

BOROUGH OF HIGHLAND PARK
REGULAR MAYOR & COUNCIL MEETING
APRIL 2, 2019 - 7:00 PM

MISSION STATEMENT OF THE BOROUGH OF HIGHLAND PARK:

The Mission of the Highland Park Borough Council is to establish a government based upon the principles of good government: ethics, efficiency and the effective provision of services.

The Borough Council is committed to creating a thriving community, which is sustainable economically, environmentally and socially.

The Borough Council is further committed to creating a community which values its unique and diverse populations and encourages direct public participation in the governing process.

AGENDA

* Denotes Consent Agenda Posted Items. Ordinarily, consent agenda items, pursuant to Ordinance No. 919, are not read nor debated unless there is a request by a member of Council or the public. Furthermore, unless requested by a member of Council for a separate vote, all consent agenda items, as per Council's Rules of Order, Article IV, shall be considered in the form of one **MOTION**.

1. Call to Order and Open Public Meetings Statement.
2. Pledge of Allegiance.
3. Roll Call.
4. Presentations - Mill Brook Clean-Up.
5. **MOTION** to approve minutes of the Regular and Conference Meetings held January 15, 2019, as distributed.
6. Council Reports.
7. Borough Administrator's Report.
8. Borough Attorney's Report.
9. Mayor's Report.
10. Public Discussion. (15 minutes)
11. Clerk reports introduction of CAP Rate Exception Ordinance for consideration of passage on first reading by title.
 - a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.
(Resolution No. 4-19-114) **ROLL CALL VOTE**
12. Clerk reports introduction of 2019 Municipal Budget and Tax Resolution for consideration of passage on first reading by title.
 - a. **MOTION** adopt/reject 2019 Municipal Budget on first reading by title.
(Resolution No. 4-19-115) **ROLL CALL VOTE**
13. Clerk reports introduction of Financial Agreement Ordinance for 31 River Road for consideration of passage on first reading by title.
 - a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.
(Resolution No. 4-19-116) **ROLL CALL VOTE**
14. Clerk reports introduction of Overlay Zoning Ordinance for consideration of passage on first reading by title.
 - a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.
(Resolution No. 4-19-117) **ROLL CALL VOTE**

15. 4-19-118 Resolution to Approve Emergency Temporary Appropriations.
MOTION adopt/reject. **ROLL CALL VOTE**
CONSENT AGENDA - MOTION to adopt the following starred (*) items:
ROLL CALL VOTE
16. *4-19-119 Resolution to Authorize Execution of Agreement with Government Management Advisors LLC - Utility Consultants.
17. *4-19-120 Resolution to Approve Purchase of Police Equipment.
18. *4-19-121 Resolution to Authorize Application for Road Closing and Approve Street Fair.
19. *4-19-122 Resolution to Approve Payment of Bills for Water Main Repairs.
20. *4-19-123 Resolution to Refund Tax Overpayment for Tax Appeal – Block 154, Lot 11.
21. *4-19-124 Resolution to Approve 2018 Tonnage Grant Application.
22. *4-19-125 Resolution to Approve 2019 AARP Livable Communities Program Grant Application.
23. *4-19-126 Resolution Urging Adoption of Assembly Bill A-3818 and Amending Senate Bill S-2173, to Remove Religious Exemption as a Reason Parents Can Refrain from Having Their Children Vaccinated in New Jersey.
24. *4-19-127 Resolution Designating Council Representative and Mayor’s Designee to Middlesex County CDBG Committee.
25. *4-19-128 Resolution Authorizing the Borough Special Tax Attorney to Enter into a Stipulation of Settlement Relative to the Tax Appeal Captioned Benjamin Schellack vs. Borough of Highland Park.
26. *4-19-129 Resolution to Approve Bills List.
MOTION adopt/reject **ROLL CALL VOTE**
27. Mayor Brill Mittler appoints the following:
George Heibel Cable TV Advisory Committee
MOTION TO CONFIRM **ROLL CALL VOTE**
28. Clerk reports election of Volunteer Firefighters.
MOTION TO CONFIRM **ROLL CALL VOTE**
29. Open items.
a.
b.
30. Public Discussion.
31. 4-19-130 Executive Session: Police Personnel/Litigation – JSM.
MOTION adopt/reject. **ROLL CALL VOTE**
32. **MOTION** to adjourn to Conference Meeting.

BOROUGH OF HIGHLAND PARK
NO. 4-19-114

RESOLUTION: Finance Committee

WHEREAS, an Ordinance entitled, **CALENDAR YEAR ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221, South Fifth Avenue, Highland Park, New Jersey, on Tuesday, May 7, 2019 at 7:00 PM, for the purpose of considering said Ordinance on final passage.

BE IT FURTHER RESOLVED that 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 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.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
ORDINANCE NO. 19-
CALENDAR YEAR ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Borough Council of the Borough of Highland Park in the County of Middlesex finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5% increase in the budget for said year amounting to **\$446,066.38** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council of the Borough of Highland Park hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highland Park, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Highland Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to **\$466,066.38** and that the CY 2019 municipal budget for the Borough of Highland Park be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced and passed on
first reading by title April 2, 2019

ATTEST:

BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
Hale				
George				
Kim-Chohan				
Welkovits				

ADOPTED:

APPROVED:

ATTEST:

Joan Hullings
Borough Clerk

Gayle Brill Mittler
Mayor

DRAFT

BOROUGH OF HIGHLAND PARK
MIDDLESEX COUNTY, NEW JERSEY

BUDGET INTRODUCTION RESOLUTION
NO. 4-19-115

Municipal Budget of the Borough of Highland Park, County of Middlesex for the Year 2019

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019;

BE IT FURTHER RESOLVED that said Budget be published in the Home News Tribune, Neptune, N.J. in the issue of April 12, 2019.

