancy. Fidelco is one of the most recognized developers in the State. They look to invest in communities that we believe the investment far extends beyond the four walls of whatever they are building. We tried to work together on this endeavor a number of years ago. For all of the efforts that we collectively put in, the timing wasn't right, the market wasn't there, and the timing for the properties wasn't there. The collaboration that existed between us was such a telling sign of the ability to work in partnership with this community. The steps that the Borough has taken since then are very telling of the cohesive vision that this community has. All of the work that you have done as a Borough to insure that the timing is right now speaks to your commitment and your willingness to engage with the private sector to help execute that vision. We have a long road ahead of us and a lot of work to do and she looks forward to doing the work together and getting their input and feedback in making this a collective vision.

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

Councilman Hersh reported that last week he attended the League of Municipalities Conference along with Councilwoman Kim-Chohan, Councilwoman Foster and Borough Administrator Jover. They attended workshops that help them refine being public officials and to learn secrets and tools that are available to Highland Park and to interface with State elected officials and to learn from other towns. The Recreation Department is hiring part-time referees, scorekeepers and sports clinic helpers for the winter and spring sports programs. Interested applicants should apply at [www.hpboro.com](http://www.hpboro.com). The Fresh Theater Arts Program for the spring is Peter Pan Jr. for 2<sup>nd</sup> through 8<sup>th</sup> graders and registration is open. There is an all new Jumping Jelly Beans Creative Movement Adult/Child classes for toddlers and pre-schoolers ages 2 through 5. Registration is open for indoor winter soccer clinics with Spencer Rockman and the professional Rovers coaching staff. Register at [www.highlandparkrec.com](http://www.highlandparkrec.com). The Highland Park Arts Commission is always active and has a subcommittee called the HP Guerilla Art Club led by Commissioner Nikki Gonzalez. This group promotes pop-up art in conjunction with the schools and they are responsible for the new mural at Bartle School. The next project is a holiday theme where they will be bringing winter cheer to sad littler berry trees and tiny bushes around town. You can get a decoration kit by sending an email to [highlandparkgac@gmail.com](mailto:highlandparkgac@gmail.com). The artists of the HP Guerilla Art Club helped paint the final piece of the Bartle school mural. This week, the New Jersey Society of Municipal Engineers awarded Highland Park and the Borough's engineering firm, CME Associates, 1<sup>st</sup> place in the category of municipal construction projects. With this and the completion of the Donaldson Park playground reconstruction, Highland Park is committed to working with or partners to address public space throughout town. As a community it is wonderful to be recognized for this effort. The track and field is an enormous asset for Highland Park and attracts events that will benefit Highland Park. It is a shared effort between the Borough and the schools with the invaluable support of our State government. He thanked Public Works Superintendent Mike Wiczorkiewicz, Construction Official Scott Brescher and Borough Administrator Teri Jover for their efforts. On November 9<sup>th</sup>, the Community Center hosted a blood drive and they had 62 registered donors, resulting in 44 lifesaving donations. These donations will help save the lives of approximately 132 patients. They are looking to schedule another drive in February in honor of Heart Awareness Month. He had an amazing time with the Highland Park Historical Commission. They organized a tour of Elmwood Cemetery to walk past burial sites of some famous Highland Parkers. They had a great turnout and will be organizing more events in the future.

Councilwoman Kim-Chohan reported that the deadline for the Anchor Program has been extended until January 31, 2023. This program replaces the Homestead Rebate Program and is a property tax relief program and renters can also apply. \$1,500.00 for homeowners earning \$150,000.00 or less, \$1,000.00 for homeowners earning more than \$150,000.00 up to \$250,000.00 and \$450.00 for renters earning \$50,000.00 or less. This is for the calendar year 2019. Visit [nj.gov/treasury/taxation/anchor](http://nj.gov/treasury/taxation/anchor) to apply.

Councilman Hale reported that he had an opportunity to be a coach for Rec Soccer this year. The field that the kids were able to use firsthand definitely deserves the award. The Neighborhood Preservation Program is moving full steam ahead. He thanked Borough Administrator Jover for filling in for Emma while she is on maternity leave. They are ordering furniture and will have festival lights for Woodbridge Avenue. Awnings will be put up and there will be potential grants for business owners to assist with those costs. NPP funded murals on Benner Street in front of the Teen Center and elsewhere. He thanked Jon Marron of the Arts Commission for finding muralists for the street art. Main Street Highland Park will be hosting a Black Friday Farmer's Market from 11:00 a.m. to 4:30 p.m. On Saturday, there will be a Small Business Artisan Craft Market from 4:00 p.m. to 8:00 p.m. On Saturday night, there will be the downtown tree lighting from 7:00 p.m. to 8:00 p.m. with a special visit from Santa. Saturday is also a gingerbread house contest from 4:00 p.m. to 8:00 p.m. On Sunday there will be another Small Business Artisan Craft Market from 1:00 p.m. to 5:00 p.m.

