

REGULAR MEETING – APRIL 2, 2019

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, April 2, 2019 and was called to order by Mayor Brill Mittler at 7:05 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

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

Absent: Councilperson Foster-Dublin.

Mill Brook Cleanup Presentation – Susan Edmunds, LRWP Streamkeeper for Mill Brook, and Von Scully, Area 9 Watershed Ambassador appeared to give the presentation. There will be a multi-site cleanup on May 12th from 10:00 AM to 12:00 PM. There are two main sites and some auxiliary sites. They will be cleaning the public property in Johnson Park and by the John Marshall Elementary School by the Mill Brook. There will be a picnic in Johnson Park, Grove 2, immediately following the cleanup. They are asking for assistance in cleanup with volunteers and they also would like donations from local businesses for the picnic. The majority of the volunteers will be organized at the 2 main public property sites. Nothing will happen on any of the properties without proper notification to residents.

On motion made by Councilman George, seconded by Councilman Hale, the minutes of the Regular and Conference Meetings held on January 15, 2019 were approved as distributed by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

Abstain: None.

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

Councilwoman Kim-Chohan reported that tomorrow is the last day for Free Tax Preparation from 9:30 AM to 3:00 PM at the Community Center. This service was provided to the residents that made less than \$65,000 in 2018. The April luncheon will take place on Tuesday, April 16th at noon. Kosher meals are always available upon request. Free eye screenings available to the community on May 30th starting at 9:30 AM in the Community Center. Must call or stop by the office to register. Limited spaces available. Open to the public ages 3 and up. Please check out their Facebook page for upcoming activities, events and trips. Registration is ongoing for the Highland Park summer camps – Day Camp, Sports Camp and Teen Camp. You can register for 1 week or all 6 weeks. Camp begins July 8th. Early care starting at 7:00 AM this year. Summer camp jobs are posted on the Highland Park Borough website. Please apply by May 3rd. Flag football and baseball games being this Sunday. Girls on the Run began last week. Track and Field begins April 8th. Spring soccer begins April 16th. Register for the Theater Fireworks Program – musical featuring songs from “The Greatest Showman”. Space is still available. Performance on July 3rd at the fireworks event. Adult classes begin this week. Volleyball is full. Men’s basketball, Women’s basketball and soccer on the turf still have space. Registration is still open for many of our spring programs. Please see the website or Facebook page @highlandparknjrecreation. The Arts Commission will hold a Fluxus Art/Jewish Chicken Farmers presentation at the Highland Park Public Library on Thursday, April 4th at 6:00 PM. There will be an artist discussion at 6:00 PM followed by a viewing of the film at 7:30 PM. The Arts Commission will co-sponsor, along with the Arts Collective, Open Studios this year which will take place on May 19th. The next meeting of the Historical Commission will be April 17th at 1:15 PM at the Highland Park Public Library. She wished the Christian community a blessed Palm Sunday and the Sikh community a Happy Vaisakhi.

Councilman Hale – No report.

Councilwoman Welkovits reported that last week Highland Park welcomed a class of Graduate students from Rutgers Bloustein School of Planning and Public Policy. They were assigned to activate some intersections downtown and increase foot traffic and interest. She was particularly interested to see the students engaging directly with the residents. They were getting feedback on the installations and the other kinds of quick and inexpensive activities we can create in the future. Special thanks to Professor Leann Von Hagen from Rutgers, Laura Torchio from the non-profit Project for Public Spaces and to all the Graduate students, who did a great job understanding the Borough and our needs. The students will be out again this Saturday from 1:00 to 4:00 PM at the corners of 3rd and Raritan and 4th and Raritan. You might still see the blue sails that have been installed above the seating areas. They also had activities like chalk painting and painting benches. There were activities for kids and well-seasoned artists and it was a fun time. Last week, our consultants, who were assigned to the Borough through a Department of Transportation grant project presented a draft of a new pedestrian and bicycle plan to our steering committee. They will be working with us on establishing more of this draft proposal and we expect the final to be out sometime in June and it will then be presented to the public. They looked at different neighborhoods to try and come up with a comprehensive plan. It is a long-term project and there might be some quick things we can do. Officer in Charge Panichella advised her that they are doing some striping and signage on 2nd Avenue. Trying to make all the roadways and sidewalks safe for everyone.