The governing Body of the Borough of Highland Park does hereby approve the following as the Budget for the year 2019:

General Appropriations	
Appropriations Within "CAPS"	
Municipal Purposes	\$13,262,179.02
Appropriations Excluded from "CAPS"	
Municipal Purposes	2,856,780.21
Reserve for Uncollected Taxes – Based on Estimated 99+ Percent of Tax Collections	<u>200,000.00</u>
Total General Appropriations	16,318,959.23
Less: Anticipated Revenues Other Than Current Property Tax	<u>3,218,608.01</u>
Difference: Amount to be Raised by Taxes For Support of Municipal Budget:	
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	12,637,368.34
Minimum Library Tax	<u>462,982.88</u>
<u>Water & Sewer Utility Operating Fund:</u>	
Total Water & Sewer Utility Revenues	<u>\$4,903,123.99</u>
Total Water & Sewer Utility Appropriations	<u>\$4,903,123.99</u>

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, on April 2, 2019.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on May 7, 2019 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

ROLL CALL: Ayes:
 Opposed:
 Absent:
 Abstained:

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

BOROUGH OF HIGHLAND PARK
NO. 4-19-116

RESOLUTION: Council as a Whole

WHEREAS, an Ordinance entitled, "AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH 31 RIVER ROAD URBAN RENEWAL, LLC WITH RESPECT TO THE 31 RIVER ROAD REDEVELOPMENT AREA, 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, April 16, 2019 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.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
ORDINANCE NO. 19-

ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH 31 RIVER ROAD URBAN RENEWAL, LLC WITH RESPECT TO THE 31 RIVER ROAD REDEVELOPMENT AREA

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.* (the "**Act**") to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on December 20, 2016 the Borough Council of the Borough (the "**Borough Council**"), pursuant to and in accordance with the Act, designated the entirety of the area within the municipal boundaries of the Borough as "an area in need of rehabilitation" including property known as 31 River Road and identified as Block 183, Lot 24 on the official tax map of the Borough (the "**Property**"); and

WHEREAS, on August 14, 2018, the Borough Council adopted an ordinance adopting a redevelopment plan entitled the "*31 River Road Redevelopment Plan*" dated July 16, 2018 and prepared by LRK Inc., for the Property; and

WHEREAS, on December 4, 2018, the Borough Council adopted a resolution designating the Property as a "non-condemnation area in need of redevelopment" in accordance with the Act (the "**Redevelopment Area**"); and

WHEREAS, on December 18, 2018, the Borough Council adopted an ordinance adopting a redevelopment plan entitled the "*31 River Road Redevelopment Plan*" (the "**Redevelopment Plan**") dated December 4, 2018 and prepared by LRK Inc., for the Redevelopment Area; and

WHEREAS, 31 River Road Urban Renewal, LLC (the "**Entity**") is the owner of the Redevelopment Area; and

WHEREAS, the Entity proposes to redevelop the Redevelopment Area by constructing thereon a project consisting of 40 residential units including thirty-four (34) market rate units (seventeen (17) one-bedroom units and seventeen (17) two-bedroom units), six (6) affordable units that meet all the requirements of the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1 et seq.* ("UHAC"), as well as on-site and off-site infrastructure improvements (the "**Project**"); and

WHEREAS, despite the Entity's investment of equity and borrowed funds, such amounts are insufficient to feasibly pay for all of the costs associated with the development and construction of the Project; and

WHEREAS, the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "**Long Term Tax Exemption Law**") authorize the Borough to accept, in lieu of real property taxes, an annual service charge with respect to the Project; and

WHEREAS, the Entity submitted to the Mayor an application (the "**Application**"), which is on file with the Borough Clerk, for approval of a long term tax exemption for the Project; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement (the "**Financial Agreement**"), a copy of which is attached as an exhibit to the Application, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, pursuant to the terms of the Financial Agreement, in lieu of real property taxes on the Project, the Entity will pay an annual service charge (the "**Annual Service Charge**") to the Borough; and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Borough Council along with his recommendation for approval, a copy of which recommendation is on file with the Borough Clerk; and

WHEREAS, the Borough Council has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law, and hereby finds that the relative benefits of the Project justify the long term tax exemption requested in the Application,

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HIGHLAND PARK AS FOLLOWS:

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

Section 2. The Application and form of Financial Agreement are hereby approved.

Section 3. The Mayor is hereby authorized and directed to execute the Financial Agreement with the Entity in substantially the same form as that contained within the Application, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 4. Executed copies of the Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk. The Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough, the County Counsel and the Chief Financial Officer of Bergen County within 10 days of the execution of the Financial Agreement.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with law.

Introduced and passed on first
reading: April 2, 2019

ADOPTED:
ATTEST:

APPROVED:

Joan Hullings, Borough Clerk

Gayle Brill Mittler, Mayor

BOROUGH OF HIGHLAND PARK
NO. 4-19-117

RESOLUTION: Finance Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY CREATING A MULTI-FAMILY RESIDENTIAL-OVERLAY ZONE, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221, South Fifth Avenue, Highland Park, New Jersey, on Tuesday, May 7, 2019 at 7:00 PM, for the purpose of considering said Ordinance on final passage.

BE IT FURTHER RESOLVED that 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 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.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

Borough of Highland Park
Ordinance No. 19-_____

AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY CREATING A MULTI-FAMILY RESIDENTIAL-OVERLAY ZONE.

BE IT ORDAINED, by the Highland Park Borough Council, Middlesex County as follows:

The "Code of the Borough of Highland Park, 2010" is amended by adding thereto a new section of Chapter 230 Land Use creating a new multi-family residential-overlay zone, as new §230-134.1 and shall read as follows:

Section 1. Chapter 230 is hereby amended by adding the following:

Section 230-134.1. MFAH Multi-Family Residential-Overlay Zone.