Councilman George wished everyone a Happy Thanksgiving. He offered condolences to the LGBTQ+ community because of the Club Q shooting over the weekend. Over the weekend, Sustainable Highland Park joined with the Lower Raritan Watershed Partnership to do a very large cleanup of Donaldson Park and the Meadows Trail floodplain area. It was a cooperative effort instigated by Sustainable Highland Park. Sustainable Highland Park is continuing their Adopt a Drain Program and are reviewing the success and expansion for the coming year. The Adopt a Drain Program was one of the programs that received an award at the Association of Environmental Commission meeting. He attended the Library Board of Trustees meeting this past week. The Library is engaged in a strategic plan for the coming years and developing a new set of guidelines under new management. In addition, they have a draft of the budget ready to start review. We are still waiting on some funding and they did get the second round grant, which is a matching grant with borough funds, that is slow to administer because of the pandemic and because it is backed by federal funds. He provided an updated report from the Department of Public Works prepared by Public Works Foreman Frank Troy. He emphasized the number of members that work in the department to accomplish the various tasks. The department collected 329 tons of trash and 88 tons of recycling in the month of October. Cardboard was up \$35/ton in September, but down by \$10/ton in October and that affects the bottom line. 12 tons of bulk trash was collected in the month of October. The street sweeper was in service 11 days. 19 work orders were submitted in the month of October and 17 of those work orders were completed. The Menorah lighting will also be taking place soon. The Fire Department gets to present Santa because he always rides on the truck. Last year, he was asked to step in and he noted the smiling faces of the children and how touching it was.

Borough Administrator Jover wished everyone a great Thanksgiving holiday and noted that the Borough is closed Thursday and Friday. Additionally, there is no recycling pickup this week.

Borough Attorney Schmierer reported that in May of this year, several Highland Park residents filed a lawsuit against the Borough and the Mayor and Council, both individually and in their official capacity regarding the cannabis ordinance. The complaint was an effort to block the Borough from opting into the state legal cannabis legislation known as the NJ Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (CREMA). It also challenged that state law itself. In June, the Borough, after reviewing the complaint filed a motion to dismiss this complaint on the grounds that it was not a timely filed complaint under the rules of court that they were challenging an ordinance way too late. Also, the various counts in the complaint failed to state a claim that could be awarded under New Jersey law. On July 22<sup>nd</sup>, there were lengthy arguments made before the court concerning this motion to dismiss this lawsuit. Finally, the court, who took that under advisement, this past Friday delivered an oral opinion on the record setting forth the court's determination. He is pleased to report that the court dismissed the entirety of the plaintiff's complaint. They dismissed it with prejudice, which means that the complaint cannot be filed again and also denied the plaintiff an opportunity to amend that complaint. The court determined that the plaintiff's challenge was untimely under the court rules, but further, went through each of the claims that were set forth in the voluminous complaint and made findings that there was no issue that could be raised under New Jersey involving the claim, for example, of racketeering, which appeared in there. There was also a claim of conspiracy amongst members of the Council and others in putting together the ordinance which followed the state law. There are a series of similar claims that the court specifically reviewed and specifically rejected. Accordingly, the challenge that was filed against the Borough, challenging the entire cannabis ordinance, has been dismissed and the court judgement is final. After the holidays, the Judge will issue what is known a written opinion and attach to the court order dismissing this lawsuit. The other side will have an opportunity to ask the court to reconsider and they have the ability to appeal, but we don't believe that any of those activities will be successful.