Councilman Fine reported that he would like to address the 2019 municipal budget and a resolution that is on the consent agenda for consideration by the Council this evening. The municipal portion of our residents’ tax bill is about 27% of our residents’ total tax bill. The municipal budget that will be introduced this evening by our Clerk contains a 3.95% increase to the average assessment of a household in Highland Park. There may very well be amendments to the municipal budget over the next few weeks. On May 7th, there will be a full presentation of the 2019 municipal budget, which I encourage all of our residents to attend. He also reported that tonight the Council will be considering a resolution in support of 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 public and private school parents can refrain from having their children

vaccinated. The Center for Disease Control and Prevention has found that nationwide there has been an increase of kindergarteners that have receive an exemption to state mandatory vaccine policies, the majority of which were for non-medical concerns. New Jersey's exemption rate rose in 2017-2018. In the past 5 months, there have been measles outbreaks in New Jersey. On March 14th, the Highland Park Board of Health unanimously passed a resolution in support of Assembly Bill A-3818, and amending the Senate version of the bill, S-2173. As to the constitutionality of this legislation, it should be noted that in 2018, California's mandatory vaccination law was upheld by the Second Appellate District Court of Appeal in Los Angeles, which found that the law did not violate freedom of religion or the right to an education by requiring virtually all public and private school students to be vaccinated against contagious illnesses. It cited a 1944 United States Supreme Court ruling in a case Prince v. Massachusetts that refused to exempt a religious group from child-labor laws, which state, that "the right to practice religion freely does not include the liberty to expose the community or the child to communicable disease or the latter to ill health or death". He encouraged all Highland Park residents to contact their elected representatives in the New Jersey State Senate and Assembly to adopt Assembly Bill A-3818, and amend the Senate version of the bill, S-2173, to protect our health and well-being from vaccine-preventable diseases. Finally, he urged his fellow Council Members to vote in favor of the resolution, which is on the Consent Agenda this evening, to support state legislation that will remove the religious exemption as a reason parents can refrain from having their children vaccinated in New Jersey.

Councilman George reported that PSE&G tore up some of the Borough's roads and has already done the repaving. Striping will take place during the week. He thanked the residents for giving them the space and the room to get this work done as quickly as possible. We did get some nicely repaved roads. He wished they would coordinate the roads that need to be repaired with the gas lines that need to be repaired so we didn't have to pay for it. They have circulated the draft ordinances for electric vehicles in Highland Park. The Zoning Ordinance will be amended to allow for electric charging stations as accessory uses in all but one of the zones in Highland Park. As soon as it is fine tuned in the Administrator's Office, the Borough Attorney will be circulating it to the Environmental Commission and Sustainable Highland Park for comments. There will be further electric vehicle oriented ordinance coming in the next few months to make it a comprehensive code and referring it to the master plan for long term planning as well. In our capital planning, they are looking to add at least one electric vehicle to replace one of our aging gasoline fleet vehicles because of the maintenance and environmental concerns. The Environmental Commission will meet on April 3rd at 8:00 PM at the Environmental Center. There will be discussion on the electric vehicle ordinance. The Meadows Trail crew will be reporting on the start of their work and the condition of the trail as well as the observation platform which is now completed. The Department of Public Works is continuing site work intermittently for their portion of the removal to get the site ready for the PSE&G solar farm. Sustainable Highland Park has gone to some of the stores in town and the countdown clocks are in some of the stores. The Plastic Bag Ordinance will go into effect in less than a month. He congratulated all of the members of Sustainable Highland Park who got this moving and for dealing with the merchants on a regular basis to get this moving by advising them on how they can comply, what the requirements are and how they can prepare to come into compliance. The Earth Day celebration is scheduled for April 28th at the Environmental Center from 11:00 AM to 3:00 PM. In past years, this event has grown to include music, events and displays. Sustainable Highland Park is cooperating with the Arts Commission to design posters around the theme of water and what people can do practically without a lot of complications to preserve water resources of all kinds. The Shade Tree Advisory Committee is continuing their work. They got a grant for native species trees. On River Road, in the area of the Native Plant Reserve, the County is installing some large chambers that are required for the septic wells in that area. They have been very cooperative and did a drone survey in that area to show exactly what is done so that we know what to remove for planting. They will be cooperating with the Borough and removing some mature plantings and helping us replant.