- A. Purpose of MFAH Multi-Family Residential Overlay Zone. This residential overlay district is established in order to potentially address the Borough's future Fair Share Obligation, and for the following general purposes and is located in Block 47 Lots 27-75:
- B. Permitted principal uses.
- (1) Multifamily dwelling units.
- C. Permitted accessory uses.
- (1) Fences, walls and hedges.
 - (2) Storm-water structures and facilities.
 - (3) Temporary sales and construction trailers.
 - (4) Temporary marketing signs as per §230-115 of this chapter.
- D. Prohibited uses.
- (1) All nonresidential uses, such as but not limited to professional offices, institutional, commercial, industrial and educational uses, including signs.
 - (2) All residential uses not specifically permitted in this zone.
- E. Bulk regulations.
- | | |
|---|---|
| (1) Minimum Lot Area | 4 acres |
| (2) Minimum Lot Width | 200 feet |
| (3) Minimum Lot Depth | 500 feet |
| (4) Minimum Setback (from the southern tract boundary) | 280 feet |
| (5) Minimum Setback (from the northern tract boundary) | 10 feet |
| (6) Minimum Setback (from all other tract boundaries) | 30 feet |
| (7) Minimum Setback (from face of curb of access road and/or public street) | 18 feet |
| (8) Maximum Lot Coverage | 25% |
| (9) Maximum Impervious Coverage | 55% |
| (10) Minimum GFA/DU | 700 square feet |
| (11) Minimum Distance between Buildings (within tract) | 68 feet |
| (12) Minimum Distance between Buildings (off tract) | 40 feet |
| (13) Maximum Gross Dwelling Units/Acre | 19 units / acre, not to exceed 75 dwelling units on the tract |
- F. Number of buildings and dwelling units. There shall be two (2) multifamily buildings, with each multifamily building containing no more than 40 dwelling units, not to exceed a total of 75 dwelling units for the tract. The dwelling units shall be provided as a mix of studio, one-bedroom and two-bedroom units, except for affordable housing required to be three-bedroom units.
- G. Affordable Housing: A specific affordable housing set-aside of 15% (for rental units) or 20% (for for-sale units) of all residential units created within this zone shall be made available for very low-, low- and moderate-income families in a methodology consistent with the rules of the New Jersey Council on Affordable Housing (COAH) or any duly authorized successor entity of the State of New Jersey.
- (1) At least fifteen percent (15%) of all residential units shall be affordable to low and moderate-income households.

- (2) Affordable units shall be interspersed uniformly throughout the development.
 - (3) Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. The split between very low, low and moderate-income housing shall provide the following:
 - a. At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;
 - b. At least 50% of the affordable units shall be made affordable to low income units (the 50% requirement is inclusive of the 13% VLI requirement); and
 - c. The balance of units permitted at moderate income up shall not exceed maximum of 50% of all affordable units.
 - (4) Bedroom Distribution. A minimum of 20% of the affordable apartment dwellings shall be three-bedroom units. The remaining bedroom distribution shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
 - (5) The range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
 - (6) Affordable housing units shall be affordable family rentals and shall not be age-restricted or supportive housing units.
 - (7) The Borough designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
- H. Floor area. The maximum floor area ratio (FAR) shall be 0.70. For the purposes of this subsection, floor area shall include the total area of all of the stories of all structures on the tract, as measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following: interior balconies, mezzanines, and roofed and/or enclosed areas, with the exception of the floor area of a podium parking structure. If an attic space has a ceiling height of six (6) feet or greater, as measured from the floor to the roof rafter or truss, that portion of the floor area having a ceiling height of six (6) feet or greater shall be counted as floor area. If an interior space has a ceiling height of 12 feet or greater, that portion of the floor area having a ceiling height of 12 feet or greater shall be counted as floor area twice.
- I. Height. The maximum building height shall be 3 ½ stories and 48 feet, exclusive of podium parking structures.
- J. Podium parking structures. Podium parking structures shall be designed to be a less obvious feature as viewed from the access road and/or public street, as follows:
- (1) Vehicular access to the podium parking structure shall be from the south side of the building.
 - (2) The podium parking structure shall be at grade at the south side of the building.
 - (3) The podium parking structure shall not be greater than two (2) feet in height above pre-disturbance or finished grade, whichever is lower in elevation at the north side of the building.
 - (4) The podium parking structure may be exposed on the side of the building adjacent to the tract boundary in order to take advantage of natural ventilation.
 - (5) Any portion of the podium parking structure that is exposed shall be designed to utilize materials to match the remainder of the building above, shall be provided with foundation plantings in accordance with subsection O. and may utilize stoops and entrance platforms leading to any first-floor dwelling unit that front upon the access road and/or public street.

K. Permitted projections. Cornices, eaves, gutters, balconies, box bay windows, bay windows and chimneys may project a maximum of two (2) feet from an exterior building wall into any setback and building separation requirement. Stoops and entrance platforms leading to a first-floor dwelling unit may project a maximum of six (6) feet into any building separation requirement. Steps may project into any building separation requirement toward the access road and/or public street without limitation, provided that the steps do not encroach onto the public sidewalk along such access road and/or public street.

L. Parking.

(1) Parking shall be required in accordance with Residential Site Improvement Standards and shall be permitted on the access road and/or public street, in the form of parallel on-street parking spaces, in accordance with the dimensional standards thereof.

(2) Head-in or angled parking shall not be permitted along the access road and/or public street. Surface parking lots shall not be permitted in between buildings and shall be no closer than 200 feet to the southern tract boundary and 20 feet to all other tract boundaries. Indoor bicycle storage rooms and/or exterior covered bicycle racks shall be provided to accommodate a minimum of one (1) bicycle for each dwelling unit.