Mayor Brill Mittler noted that as our Borough Attorney, Mr. Schmierer, just reported we are pleased that a Middlesex County Court just dismissed a lawsuit against the town, which contested our right to license Cannabis dealers in Highland Park, a right stated in New Jersey State law. We believe this is the right move for our town, reflecting the strong support of a clear majority of Borough residents who voted in support of the NJ State Ballot Question in 2020 on the legalization of Cannabis. Highland Park's Farmers' Market is flourishing. Main Street Highland Park holds the market over nine months each year. The Farmers' Market has been a Friday staple in our community for over two decades. Today, our market has 55 total rotating vendors (up from approximately 25 total rotating vendors, 7 years ago) and averages approximately 30-40 vendors each week (up from approximately 15-18 each week 7 years ago). The Market provides space for small business incubation and offers free spaces to any HP-based business and municipal organization or office such as the HP Public Library, Recreation Department, etc. Additionally, the increased foot traffic in our downtown during each Market benefits all our brick and mortar retailers and restaurants. New customers and regular customers alike can be seen eyeing store windows, and sporting our retailer shopping bags filled with gifts, foods, florals, along with their produce bags, as well as dining at one of our many unique, ethnic restaurants. The Farmers Market also plays a role in feeding our community, including the food insecure members of our community. Many market vendors accept federally funded WIC vouchers; the entire Market accepts HP Food Pantry vouchers, and St. Peter's University Hospital vouchers. They are also exploring accepting vouchers from other local food pantry programs, to further their accessibility to the food insecure members of our community. The Farmers Market became a SNAP-authorized location last year. SNAP usage has about doubled since last year. The Good Food Bucks program has also seen twice the usage this year. This grant-funded program allows our market to double every SNAP dollar brought into the market with a Good Food Buck that can be spent at our produce vendors. This is made possible by grants we receive from USDA's City Green program and the Good Food Buck Network. Overall almost \$20,000 of food has been subsidized this year at the Farmers' Market in 2022. This is far and away more than any other year. Thank you, Rebecca and Javier and the Main Street Highland Park Board, for all your many efforts that have contributed to this remarkable growth of the Farmers' Market and its exemplary sense of mission. Last month I was pleased to join HP Public Schools Superintendent Dr. Kristina Nicosia, NJ Assemblyman Sterley Stanley, and others in celebrating the reopening of the \$2 million renovation of the recreation complex behind the Middle School and High School. This complex serves not only our school athletics programs, but all of our community members.

I'm happy to point out that we are not the only ones to recognize the fine quality of our new recreation complex. Earlier this month, at the annual convention of the New Jersey League of Municipalities in Atlantic City, the New Jersey Society of Municipal Engineers presented a first place award to the Borough's engineering firm, CME Associates, for their work on this project. Congratulations CME Associates! I'm happy to conclude my report with one more success story. As Dr. Nicosia wrote in a recent Facebook post: "We were delighted to read the news story, in the Star Ledger, that reported that "a popular, decades-old mental health counseling program will continue operating in 90 New Jersey school districts, at least temporarily, under a compromise that will allow Governor Phil Murphy's administration to move forward with a separate plan to create a state wide network of treatment services off-campus." This is in no small part due to our joint efforts and the support of Senator Diegnan! As you may recall, NJ State had announced plans to close the well-regarded Community Teen Center in the HP High School/Middle School, to shift the funds to a regional model. I joined with Dr. Nicosia and State Senator Patrick Diegnan in opposing this decision. The Senator and I visited the Community Teen Center, a few weeks ago, to hear testimonials from students, teachers, parents, and alumni on the far reaching impacts of the community teen center. We too are delighted to hear of this temporary respite for the Community Teen Center and will continue to push for its assured presence in our schools.

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.

Resident commented that he has been communicating with Councilman George and the Mayor regarding the need for recycling totes with lids and wondered when that would happen.

Marcia Shiffman, 131 North 6<sup>th</sup> Avenue, commented that she came tonight to hear the presentation on the redevelopment plan, but it was more of an introduction to the joint developers. She asked if the Borough could share information on the development team. Transparency is very important and it will move the project forward with the community. She thanked the Mayor for her report about Main Street Highland Park and their activities. Rebecca and Javier put an online application that will help the merchants apply for grants. Lastly, she commented about Stop and Shop and wondered if the Borough could provide an update on what is happening.

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

The Clerk reported advertising an ordinance entitled, ORDINANCE NO. 2063: 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, 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. 22-2063, was duly adopted by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilperson Canavera, Foster.

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

No. 11-22-255

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2063: 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, 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, ORDINANCE NO. 2064: "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", 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 Hersh, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilpersons Canavera, Foster.

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

No. 11-22-256

WHEREAS, an Ordinance entitled, ORDINANCE NO. 2064: "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", as follows, 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, December 6, 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. 11-22-257 through 11-22-266 were duly adopted on a motion made by Councilman George, seconded by Councilman Hersh, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: Councilpersons Canavera, Foster.

Abstain: Councilperson Kim-Chohan (Resolution No. 11-22-259).