Borough Administrator Jover reported that outreach was done about the plastic bag ordinance with the merchants and residents and information was included in bag giveaways and in the kiosks. The deer census via drone will be done tomorrow, April 3rd from noon to dusk. The Buck Woods Community Meeting will be held on April 9th at 6:30 PM. Meeting will be held in the Council Chambers or the Community Center. This will be an opportunity to get a full presentation, ask questions and offer input. There are road/parking lot/crosswalk projects slated for this year and are out to bid. They include North 3rd Avenue between Raritan and Montgomery Street, Hilton Street from Woodbridge Avenue to Lewis Street, Merilind Avenue from Raritan Avenue to Irving School parking lot, South 7th Avenue from Woodbridge Avenue to Magnolia Street, and repaving/reconditioning of parking lots at the library, South 3rd Avenue, the Farmer's Market and reconditioning the crosswalk on South 3rd Avenue and Magnolia Street. She reminded residents that the deadline to pay water and sewer bills is Friday.

Borough Attorney Schmierer reported that tonight the Borough Council will introduce the Buck Woods overlay ordinance. This is the last step in order to have the affordable housing plan approved by the Superior Court. The final hearing will be on June 14, 2019. Chris Cosenza, Borough Planner, is the primary preparer of the ordinance. There will not be more than 75 multi-family dwelling units on the site. The development will be at the norther end of South 6th Avenue, with the rear end of the property remaining undisturbed. There is an aggressive tree replanting element in the ordinance to help with the reforestation of the clear cutting that was done. The Borough has been directed to adopt this ordinance to avoid future builder's remedy lawsuits. The public meeting is scheduled for April 9, 2019 at 6:30 PM. The Planner will attend the meeting to give overview and will have sketches and all the bulk regulations. The ordinance will be introduced by title and forwarded to the Planning Board for review and comment. The formal public hearing on this ordinance will be held on May 7, 2019. Councilman George asked if there is another public hearing on this ordinance at the Planning Board Meeting. Borough Attorney Schmierer noted that the ordinance after introduction tonight will be forwarded to the Planning Board for review at their April 11th meeting. They will submit their recommendations back to the Council. Borough Administrator Jover noted that there is a copy of the proposed zoning overlay ordinance, along with the illustrations, posted on the Borough's website.