M. Open space.

- (1) A minimum of 30% of the tract shall be devoted to open space. To qualify as open space, the minimum horizontal dimension shall be 50 feet.
- (2) A walkway, bikeway or trail at least six (6) feet and not greater than 12 feet in width and designed to provide public access to the southern tract boundary (i.e., the Graham Street public right-of-way) shall be required and may be permitted to be considered as part of the open space requirement.
- (3) The developer may dedicate, and the Borough of Highland Park and/or County of Middlesex may accept, the open space for public use.
- (4) If the open space is not dedicated to the Borough of Highland Park and/or County of Middlesex, the developer shall grant a public access easement to permit the public to access and utilize the required walkway, bikeway or trail such that the public is able to gain access to the southern tract boundary (i.e., the Graham Street public right-of-way) from the northern tract boundary (i.e., the South Sixth Avenue public right-of-way), generally through the center of the tract. Additionally, the developer shall create a homeowners' association for the ownership and maintenance of the open space for the benefit of the owners and residents of the development. Such association shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the Borough of Highland Park and/or County of Middlesex.

N. Foundation plantings. The base of the building shall be provided with intensive and extensive foundation plantings consisting of evergreen and deciduous shrubs. Such plantings shall be a minimum of 30 inches tall at time of planting and spaced an average of three (3) feet on center. A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire facade facing the street. A variety of plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Of the required plantings, no more than 33% shall be of one species.

- O. Buffering and landscaping.
- (1) An existing and/or planted buffer shall be provided along the exterior tract line. The buffer shall be a minimum width of 20 feet. Planting material shall be at least six (6) feet in height at the time of planting and may contain replacement trees.
 - (2) All areas not devoted to structures, parking areas, and other required uses shall be landscaped in accordance with an approved landscape plan. Wherever possible, natural features shall be preserved.
- P. Tree replacement. Development within this zone shall comply with the Highland Park Tree Removal and Protection Ordinance (Chapter 388 of the Code). At least 80% of the required number of replacement trees, and not less than the number of trees that were removed, shall be provided on the tract. At least 80% of the replacement trees to be provided on the tract shall be located within the required open space area, with the remainder to supplement the required buffer and landscaping along the exterior tract line. Additionally, the Planning Board, in consultation with the Shade Tree Advisory Committee (STAC), may require that at least 50% of the replacement trees to be provided on the tract within the required open space generally at the southern portion of the tract be at least eight (8) inches in caliper. These replacement trees shall be located within the area disturbed for environmental testing and near or within the steep slopes for stabilization. In no case, however, shall the value of the replacement trees exceed that required under Chapter 388 of the Code
- Q. Retaining walls. Development within this zone shall comply with §230-100 of this chapter. Retaining walls shall be no closer than 20 feet to any tract boundary. Additionally, the base and the top of retaining walls shall be provided with intensive and extension foundation plantings consisting of evergreen and deciduous shrubs. Such plantings shall be a minimum of 30 inches tall at time of planting and spaced an average of three (3) feet on center. A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire facade facing the street. A variety of plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Of the required plantings, no more than 33% shall be of one species.
- R. Permitted signs.
- (1) One nonilluminated, residential development sign situated within the property line and not exceeding twenty-four (24) square foot on any surface.
 - (2) One non-flashing, nonilluminated temporary sign pertaining to the lease or sale of the same lot or building upon which it is placed, situated within the property lines and the premises to which it relates and not exceeding six square feet in area on any one side. The sign must be removed from the premises within two days after the property has been leased or sold.
 - (3) One non-flashing, nonilluminated temporary sign pertaining to a particular event, purpose or occasion, including electoral. Said sign must be removed within one day after the occurrence of the event and within 60 days of the posting of the sign, whichever comes first.
 - (4) No freestanding sign shall be located closer than 10 feet to any tract boundary and greater than 40 feet from the South Sixth Street public right-of-way at the northern portion of the tract.

Section 2. If there are any conflicts between this zoning section of the Code and the standards for the MFAH Zone, the standards for the MFAH Zone shall apply. If there are conflicts between the Highland Park Land Development Ordinance and the New Jersey Residential Site Improvement Standards (RSIS), the RSIS shall apply.

Section 3. If any section, paragraph, subparagraph, clause or provision of Section 230-134.1 shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect after final passage and publication and with the filing of a copy of the ordinance with the Middlesex County Planning Board, all of which as required by law.

INTRODUCED AND PASSED
ON FIRST READING: April 2, 2019

ADOPTED:

ATTEST:

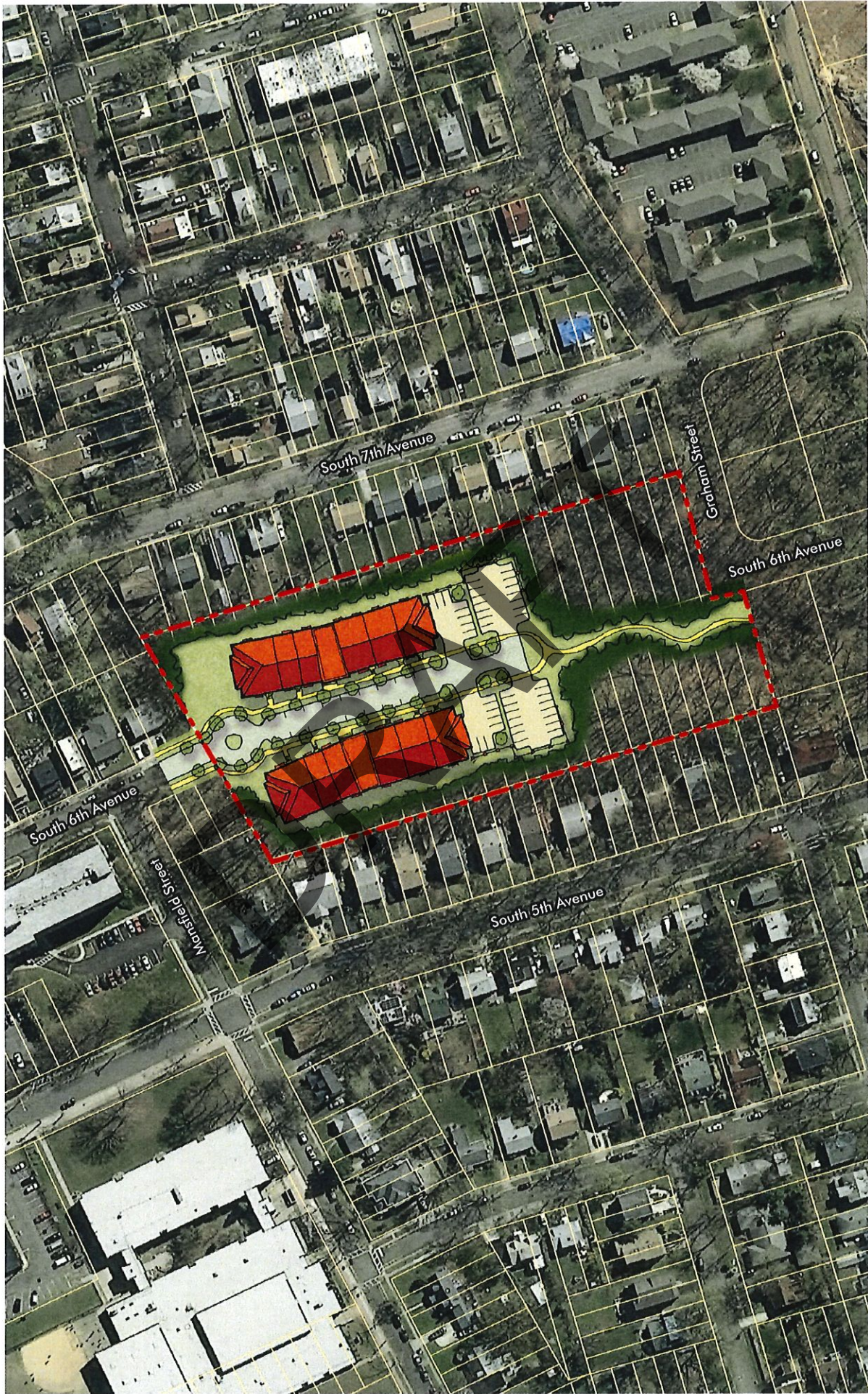
APPROVED: _____, 2019

Joan Hullings
BOROUGH CLERK

Gayle Brill Mittler,
MAYOR

DRAFT





BOROUGH OF HIGHLAND PARK
NO. 4-19-118

RESOLUTION: Finance Committee

WHEREAS, a need has arisen to provide adequate funds for certain budget items pending adoption of the Local Municipal Budget for 2019 and NJSA 40A:4-20 provides for the making of emergency appropriations in such cases; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of NJSA 40A:4-20 (Chapter 96, PL 1951), as amended, including this resolution, total \$8,952,638.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Highland Park (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20;

1. An emergency temporary appropriation be and the same is hereby made for the budgetary appropriations herein:

2019 TEMPORARY OPERATING BUDGET

DESCRIPTION	ACCOUNT NUMBER	2019 TEMPORARY BUDGET #7
BOROUGH ADMINISTRATION		
Salaries & Wages	20-100-1	74,768.00
Other Expenses	20-100-2	6,234.00
MAYOR & COUNCIL		
Salaries & Wages	20-110-1	13,766.00
Other Expenses	20-110-2	3,294.00
MUNICIPAL CLERK		
Salaries & Wages	20-120-1	77,809.00
Other Expenses	20-120-2	6,923.00
FINANCIAL ADMINISTRATION		
Salaries & Wages	20-130-1	16,150.00
Other Expenses	20-130-2	33,311.00
ANNUAL AUDIT		
Other Expenses	20-135-2	-
TAX COLLECTION		
Salaries & Wages	20-145-1	25,306.00
Other Expenses	20-145-2	3,885.00
TAX ASSESSMENT		
Salaries & Wages	20-150-1	23,268.00
Other Expenses	20-150-2	3,078.00
LEGAL SERVICES		
Other Expenses	20-155-2	91,875.00
ENGINEERING & PLANNING		
Other Expenses	20-165-2	5,775.00
COMMUNITY & ECONOMIC DEVELOPMENT		
Salaries & Wages	20-170-1	2,975.00
Other Expenses	20-170-2	28,088.00
INFORMATION TECHNOLOGY		
Other Expenses	20-140-2	28,744.00
CENTRAL SERVICES		
Other Expenses	20-316-2	21,656.00
PLANNING BOARD		
Salaries & Wages		2,975.00

Other Expenses	21-180-2	12,301.00
ZONING BOARD OF ADJUSTMENT		
Salaries & Wages	21-185-1	8,631.00
Other Expenses	21-185-2	3,977.00
HUMAN RIGHTS COMMISSION		
Other Expenses	21-195-2	1,000.00
GENERAL LIABILITY/WORKERS COMPENSATION		
Other Expenses	23-211-2	202,240.00
EMPLOYEE GROUP HEALTH		
Other Expenses	23-220-2	433,500.00
POLICE		
Salaries & Wages	25-240-1	1,362,237.00
Other Expenses	25-240-2	46,213.00
POLICE DISPATCH/911		
Salaries & Wages	25-250-1	85,286.00
Other Expenses	25-250-2	656.00
OFFICE OF EMERGENCY MANAGEMENT		
Other Expenses	25-252-2	3,000.00
FIRST AID CONTRIBUTION		
Other Expenses	25-260-2	-
FIRE		
Salaries & Wages	25-265-1	74,843.00
Other Expenses	25-265-2	18,769.00
LOSAP		
Other Expenses	25-265-2	4,331.00
MUNICIPAL PROSECUTOR		
Other Expenses	25-275-2	9,188.00
STREETS & ROADS		
Salaries & Wages	26-290-1	448,394.00
Other Expenses	26-290-2	31,946.00
APARTMENT COLLECTION		
Other Expenses	26-305-2	56,175.00
PUBLIC BUILDINGS & GROUNDS		
Salaries & Wages	26-310-1	18,379.00
Other Expenses	26-310-2	46,988.00
MOTOR POOL		
Salaries & Wages	26-315-1	31,339.00
Other Expenses	26-315-2	39,113.00
BOARD OF HEALTH		
Other Expenses	27-330-2	250.00
ENVIRONMENTAL COMMISSION		
Other Expenses	27-335-2	250.00
COMMISSION ON IMMIGRANT & REFUGEE AFFAIRS		
Other Expenses	27-336-2	250.00
SAFE WALKING & CYCLING COMMITTEE		
Other Expenses	27-337-2	250.00
SUSTAINABLE HIGHLAND PARK		
Other Expenses	27-338-2	800.00
HISTORICAL COMMISSION		
Other Expenses	27-339-2	250.00