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

No. 11-22-257

WHEREAS, the Mayor serves as the appropriate authority of the Highland Park Police Department; and

WHEREAS, disciplinary charges have been brought against a member of the police department and said member has requested a hearing on the charges; and

WHEREAS, the Mayor has determined it appropriate to delegate to a third-party her authority to hear and decide whether the charges have been sustained and what penalty, if any, should be imposed; and

WHEREAS, the Mayor has recommended that Michael Foligno, Elmwood Park Chief of Police, be appointed as hearing officer; and

WHEREAS, the Borough has determined that hiring Chief Michael Foligno is in the best interests of the Borough; and

WHEREAS, funds for this purpose are available in Account No. 2-01-25-240-233, for an amount not to exceed \$3,125.00 as reflected by the certification of funds by the Chief Financial Officer, no. 2022-38.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park, that Chief Michael Foligno is appointed as hearing officer to preside over the disciplinary hearing, and he shall hear the testimony, review the evidence and make a recommendation in writing at the conclusion of the hearing as to whether the charges are sustained and what penalty, if any, should be imposed by the Borough; and

BE IT FURTHER RESOLVED, that Chief Foligno shall be compensated at the rate of \$125.00 per hour to preside over the hearing and time expended related thereto, inclusive of his review of the testimony and evidence, and writing his recommendation, for an amount not to exceed \$3,125.00.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted as above:

No. 11-22-258

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

WHEREAS, the Borough of Highland Park's Implementation Plan for the Woodbridge Avenue Neighborhood Preservation Program (NPP) grant identified new outdoor street furniture such as garbage and recycling receptacles, benches and bike racks as a priority for the first year of the grant; and

WHEREAS, under State Contract No. 16-FLEET-00132, the Borough may contract with Landscape Forms for the purchase of ten (10) garbage receptacles for a cost of \$12,789.00, ten (10) recycling receptacles for a cost of \$12,789.00, five (5) benches for a cost of \$6,829.50, five (5) bike racks for a total of \$1,437.00, and shipping and handling costs of \$5,910.00; and

WHEREAS, funds for this purpose are available in Account No. G-02-41-749-001, for an amount not to exceed \$39,754.50 as reflected by the certification of funds by the Chief Financial Officer, no. 2022-40.

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 Landscape Forms, 7800 E. Michigan Ave, Kalamazoo, MI 49048-9543.

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

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

No. 11-22-259

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 \$250,000.00 previously authorized by Borough Council and that additional amount is not to exceed \$40,000.00; and

WHEREAS, the Borough has funds available for this purpose in Account No. 2-01-20-155-235, as reflected by the Certification of Funds Available by the Chief Financial Officer, no. 2022-39.

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 Recreation and Arts Committee, was duly adopted as above:

No. 11-22-260

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

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

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

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

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

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Highland Park Municipal Alliance for Grant Term Two: 9/1/23 – 9/30/25 in the amount of:

DMHAS Grant Funding	\$ 5,000.00
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2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

No. 11-22-261

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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

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

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

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

3. The Borough Council does hereby authorize submission of a strategic plan for the Highland Park Municipal Alliance grant for fiscal year 2024 in the amount of::

DEDR	\$7,664.00
Cash Match	\$1,916.00
In-Kind	\$5,748.00

4. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

No. 11-22-262

WHEREAS, traffic fatalities and serious injuries have been climbing since 2020; and

WHEREAS, Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all; and

WHEREAS, the Middlesex County Board of Commissioners has pledged to eliminate traffic fatalities and serious injuries on roadways in the County by 2040 and will work in partnership with municipalities, agencies, and other stakeholders to achieve that goal; and

WHEREAS, Assemblymen Robert Karabinchak and Daniel Benson and Senator Patrick Diegnan, sponsored bills which created a commission to study the effectiveness of Vision Zero; and

WHEREAS, the Borough of Highland Park supports policies and programs which reduce traffic crashes, deaths, and injuries.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highland Park supports the goals of Vision Zero and supports the plan of the Middlesex County Commissioners to eliminate motor vehicle crashes, fatalities and serious injuries.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 11-22-263

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:

Thomas Stephen, Crossing Guard, \$19.75 per hour, effective 11/21/2022

Angeryca Concepcion, Rec Asst, Part-Time, \$13.00 per hour, effective 10/09/2022

Justin Samson, Police Officer, \$44,449.00 annual, effective 12/01/2022

Jose Perez, On-call DCS Driver, \$26.00 per hour, effective 11/22/2022

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. 11-22-264

WHEREAS, Michael Valor, Manzoor Batth, and Richard Bernard Buck, 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 Licenses for the year 2023; and

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

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 Licenses.

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

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

No. 11-22-265

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized and directed to execute, on behalf of the Borough, the Middlesex County Office on Aging Grant Agreement in the amount of \$15,000.00 for the Highland Park Department of Community Services, a copy of which is attached to the original of this resolution.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 11-22-266

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 11/22/2022 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 George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, Foster.