Mayor Brill Mittler reported that the New Jersey Department of Transportation awarded a 2019 municipal aid grant of \$596,000 to Highland Park for repairs to Cherry Street, South Park Avenue and South Adelaide Avenue. We will be sending some of our Police Officers to attend the National Organization of Black Law Enforcement's training on implicit bias later this month in Atlantic City. This spring, we are pleased to host two Rutgers interns, Anna Lee and Rose Kostak, in the Mayor's Office. They've been working on a few important projects. You can see their efforts in the new flyers around town about what is and is not recyclable, in posts on the Borough's Facebook page about new businesses on Raritan Avenue, in new efforts to raise awareness of the Ash Borer infestation of our Ash Trees, and in the developing plans for a "How to Plan for College" program for our teens. They've been working closely with staff in Borough hall and at the Teen Center and with volunteers on the Shade Tree Advisory Committee. She admires their energy, enthusiasm and hard work and she's really glad to have them on the team this semester. She asked residents to take a moment and thank the hard working members of the Mayor's Teen Advisory Council who've been working closely with her and the borough on a number of issues important to them and to the town for the past year. We've addressed the Bring Your Own Bag ordinance, the Ash Borer infestation of our Ash Trees, the Zone 6 Teen Center and other matters. They enlisted the Borough to assist the DECA club with the DECA Dash in the fall and held their own fundraiser in conjunction with RWJ University Hospital to raise money to support people who cannot afford to purchase the medicines they need. At our meeting last week, the members of the Teen Advisory Council served as Beta testers for a new online quiz, developed by the NJ League of Women Voters, to educate young people about voting. She is so impressed with their work and is very privileged to partner with them. HP Gives a Hoot will be providing scholarships for children to attend the summer camps in town. There has been progress made for the selection of the Acting Chief and Acting Captain and the hiring of a mentor. She thanked the Equity Commission for their participation in the interview process for the Police Chief mentor.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

Herb Gross, Adelaide Gardens, commented that the Veteran's will be launching the poppy day sale soon by Stop & Shop. The money made from the sale of the poppies goes to the Veteran's.

Kathy Korten, 235 Benner Street, commented about the budget for the Highland Park Public Library and feels the Council should give it serious consideration as she feels it has been neglected. She is happy about the repairs that will be made in the parking lot. The computers at the Library still need to be covered as the roof continues to leak. There were 22 people utilizing the Library this morning at 11:00 AM and the facility is well used. It is her understanding that they gave up funding last year and she hopes that that funding is restored. She is concerned about the public schools in Highland Park. She is a teacher. She is concerned about all the building being done in highland Park. She asked if there is affordable housing at the new developments. Need affordable housing in all areas of Highland Park. The school system is getting smaller and they need to think about regionalizing. Mayor Brill Mittler explained that there are requirements for affordable housing in all the new developments in Highland Park. The Borough Council has nothing to say about the schools and that comment should be directed to the Board of Education. Councilwoman Welkovits noted that the school system is larger than in the past.

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

The Clerk reported that 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), had been introduced in writing by the Finance Committee for consideration of passage on first reading by title.

On motion made by Councilman Fine, seconded by Councilman George, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

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

No. 4-19-114

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.

The Clerk reported that the 2019 Municipal Budget and Tax Resolution were introduced in writing by the Finance Committee for consideration of passage on first reading. Copies of the full text will be available at the Highland Park Public Library and Borough Hall. The full final budget as adopted and approved will appear in the minutes of the meeting at which the budget is finally adopted.

On motion made by Councilman Fine, seconded by Councilwoman Kim-Chohan, the 2019 Municipal Budget and Tax Resolution were duly adopted on first reading by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.
 Opposed: None.
 Abstained: None.
 Absent: Councilperson Foster-Dublin.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman Fine, seconded by Councilwoman Kim-Chohan, and carried by unanimous affirmative voice vote:

No. 4-19-115

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	200,000.00
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>

Water & Sewer Utility Operating Fund:

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.

The Clerk reported that 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, had been introduced in writing by the Council as a Whole for consideration of passage on first reading by title.

On motion made by Councilman Fine, seconded by Councilwoman Welkovits, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.
 Opposed: None.
 Absent: Councilperson Foster-Dublin.

The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilman Fine, seconded by Councilwoman Welkovits, and carried by unanimous affirmative voice vote:

No. 4-19-116

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

The Clerk reported that an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY CREATING A MULTI-FAMILY RESIDENTIAL-OVERLAY ZONE, had been introduced in writing by the Economic Development and Planning Committee for consideration of passage on first reading by title.