COMMUNITY SERVICES - RECREATION		
Salaries & Wages	28-370-1	25,523.00
Other Expenses	28-370-2	3,938.00
COMMUNITY SERVICES - AGING		
Salaries & Wages	28-371-1	94,842.00
Other Expenses	28-371-2	7,586.00
ARTS COMMISSION		
Other Expenses	28-374-2	250.00
SHADE TREE ADVISORY COMMITTEE		
Other Expenses	28-375-2	250.00
TEEN CENTER		
Salaries & Wages	28-373-1	23,170.00
Other Expenses	28-373-2	
ELECTRICITY		
Other Expenses	31-430-2	40,000.00
STREET LIGHTING		
Other Expenses	31-435-2	62,000.00
TELEPHONE		
Other Expenses	31-440-2	16,984.00
FUEL OIL/GASOLINE/NATURAL GAS		
Other Expenses	31-460-2	39,271.00
SANITARY LANFILL		
Other Expenses	32-465-2	69,563.00
UNIFORM CONSTRUCTION CODE		
Salaries & Wages	22-195-1	142,571.00
Other Expenses	22-195-2	4,014.00
CABLE TELEVISION		
Other Expenses	30-411-2	4,000.00
ACCUMULATED SICK LEAVE		
Salaries & Wages	30-415-1	16,275.00
COMMUNICATIONS		
Salaries & Wages	20-105-1	41,794.00
Other Expenses	20-105-2	9,883.00
MUNICIPAL COURT		
Salaries & Wages	43-490-1	70,550.00
Other Expenses	43-490-2	3,084.00
PUBLIC DEFENDER		
Other Expenses	43-495-2	1,575.00
LIBRARY		
Salaries & Wages	29-390-1	277,713.00
Other Expenses	29-390-2	90,643.00
COUNTY HEALTH SERVICES		
Other Expenses	42-401-2	11,665.00
M.C.I.A. RECYCLING		
Other Expenses	42-402-2	2,363.00
ANIMAL CONTROL SERVICES		
Other Expenses	27-340-2	3,938.00
PUBLIC AND PRIVATE PROGRAMS		
NJDEP Radon Awareness	41-707-2	2,000.00
Fire Victims Donations	41-735-2	10,015.00
Community Development Block Grant	41-708-G	58,567.00

Microgrid Phase Study		130,000.00
STATUTORY EXPENDITURES		
SOCIAL SECURITY SYSTEM		
Other Expenses	36-472-2	86,121.00
UNEMPLOYMENT COMPENSATION INSURANCE		
Other Expenses	23-225	1,313.00
PUBLIC EMPLOYEES RETIREMENT SYSTEM		
Other Expenses	36-471-2	535,169.00
POLICE AND FIREMAN'S RETIREMENT SYSTEM		
Other Expenses	36-475-2	824,898.00
	SUBTOTAL	6,121,964.00
DEBT SERVICE		
BOND PRINCIPAL		
Other Expenses	45-920-2	625,000.00
INTEREST ON BONDS		
Other Expenses	45-930-2	242,369.00
M.C.I.A. LEASE/LOAN		
Other Expenses	45-950-2	79,500.00
DBIZ LOAN		
Other Expenses	45-925-2	-
	SUBTOTAL	946,869.00
	GRAND TOTAL	7,068,833.00

2019 TEMPORARY WATER AND SEWER BUDGET

DESCRIPTION	2019 TEMP
OPERATING	
Salaries & Wages	90,772.00
Other Expenses	630,933.00
Middlesex County Utilities Authority	613,650.00
STATUTORY EXPENDITURES	
Public Employee Retirement System	16,000.00
Social Security System	5,000.00
DEFERRED CHARGES	
Overexpenditure Budget Appropriation	-
	SUBTOTAL
	1,356,355.00
DEBT SERVICE	
Payment of Bond Principal	460,000.00
Interest on Bonds	67,450.00
	SUBTOTAL
	527,450.00
	GRAND TOTAL
	1,883,805.00

2. Said emergency temporary appropriations will be provided for in the 2019 budget under the various captions listed herein.

3. A certified copy of this Resolution will be filed with the Director of the Division of Local Government Services.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

DRAFT

BOROUGH OF HIGHLAND PARK
NO. 4-19-119

RESOLUTION TO AUTHORIZE EXECUTION OF AGREEMENT WITH
GOVERNMENT MANAGEMENT ADVISORS LLC – UTILITY CONSULTANTS

RESOLUTION: Finance Committee

WHEREAS, the Borough of Highland Park has need of the services of a Consultant to perform executive search services;

WHEREAS, Gregory C. Fehrenbach, Government Management Advisors, LLC, East Brunswick, NJ, has submitted a proposal to provide these services on a consulting basis; and

WHEREAS, the Mayor and Council desire to provide a written agreement providing for the compensation of the Consultant; and

WHEREAS, funds for this purpose are not to exceed the amount of \$10,800.00 without further resolution of Council; and

WHEREAS, funds are available for this purpose in the amount of \$10,800.00 in Account No. 9-05-55-500-233, upon adoption of the 2019 budget, as reflected by the certification of funds by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough an Agreement for Consulting Services, with Gregory C. Fehrenbach, Government Management Advisors, LLC, 40 Yorktown Road, East Brunswick, NJ 08816-3325, a copy of which is attached to the original of this resolution.