No. 11-22-267

WHEREAS, the Borough of Highland Park, a public body corporate and politic of the State of New Jersey (the "Borough"), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (as same may be amended from time to time) (the "Redevelopment Law") to act as a redevelopment entity and to implement redevelopment plans and carry out redevelopment projects in the Borough; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Council caused a redevelopment plan to be prepared for certain property located within the Borough, entitled the "Downtown Redevelopment Plan for Tracts A-D" (the "Redevelopment Plan"); and

WHEREAS, on September 14, 2021, the Borough Council approved Ordinance No. 21-2030 adopting the Redevelopment Plan; and

WHEREAS, as described in the Redevelopment Plan, the properties identified as Tract A: Block 1704 [173], Lots 41-49 & Portion of Lot 20 ("Tract A"); Tract B: Block 2201 [13], Lots 6 & 9 ("Tract B"); Tract C: Block 2202 [22], Lots 4, 32.02 & 33.01 ("Tract C"); and Tract D: Block 1604 [158], Lots 20-26, 42, 50-51 & Portion of Lot 47, and Block 1603 [162], Lots 36-38 ("Tract D") on the Official Tax Map of the Borough (collectively, the "Properties") have been designated as an "area in need of rehabilitation," "area in need of redevelopment" and/or a "condemnation area in need of redevelopment"; and

WHEREAS, on December 7, 2021, the Borough Council approved Resolution 12-21-299, authorizing the issuance of a Request for Proposals (the "RFP") related to the redevelopment of Tracts A, C, and D; and

WHEREAS, the Borough received a proposal from Tantum Fidelco HP LLC (the "Conditional Redeveloper"), for Tract A and the Borough and the Conditional Redeveloper intend to pursue pre-development activities, including but not limited to review of the Conditional Redeveloper's proposal, negotiation in good faith and preparation of a redevelopment agreement and other related actions (the "Pre-Development Activities"); and

WHEREAS, the Conditional Redeveloper recognizes that the Borough will incur costs and expenses in connection with the Pre-Development Activities, and the Borough is willing to defray those costs and expenses, with no assurance of a particular result for the Conditional Redeveloper from the Borough; and

WHEREAS, the Borough wishes to enter into an interim cost and conditional redeveloper’s agreement with the Conditional Redeveloper (the “Conditional Redeveloper’s Agreement”), substantially in the form attached, to effectuate the funding of an escrow account and procedures for the payment therefrom of moneys to pay the Borough’s costs and expenses incurred in undertaking the Pre-Development Activities.

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

Section 1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Execution of Agreement. The Borough Council hereby authorizes the Borough Administrator to execute the Conditional Redeveloper’s Agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effectuate the transaction contemplated by this Resolution. However, neither the adoption of this Resolution, nor the execution of the Conditional Redeveloper’s Agreement authorized hereby, shall be construed in any way to bind the Borough to execute one or more definitive agreements with respect to the Project.

Section 3. Severability. 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 4. Availability of the Resolution. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.

Section 5. Effective Date. This Resolution shall take effect immediately.

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

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

Opposed: None.

Absent: Councilpersons Canavera, Foster.

No. 11-22-268

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that transfers of 2022 budget appropriation balances shall be made as follows:

Budget Transfer #2			
Description	From	To	
Communications OE	10,000.00		
Information Technology OE	10,000.00		
Board of Adjustments OE	5,000.00		
Group Insurance	40,000.00		
Legal OE		40,000.00	
Social Security		25,000.00	
	65,000.00	65,000.00	

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.

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

Work Session:

Rent Control – Borough Administrator Jover noted that she received a revised draft of the ordinance from the Borough Attorney’s office this week and she has been reviewing it and needs to have the Code Enforcement Officer review it as well. They should be able to finalize a draft of the ordinance and share it with the Administration Committee next week, with the intention of introducing the ordinance at the December 6<sup>th</sup> meeting. Borough Attorney Schmierer noted that the last issue he discussed today with the Borough Administrator was whether or not you could drop the impact or the coverage of the rent control ordinance down to every rental in the Borough. There is no state-wide rent control legislation and every ordinance they looked at does not go down to every rental unit in the town. They want to make sure that we have the ability to do that and to make sure that we are not violating some common law principle.

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 George, Hale, Hersh, Kim-Chohan.

Opposed: None.

Absent: Councilpersons Canavera, Foster.

No. 11-22-269

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:  
Litigation: Cappell v. Highland Park

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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 Hale, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:09 p.m.

Respectfully submitted,

Jennifer Santiago  
Borough Clerk