On motion made by Councilwoman Welkovits, seconded by Councilman George, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

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

No. 4-19-117

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.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Fine, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

No. 4-19-118

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

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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.

Resolution Nos. 4-19-119 through 4-19-129 were duly adopted on motion made by Councilman George, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:
 Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.
 Opposed: None.
 Absent: Councilperson Foster-Dublin.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 4-19-119

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.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 4-19-120

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.

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

No. 4-19-121

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.

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

No. 4-19-122

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 \$8,605.72 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.

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

No. 4-19-123

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.

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

No. 4-19-124

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.

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

No. 4-19-125

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.

The following resolution, introduced by the Health and Human Services Committee, was duly adopted as above:

No. 4-19-126

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.

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

No. 4-19-127

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.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 4-19-128

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.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 4-19-129

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.

Mayor Brill Mittler appointed George Heibel to serve as a member of the Cable TV Advisory Committee for a term to expire August 6, 2021.

The above appointment was confirmed on motion made by Councilman Fine, seconded by Councilwoman Welkovits and carried by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Abstained: None.

Absent: Councilwoman Foster-Dublin.

The Clerk reported receipt of notification of the election of Volunteer Firefighter Leonardo Perez-Meza to the rolls of the Highland Park Volunteer Fire Department.

On motion made by Councilman George, seconded by Councilwoman Welkovits, the above confirmation was confirmed by the following roll call vote, to wit:

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilwoman Foster-Dublin.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

Ruth Bickhardt, 307 Magnolia Street, asked for speed bumps on Magnolia Street when street repairs are done so that it’s not a speedway. On South 3rd and Magnolia Street, there is stuff sitting outside that has been there for over 2 ½ weeks. This happens when people move out and leave behind belongings. Lastly, she has seen young kids riding bikes without helmets.

Kathy Korten, 235 Benner Street, commented that her taxes are over \$10,000 a year for a substandard lot and no garage. She asked if the Borough is getting money from all the new developments around town. She heard rumors that the developers were being given breaks. Mayor Brill Mittler noted that in prior years when one of the first developments opened on Cleveland Avenue, there was \$500,000 in incremental revenue to the Borough. There is revenue that the Borough does get from all the development in town. She commented about the vacant gas station that has been that way for a number of years and the convenience store nearby that closed a couple of years ago and never

reopened. She wondered if there could be some kind of policy in Highland Park where if a person leaves their property unattended/abandoned. She asked if there could be some kind of disincentives for people who sit with really high rents and let the place go. Mayor Brill Mittler advised that she has asked the Borough Council to look at an abandoned property ordinance for commercial properties. The Borough has an ordinance for residential properties.