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

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
No. 4-19-120

RESOLUTION TO APPROVE PURCHASE OF POLICE EQUIPMENT

RESOLUTION: Public Safety Committee

WHEREAS, the Highland Park Police Department has a need to purchase various items of Police equipment; and

WHEREAS, quotes for said purchase were requested and two quotes were received from the following, to wit:

<u>NAME</u>	<u>PRICE</u>
Officer Store	\$11,221.60
Glock, Inc.	\$11,761.60

WHEREAS, the Officer in Charge has recommended the purchase of said items, from Officer Store, at the above quoted price; and

WHEREAS, funds will be available for this purpose in Account No. C-04-55-968-202 as reflected by the certification of funds available by the Chief Financial Officer shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Officer in Charge is hereby authorized and directed to purchase said items for a total not to exceed \$11,221.60; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Police Department and the Finance Department forthwith.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-121

RESOLUTION AUTHORIZING CLOSURE OF ROUTE 27 AND GRANTING
APPROVAL FOR ANNUAL STREET FAIR TO BE HELD ON MAY 6, 2018

RESOLUTION: Economic Development and Planning Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that approval is hereby given to Main Street Highland Park to hold its Annual Street Fair activities on May 5, 2019, from 9:00 AM to 6:00 PM; and

BE IT FURTHER RESOLVED that permission is hereby granted to the Highland Park Police Department to make application to the New Jersey Department of Transportation for a permit to close a portion of Raritan Avenue (Route #27) between 2nd and 5th Avenues on May 5, 2019, between 9:00 AM and 6:00 PM; and

BE IT FURTHER RESOLVED that Main Street Highland Park will work in close cooperation with the Highland Park Police Department to insure minimum inconvenience to Borough residents; and

BE IT FURTHER RESOLVED that the Borough Council hereby waives the Transient Merchant permit fees and other Borough fees for vendors who register to participate in the Street Fair; and

BE IT FURTHER RESOLVED certified copies of this resolution be forwarded to Main Street Highland Park; Lt. Gary Panichella, Officer in Charge; Police Traffic Safety Bureau; Highland Park First Aid Squad Capt.; H. James Polos, Emergency Management Coordinator; Donald Rish, Dept. of Public Works Supt.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-122

RESOLUTION TO APPROVE PAYMENT OF BILLS FOR WATER MAIN REPAIRS

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Highland Park Department of Public Works had a need to make emergency repairs to water mains at Cliff Court, as more fully described on the attached quotation; and

WHEREAS, J. Fletcher Creamer and Son, Inc. was called out to make said emergency repairs; and

WHEREAS, the Superintendent of the Department of Public Works has confirmed that said repairs were completed by J. Fletcher Creamer and Son, Inc. and payment is due to them for said repairs; in an amount not to exceed \$8,605.72; and

WHEREAS, funds for this purpose are available in the amount of \$8,605.72 in Account No. 9-05-55-500-423 as reflected by the certification of funds by the Chief Financial Officer, shown below:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director shall be and is hereby authorized and directed to issue payment in the amount of \$8,608.72 to J. Fletcher Creamer and Son, Inc, 101 East Broadway, Hackensack, NJ 07601, for services in connection with said water main repairs; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Superintendent of Public Works Donald Rish and the Chief Financial Officer.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-123

RESOLUTION TO REFUND TAX OVERPAYMENT – TAX APPEAL

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Finance Director be and is hereby authorized to remit the amount as indicated, the same being the amount of overpayment of taxes, including accrued interest, for the year 2011 based on successful tax appeal to the Middlesex County Board of Taxation in 2011; and

<u>BLOCK</u>	<u>LOTS</u>	<u>CHECKS MADE PAYABLE TO</u>	<u>REFUND</u>
154	11	The Davidson Legal Group LLC 433 Cleveland Avenue, LLC	\$11,784.00

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

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-124

RESOLUTION TO APPROVE 2018 TONNAGE GRANT APPLICATION

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of the Borough of Highland Park to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough of Highland Park hereby endorses the submission of the 2018 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Frank Troy to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-125

RESOLUTION TO APPROVE 2019 AARP LIVABLE COMMUNITIES
PROGRAM GRANT APPLICATION

RESOLUTION: Recreation and Arts Committee

WHEREAS, the Borough of Highland Park desires to apply for and obtain a grant for community development from the 2019 AARP Livable Communities Program;

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 execute the application for the 2019 AARP Community Challenge.

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

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-126

RESOLUTION URGING ADOPTION OF ASSEMBLY BILL A-3818 AND AMENDING SENATE
BILL S-2173, TO REMOVE THE RELIGIOUS EXEMPTION AS A REASON PARENTS CAN
REFRAIN FROM HAVING THEIR CHILDREN VACCINATED IN NEW JERSEY

RESOLUTION: Health and Human Services Committee

PURPOSE AND INTENT: The purpose and intent of this resolution is to express support for Assembly Bill A-3818, and amending the Senate version of the bill, S-2173, which will clarify statutory exemptions from mandatory immunizations for students, and would remove the religious exemption as a reason parents can refrain from having their children vaccinated.