Marsha Goldberg, 451 South 5th Avenue, asked if there was going to be a presentation by the Planner on Buck Woods tonight. Borough Administrator Jover advised that the full presentation is scheduled for April 9th. Ms. Goldberg commented that she looked at the Planner's plan and the developer's plan and there is miles and miles of difference between them. She understands that the Attorney was in negotiations with the developer and she asked if they hope to find common ground. Borough Attorney Schmierer noted that they do not. The plan that is being introduced under this ordinance is the plan that the Planner prepared. There were some discussions with the developer for a period of time and there have been none for some time now and there won't be any in the future. The Planner put the ordinance together after doing a study of other multi-family developments in town and those recommendations that came from the Planner are those that appear in this ordinance, not any negotiated numbers with the developer. The Court has directed that if the Borough wants to get their affordable housing plan approved through 2020, this is the last step, to rezone Buck Woods for overlay, 75 units. You would think that the earlier effort that they made to work with the developer might lead to an ordinance that might work on both sides. We had that hope and expectation and that was dashed when certain activity took place on the property. When that occurred, the Borough went to the Court to say it is our ordinance, it's our property, it's our town and we are going to develop an ordinance which we know will work, which we can defend if its challenged and that we will create an ordinance and ask the Council to consider introducing it. The Planner and his office has worked on this for the last month to try and fine tune it and get all the elements in there that they want to get in there and this is a homegrown Highland Park ordinance put together by the professional staff. Ms. Goldberg commented that if the developer doesn't like this ordinance and doesn't want to develop according to it, he can leave the site the way he has left that gas station. She asked if the Borough would still be in compliance if he did that. Borough Attorney Schmierer advised that the Borough would still be in compliance with what they have to do. There are bonds posted for tree replacement under the tree replacement ordinance. If he abandons any development plans and walked away from the property, they would trigger the bond and demand that the trees be planted. The Borough would require that the property be reforested. Ms. Goldberg asked if the deadline for the site remediation is 2021. She commented that it could be years before it is remediated and he hasn't done anything with it right now. She asked what the testing and remediation consists of and believes this question should have been answered before the permit was granted. The question still has not been answered and for those of them who are literally on the edge hanging over that property, it seems very important to get that answered very soon. With another big storm, things could really change on that site. Borough Attorney Schmierer noted that Borough Administrator Jover followed up with the NJDEP to find out what they knew about this cleanup and the testing. They indicated that an LOI (letter of interpretation) was issued last week about the presence or lack of presence of water on the property, similar to one issued before that indicated there are no wetlands on that property. She inquired about how the process would go forward since we are not getting any information from the owner. The LSRP that is in charge of the cleanup is now in charge of the property. The LSRP for the owner is the one that designs the next steps. The Borough's LSRP has been in touch with the LSRP for the owner asking for a courtesy to advise on the next steps. The information is not required to be given to the Borough and the Borough could not have conditioned the tree removal permit on finding out about their remediation plan. Ms. Goldberg asked if they could have conditioned approval on protecting adjacent property owner's property. She requested that the Borough hire some sort of professional to assess the property adjacent to this site now. A lot of them need to know what is likely to happen to their properties should the site stay the way it is. It is a dangerous zone right now. Mayor Brill Mittler asked the Borough Attorney if the Engineer gave him a professional assessment of what could happen to adjacent properties. Borough Attorney Schmierer noted that the Borough Engineer has been out to the site several times along with the Borough's LSRP. His understanding is that the Engineer is satisfied that the property is stable. Ms. Goldberg commented that it is stable today but asked about the likelihood that it will remain that way and for how long. Borough Attorney Schmierer noted that they plan to monitor it. Ms. Goldberg commented that monitoring it and waiting for something to happen has been the problem all along with the Borough reacting to things that happen. She wants to know the likelihood of something happening before it happens so they can prepare. Mayor Brill Mittler commented that she had asked that of the Borough Engineer when he went out there. She will follow up with the Borough Engineer and have him respond to her.

Resident, 600 South 5th Avenue, asked if the Borough Attorney or anyone else had answers to the question about what kinds of regulations apply to this site. It is not a construction site yet, but an environmental testing site. She asked if there are rules for environmental testing sites stipulating that any runoff from the site is illegal. When it rained a couple of weeks ago, they could see deep gullies on the hillsides going to the Raritan which could be a violation of regulations. She reiterated the questions Marsha just asked and hopes they are not going to wait for the next storm to go out and see what happened. She would like to see the Engineer give them a report having assessed the properties that border the site, all of them look very precarious. Borough Attorney Schmierer noted that there is a site remediation act that covers this property that will be developed for residential purposes. There is a law that requires that the property be regulated, tested and cleaned up. The Code Enforcement Official is familiar with that and he will daily inspect the property to make sure it is under control. The LSRP working for the owner is the representative of NJDEP, the State agency. He has to come up with storm water management issues, he has to make sure that the water does not spill from this property onto other properties or go down to the river. Those are all of his responsibilities under the State law. If the Borough finds with their LSRP monitoring that he is failing to do that, he will be reported immediately to the NJDEP.