WHEREAS, on 3/14/19, the Highland Park Board of Health passed a resolution in support of Assembly Bill A-3818, and amending the Senate version of the bill, S-2173 to remove the religious exemption as a reason parents can refrain from having their children vaccinated;

WHEREAS, under current New Jersey law, P.L.1974, c.150, P.L.2002, c.58, and P.L.2003, c.284, public and private school students must be vaccinated for a list of diseases unless they claim that doing so would be medically risky or that it would violate a religious tenet in which they believe;

WHEREAS, the Center for Disease Control found that nationwide, 2.2 percent of kindergarteners received an exemption to the mandatory vaccine policy in 2017-2018 — the vast majority for non-medical concerns — up from 2.0 percent the previous school year. New Jersey's exemption rate rose to 2.2 percent in 2017-2018 from 1.9 percent the year before;

WHEREAS, there have recently been measles outbreaks in New Jersey, New York, Oregon, and Washington, which have caused people to fall ill and be hospitalized;

WHEREAS, health experts assert that refusal to vaccinate can raise the chances of an outbreak by putting at risk people who cannot be immunized for medical reasons;

WHEREAS, Measles, Mumps, Rubella Vaccination and Autism: A Nationwide Cohort Study, which was published on March 5, 2019, in the journal Annals of Internal Medicine, strongly supports that the measles, mumps, rubella ("MMR") vaccination does not increase the risk for autism, does not trigger autism in susceptible children, and is not associated with clustering of autism cases after vaccination;

WHEREAS, the proposed Assembly Bill A-3818, and amending the Senate version of the bill, S-2173, would only allow medical exemptions, under which parents can obtain a written statement from a health professional explaining a medical reason their child should be exempted from mandatory vaccination; and

WHEREAS, Assembly Bill A-3818, and amending the Senate version of the bill, S-2173, will protect the health and wellbeing of all children and families in New Jersey from vaccine-preventable diseases.

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

1. The Mayor and Council of the Borough of Highland Park hereby urge its elected representatives in the New Jersey Senate and Assembly to adopt Assembly Bill A-3818, and amend the Senate version of the bill, S-2173, to remove the religious exemption as a reason parents can refrain from having their children vaccinated.
2. A certified true copy of this Resolution upon its adoption shall be furnished to Senator Patrick J. Diegnan, Assemblywoman Nancy J. Pinkin and Assemblyman Robert Karabinchak.
3. A certified true copy of this Resolution upon its adoption shall also be furnished to the Governor of the State of New Jersey.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

DRAFT

BOROUGH OF HIGHLAND PARK
NO. 4-19-127

RESOLUTION DESIGNATING COUNCIL REPRESENTATIVE
TO MIDDLESEX COUNTY CDBG COMMITTEE

RESOLUTION: Council as a Whole

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Councilperson Philip George shall be and is hereby appointed to represent the Highland Park Governing Body as a member of the Middlesex County Housing and Community Development Committee for a term expiring December 31, 2019.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Highland Park that Matthew Hersh shall be and is hereby appointed as the Mayor's Designee to the Middlesex County Housing and Community Development Committee for a term expiring December 31, 2019.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-128

Authorizing the Borough Special Tax Attorney to enter into a Stipulation of Settlement Relative to the Tax Appeal captioned Benjamin Schellack vs. Borough of Highland Park, Tax Court of New Jersey, Docket Nos. 010855-2018

RESOLUTION: Finance Committee

WHEREAS, Benjamin Schellack ("Taxpayer"), the owner of 205 Amherst Street, Block 99, Lot 2 on the Borough of Highland Park Tax Assessment Maps (the "Property"), filed an appeal of his 2018 tax assessment in the Tax Court of New Jersey, Docket No. 010855-2018; and

WHEREAS, the Property was assessed in said years at a total tax assessment of \$118,900 which, based upon the common level ratio for said year, equalized to a value of \$285,132 (41.70% ratio); and

WHEREAS, the Mayor and Council of the Borough of Highland Park met and discussed the aforesaid tax appeal and the recommendations of its Borough Tax Assessor and Special Tax Attorney; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the 2018 tax assessment to a total tax assessment of \$105,700 (\$253,477 equalized value). The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to any Judgment entered for Tax Year 2019, as more specifically set forth in the Stipulation of Settlement annexed to this Resolution, which has been reviewed by the Mayor and Council; and

WHEREAS, the Taxpayer has agreed to waive statutory interest and the refund shall be applied as a tax credit to the Taxpayer's account within 60 days of entry of the Tax Court Judgment; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Borough as a result of the aforesaid specific fact situation; and

WHEREAS, the Mayor and Council make this settlement with Taxpayer without prejudice to its dealings with any other Borough taxpayer's request for tax assessment reduction.

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

1. The Special Tax Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto, relative to the tax appeal captioned Schellack vs. Borough of Highland Park, Tax Court of New Jersey, Docket No. 010855-2018, which settlement results in the 2018 total tax assessment being reduced to \$105,700 for the Property, at the allocation between the land and improvements, as more fully set forth in the annexed Stipulation of Settlement; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to any Judgment entered for Tax year 2019; and which provides that the Taxpayer waives the payment of statutory interest; and which further provides that the refund shall be applied as a tax credit to the Taxpayer's account within 60 days of the entry of the Tax Court Judgment.
2. The settlement outlined above shall be without prejudice to the Borough's dealings with any Borough's taxpayers' request for tax assessment reductions.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

Explanatory Statement:

This Resolution authorized the Borough's Special Tax Attorney to enter into a Stipulation of Settlement relative to the tax appeal pending in the Tax Court of New Jersey, Schellack vs. Borough of Highland Park, Tax Court of New Jersey, Docket No. 010855-2018.

Sandra Belli, Esq.

BOROUGH OF HIGHLAND PARK
NO. 4-19-129

RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that all claims presented prior to this meeting as shown on a detailed list prepared by the Borough Treasurer, and which have been submitted and approved in accordance with Highland Park Ordinance No. 1004, shall be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk shall include in the minutes of this meeting a statement as to all such claims approved as shown in a Bills List Journal in accordance with said Ordinance.

The bills approved for payment at this meeting, Bills List 4/2/2019 can be found in the Bills List Journal Book No. 39.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK
NO. 4-19-130

RESOLUTION AUTHORIZING EXECUTIVE SESSION

RESOLUTION: Council as a Whole

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:
(Personnel: Police Department Promotions)
(Litigation: JSM at Highland Park v. Borough of Highland Park update)
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.

ADOPTED: April 2, 2019

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 2nd day of April, 2019.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
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George				
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Welkovits				