Jeff Vardaro, Wayne Street, asked about the 31 River Road ordinance that was voted on earlier. Someone had said that it showed how we could work with developers to get these sites developed. He

asked if part of the financial arrangement with this developer is that there is going to be some kind of property tax abatement. Councilwoman Welkovits explained that it is one of the elements, but they also in the redevelopment plan they feel that they have been able to negotiate some things that they really want on site and in that neighborhood. They are looking for to a certain demographic moving in. It is extremely walkable to New Brunswick from that location. There is existing parking on the lot now and that will remain. Additionally, they have asked as part of the redevelopment plan to have bicycle parking and the plan is to have a bicycle track on the street like they tested out last year. The wiring for electric vehicle charging stations will be installed now and they are working on some of the sustainability issues. Mr. Vardaro asked about the demographic they want to attract to that area. Councilwoman Welkovits noted that they are looking for commuters that might want to bicycle ride to work or to the train station and that would find these units/apartments attractive. Mayor Brill Mittler added that included in any development is a percentage of the units for affordable housing. Mr. Vardaro asked about the property tax abatements that are part of the financial arrangements. Attorney Baumann noted that tonight was the presentation of the ordinance. At the public hearing, they will make a presentation and he will have with him the financial consultant whose job it was to analyze the payment in lieu of taxes application. The way that analysis goes is that particular property is zoned commercial that has to be knocked down and rebuilt. The financial consultant analyzed the cost of the project and the sources and uses of funds to determine whether they could build the project without the pilot. The way a pilot works is that the developer has to prove to the community that if it weren't for the pilot they wouldn't do their project. He concluded that a financial agreement is appropriate. The form of that financial agreement is too complicated for this meeting. Mayor Brill Mittler noted that one of the things that attracted the Governing Body to this agreement was the fact that this agreement would provide them with more tax revenue. Mr. Baumann noted that the analysis will outline what they will be getting now and how much the project will produce with the project. They also looked at if the project was paying full taxes, which is a bit of a smoke screen, because they wouldn't do the project without the pilot. They will share that information in their presentation at the next meeting where the professionals will be present and questions can be asked. Between now and then, they would be able to pick up the financial agreement. Mr. Vardaro commented that by the time of the public meeting they will get the kind of answer that they have gotten on some other issues which is "we can't change it now" because we are this far into the process. He asked if the pilot project is one where people don't have to pay property taxes. Mr. Baumann noted that an abatement is where you do not have to pay property taxes. Mr. Vardaro asked if there is a period of time where they don't have to pay taxes. Mr. Baumann stated no. Mr. Vardaro asked if there was a dollar figure. Mr. Baumann noted that it is a percentage of the revenues that they are going to earn. It is formulaic and there will be estimates. In year 1, the estimated taxes would be \$96,000. Mayor Brill Mittler noted that one of the things that is attractive to municipalities about these kind of arrangements is that in normal tax situations, a percentage of the taxes goes to the State, a percentage goes to the County, a percentage goes to the schools and a percentage goes to the Municipality. In this kind of arrangement, the State gets zero and the County gets 5%. The Borough will keep the schools at the same percentage they would get and the remainder goes to the Municipality, which would be more than they would get sharing it with the State and a higher rate to the County.

Ed Prince, 703 South 5th Avenue, commented about the proposed overlay ordinance, which is the town's image of the development. Borough Attorney Schmierer noted that the overlay is a graphic illustration of what will or has to happen under the ordinance and is not hypothetical. Mr. Prince asked how many parking spots are required. Mr. Cosenza noted that the project must comply with RSIS (Residential Site Improvement Standards). The number of bedrooms in each unit quantifies how many parking spaces. A one-bedroom unit requires 1.8 parking spaces; a 2-bedroom unit requires 2 parking spaces and a 3-bedroom unit requires 2.1. Mr. Prince noted that there are 35 parking spaces. Mr. Cosenza noted that most of the parking will be underneath the building as a podium. There will be about 150 spaces, but most would be underneath the building. Mr. Prince commented about the exposed parking spaces. It seems to him that the developer would all the parking spots underneath the building or would look for some other arrangement. Otherwise, economically it is a much more difficult sale. Borough Administrator Jover explained what a podium is. It would mean that the building would be built on top of the parking so you could conceivably not have to go outside at all if you have parking underneath. She would assume that the developer would make guest parking in the outdoor area. The parking would be built underneath on the podium and the units would be built above. Mr. Prince asked if there would be any other outlets to the street other than South 6th Avenue. Mayor Brill Mittler noted that those are the types of questions they hope to get at the open session to discuss the plans so that if we get input from residents that they want other entrances or exits, that's when they can adjust the plan to reflect some of the changes that we are all interested in. Mr. Prince asked if this has to be done in advance so that the builder knows what he is doing. If there is going to be a second entrance/exit at the back and would require access from a side street, they want to know if that is going to be done in advance. Mayor Brill Mittler noted that this is all going to be done before it is finalized in the Court. Mr. Cosenza noted that the roadway as shown on the plan is one point of access. He is hesitant to provide a second one as that would disturb more of the site, which they are trying to avoid, and it would lead to other paper streets that don't exist. Borough Attorney Schmierer noted that the intention of the ordinance is to have one means of in and out on 6th Avenue. They are trying to preserve the rear part of this property as best as possible. There is no intention to punch through the southern end of this and then take advantage of any paper street that has never been built. The timing is such that they will expose the ordinance to an informal gathering next week and questions can be asked to assure the residents that the ordinance words will result in that plan. If there are any suggested changes which they didn't pick up or good suggested changes, that can be integrated into the ordinance. They would bring that back to the Council on May 7th. If there are substantial changes made to the ordinance, he would advise the Council to re-introduce the ordinance and then there would be a final public hearing on May 22nd. They would file this ordinance with the Court by May 30th, which is their deadline. Mr. Prince asked if there has been a traffic study of what would happen with a single point access for 75 units. Borough Attorney Schmierer noted that a traffic study has not been done, but the developer would have to do that. Mr. Prince asked what happens if the traffic study comes back and says that it is really not a good idea to only have one access point. Borough Attorney Schmierer noted that the Borough's professional planner has designed these two buildings with the required 75 units so that it is going to work. They believe that the parking is

adequate and the movements will be fine. They could get a traffic study, but would not have the results before May 30th. If they need a traffic study after the ordinance is adopted, they could always amend it after they get a traffic study. Right now, the Planning Consultant is comfortable and confident that the site can handle and the parking can move appropriately on and off the property.

Marian Sackowitz, South 5th Avenue, asked if their LSRP has come to examine the site. Borough Attorney Schmierer responded that he does not know. It is the LSRP to organize the next steps for testing on the property. They are trying to find out what those next steps are. There is no requirement for that LSRP to share that with them. Mayor Brill Mittler noted that the Borough's LSRP did go out to the site with the Borough Engineer. Ms. Sackowitz asked if things are happening to neighbor's properties it is his responsibility to be looking at that. Borough Attorney Schmierer noted that they are not going to go on the neighbor's property. Ms. Sackowitz asked about the slope that is protecting South 7th and South 5th Avenue. Borough Attorney Schmierer noted that the Borough's Engineer and the LSRP have been out there. They believe right now that the property is stable.

Herb Gross, Adelaide Gardens, commented that he listened to the Council about the May 7th hearing and they did not say what time and where it is going to be. He asked about the 75 units and whether there would be units for veterans. Borough Attorney Schmierer noted that the law gives preference for affordable housing to veterans.

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

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

Ayes: Councilpersons Fine, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: Councilperson Foster-Dublin.

Abstained: None.

No. 4-19-130

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.

There being no further business, on motion made by Councilman George, seconded by Councilman Hale, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:39 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk