

REGULAR MEETING – OCTOBER 9, 2018

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, October 9, 2018 and was called to order by Mayor Brill Mittler at 7:03 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

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

Absent: None.

On motion made by Councilman George, seconded by Councilwoman Foster-Dublin, the minutes of the Regular and Conference Meetings held on April 17, 2018, May 1, 2018 and May 15, 2018, were approved as distributed by the following roll call vote, to wit:

Ayes: Councilpersons Fine, Foster-Dublin, George, Kim-Chohan, Welkovits.

Opposed: None.

Absent: None.

Abstain: Councilman Hale.

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

Councilwoman Kim-Chohan reported that Recreation is currently in the midst of Youth Soccer, Flag Football, Buddy Ball Soccer, just began their new art class (mask-making and sculpture), Table Tennis for ages 8-11 and for ages 12-adult, and this week they will begin the Jr. Robotic & Engineering Academy. They will also begin rehearsals for the Fall Theater Program Chitty, Chitty, Bang, Bang, Jr. which will be performed in January. They are running **free, I repeat free** open basketball for boys and girls in both 5th/6th grades, and 7th grades-high school - Registration is Mandatory. Fall adult evening programs are Adult Open Basketball, Beginner and Advanced Volleyball, Fitness for All, Tai Chi, and Israeli Dance. Adult Open Soccer runs on Sunday mornings. The Halloween Festival and Parade will be held at the High School Gym on October 28<sup>th</sup> from 2-5pm. Please like us on Facebook page @ Highland Park NJ recreation to keep up with all recreation information! The October Senior Luncheon will be held Tuesday, Oct. 16th at 12:00 noon. Entertainment will be provided by Highland Park Blue Grass Band. Ride Aid Pharmacy will be conducting a Flu Shot Clinic at the center on Wednesday, Oct. 17th from 10:00 am - 12:00 noon. The next Atlantic City trip will be Tuesday, Oct. 23rd. Please call the center for details. Just a reminder - These trips are open to all in our community. Oct. 27th & 28th they will be having the Operation Take Back event from 10:00 am - 2:00 pm to collect all unused and unwanted medicines safely. Please see our upcoming event flyers and calendars. November and December are very busy months at the center filled with holiday parties, events and entertainment! The Arts Commission is busy with the Art Walk and the Windows of Understanding with the New Brunswick Arts Council. The Spoken Word/Music Social Justice Concert will be held at the Reformed Church of Highland Park. No funding from the Borough is going to the church, only to the performers. We got the MCCHC grant in today for Access Granted a photo-journalism project focusing on people with accessibility issues navigating their way around Highland Park. October is National Breast Cancer Awareness Month. Don't forget to schedule your mammograms. About 1 in 8 U.S. women, and 1 in 1000 U.S. men will develop breast cancer over the course of their lifetime, and being proactive in this fight is crucial.

Councilman Hale reported that HP Gives a Hoot and the Highland Park Food Pantry are always in need of donations. He recognized the work of the Commission on Immigrant and Refugee Affairs on the updated inclusivity resolution. He specifically thanked Leticia Almeida and John Adler for all their hard work. The Council will approve two appointments to the Human Relations Commission on tonight's agenda.

Councilwoman Welkovits reported that last month they had the biggest and the best Arts in the Park ever in the history of Highland Park. Over just the past 8 years the Arts Festival has become one of the most prestigious juried arts festivals in the State of New Jersey. We have five times the number of vendors than we used to have. There were 250 vendors and the weather was absolutely perfect. Special thanks to Director of Main Street, Rebecca Hersh, and Kim Van Arthos and Javier. Every year they put on an amazing show. This past weekend was the town wide garage sale, which helps sustainability. Special thanks to Ballard Hutkin and Century 21 for organizing this event every year. Also this weekend was the Harvest Festival Block Party and a Taste of Highland Park, which is a restaurant promotions event. Thanks to Siobhan and Steve from Pino's and special thanks to Public Works, Police, Fire and EMS for helping out at all these events. She congratulated the Blue Horse restaurant for opening their doors two weeks ago. We are delighted to have a new popular restaurant in town and the reviews are all very positive. She thanked Councilman George, Tina Weishaus, Chair of Sustainable Highland Park, and the Borough Administrator, Teri Jover, for working on a policy to reduce our plastic bag use in town. Last week, they organized a meeting with the merchants and Tina went door to door to the merchants and spoke to them about the reduction of plastic bags and that they can give out alternative bags in their store or people should bring reusable bags with them. The Safe Walking and Cycling Committee last week held the annual bike rodeo after school at the Bartle School. Although there was some rain, they were still able to attract 50 families. They took the kids through an obstacle course, taught them some rules of the road, there were bicycle checks by Medcycle and lots of giveaways. Special thanks to Colleen Wharton who organized the event, Principal Benjamin and Mrs. Liddick and the others at Bartle School who helped put this event together. Thanks to Safe Routes to School New Jersey, Medcycle, EMS trained service workers who work on bicycles. They were actually checking the safety of bicycles. She also thanked Keep Middlesex Moving, the Bartle School PTO, Diana Starace, RWJ Trauma Center, who was giving out helmets to kids who didn't have them. Tomorrow morning is walk your child to school day for Bartle School at 7:40 a.m. Everyone will meet in the Stop & Shop parking lot. With regard to redevelopment, items 30, 31 and 32, the Borough is finally getting funding from the State to clean up of some properties on the Avenue. They will also be naming a conditional redeveloper for the property at 31 River Road.

Councilwoman Foster-Dublin reported that October is Fire Prevention month. The Fire Department will be hosting an open house on October 11<sup>th</sup> from 6:00 p.m. to 8:30 p.m. South 5<sup>th</sup> Avenue will be closed between Benner Street and Mansfield Street. She reminded everyone to change the batteries in their radon detectors and smoke alarms. Operation Take Back will take place on October 27<sup>th</sup> and 28<sup>th</sup> from 10:00 a.m. to 2:00 p.m. at the Senior/Youth Center. Anyone that has medication that needs to be disposed of, should bring it to the center. The Highland Park Police Department would like to remind all residents to please lock their vehicles and to remove all valuables. There have been reports of car burglaries throughout the state. There were 1,403 calls made to the Police Department. 77 of those calls were for an ambulance, 9 assault, 2 burglaries, and there 9 motor vehicle burglaries. Last month was the opening of the Zone 6 Teen Center. She thanked each and every sponsor that attended and each and every teen that participated. She has stopped in a couple of times and it is always busy with teens.

Councilman Fine reported that he would like to take this opportunity to wish a very Happy Birthday to one of my neighbors on South First Avenue, Helen Solomon. She has been living in Highland Park for almost 8 decades, and she just turned 100, and I had the honor of attending her birthday party yesterday. Now while there is no resolution or ordinance on our agenda this evening related to the possible sale of marijuana in Highland Park, and the Council has not discussed this issue, I would like to share with you now my position on this matter. First, let me say that I support the bill that State Senator Ron Rice has sponsored that would remove criminal penalties for possession of small amounts of marijuana but would not create a system that would legalize marijuana in New Jersey. In Highland Park, our form of government is the Borough form of government, under which the municipal governing body is empowered to acquire and dispose of property, make contracts, tax and enact laws, and provide for the general health, safety, and welfare of its citizens. As Chair of the Council's Finance Committee, I am duly concerned about tax stabilization. It is for Highland Park residents' health, safety, and welfare, that I am concerned about the likely legalization of recreational marijuana in New Jersey, and the possibility of marijuana being sold in Highland Park. I know that there are those who believe that if recreational marijuana is legalized then we should take advantage of being able to tax it at the local level. I disagree. I don't believe that we should be focusing on the potential revenue that a local marijuana tax would bring. Besides the fact that I am not convinced that the potential revenue will solve our tax stabilization issue, I believe that we should be guided by science and our concern for the safety and health of our children. There is scientific evidence that has proven that marijuana, with its active addictive ingredient, Tetrahydrocannabinol, also known as THC, poses serious risks, particularly for developing brains. Also, smoking marijuana produces cancer causing toxins and chronic lung disease, may lower one's IQ, and cause brain cell damage, mental illness, and motor vehicle accidents. In addition, I know that from a law enforcement perspective, our Police Chief has concerns about the possible legalization of recreational marijuana. So for these reasons, as my colleagues and I begin to discuss this issue, I am currently advocating for the Council to adopt an ordinance to prevent businesses in Highland Park from selling marijuana (both medical and recreational) and marijuana paraphernalia. I support doctor-recommended medical marijuana. I understand that medical marijuana, which is already legal to some degree in New Jersey, may be helpful to some of our residents. However, I believe that it is unnecessary to have medical marijuana sold in Highland Park, especially considering that 2 of the 6 medical marijuana dispensaries already existing in New Jersey are not so far from here. The Breakwater Treatment & Wellness dispensary is in Cranbury, and you can obtain doctor-recommended medical marijuana from the Garden State Dispensary, which is in Woodbridge, and less than 10 miles away from Highland Park. There are those who will certainly point out that any of our neighboring municipalities may choose to have marijuana sold within their boundaries, and will raise the question that "if every bordering municipality is permitting the sale of marijuana, than what difference will it make if this governing body were to choose to ban the sale of marijuana in Highland Park? To that I say, that I believe that the less accessible marijuana is to our youth the better. I also believe that we don't have to rely on the sale of marijuana to revitalize our downtown economy. I think we can do better, and that there already potential plans for mixed use redevelopment that we must continue to focus on to make a reality in downtown Highland Park, which will help revitalize it. Now I am sharing with you my thoughts on the issue as a resident of this Borough, as a father of adolescents, and as a Council Member, but I thought it would be helpful to hear from someone who works in the area of prevention. This past March, I attended a press conference on Raritan Avenue outside a former vaping shop, where Congressman Frank Pallone, municipal leaders and health advocates called on the Food and Drug Administration to take action to regulate "Juuling" and protect children from its harmful effects. At that gathering, I had the privilege to meet Diane Litterer, the CEO & Executive Director for the New Jersey Prevention Network. I recently reached out to Ms. Litterer about the issue of legalization of marijuana in New Jersey, to see if she would come to a Council Meeting and discuss the issue. While she wasn't available to attend the meeting this evening, she was kind enough to put me in contact with one of her colleagues who is here with us tonight. I want to thank Mara Carlin, Coordinator of Coalition and Community Programs, at the Wellspring Center for Prevention in East Brunswick for coming here tonight to speak during the public comment period and to tell us about some statistics and other lessons learned from states in which marijuana has been legalized, and some other NJ municipalities that have passed ordinances to ban sales of marijuana. I am well aware that there are different sides to this issue. I have just shared my position as it stands today that even though marijuana will likely be legalized in New Jersey, I would vote in favor of an ordinance banning the sale of marijuana in Highland Park, out of concern for the health, safety, and welfare of our residents, and especially our children. It is my hope that especially in the political climate in which we live today, that we, as residents of Highland Park, may disagree with each other regarding this issue, but that we will engage, all engage, in a civil discourse about the subject and listen to each other. With that said, I hope and urge all Highland Park residents who are concerned about the issue of marijuana being sold in Highland Park to attend Borough Council meetings and make your voices heard.

Councilman George reported that there will be a public meeting on Tuesday, October 16, 2018 at 7:30 p.m. in the Senior/Recreation Center to discuss the proposed "Bring Your Own Bag" plastic bag ordinance. Anyone who wishes to learn more about the ordinance which is being discussed, before any action is taken, should plan to be there. As we have been advising through meetings and announcements, recycling is cancelled this week so that the Department of Public Works can do bulk

trash pickup following the town-wide yard sale this past weekend. Trash was picked up on the North Side, the Business District and the Triangle today. Tomorrow and Thursday will be bulk trash pickup. Friday, trash will be picked upon on the South Side. This was a short week, with the Borough closed yesterday, and in the past, the Department of Public Works has been over-stretched trying to get regular routes done plus the large cleanup after the town-wide yard sale. The Shade Tree Advisory Committee will give a presentation at the next Borough Council Meeting regarding the problem of the Emerald Ash Borer, an insect infestation which the State DEP and Department of Agriculture say will kill all our ash trees within 5 years. In addition, STAC will be holding a public presentation meeting to discuss the problem with our homeowners and residents regarding the impact on trees on private property. In conjunction with this problem, STAC will also review the 5-year plan for the Community Forestry Management Plan, which is required by the State of New Jersey and which outlines our plans for preserving, managing and expanding our forest canopy. The next meeting is October 10<sup>th</sup> at 7:30 p.m. in Borough Hall. Sustainable Highland Park had a joint presentation with Main Street Highland Park to the merchants and retailers in town regarding the “Bring Your Own Bag” ordinance. Sustainable Highland Park also started planning for the 2019 Earth Day Celebration to be held in April, with a theme of “People Powered” to explore Highland Park’s expansion of cycling, walking, hiking and possibly even canoeing and kayaking. The Environmental Commission met last week and discussed the continuing cleanup at Cleveland Avenue, noting that a possible high register of dust was the result of a truck dumping clean soil fill next to one of the monitors. The Environmental Commission also received a report regarding the recent art project in the Meadows Trail. There was some confusion about removal or clearing the habitat by the artists from the group which is out of the Reformed Church, but hopefully no permanent damage was done. The Meadows Trail Volunteers have nearly completed the observation deck in the trail. It is located overlooking the lower parts of the trails toward the river and it is delightfully peaceful. The observation platform was donated and used no taxpayer dollars, and the trail crew did all the work. They will also be trying to recycle some of the older park benches at Public Works to locate at the observation area. The State of New Jersey has litigation with the Federal Government with regard to the marijuana program and its enforcement. There are three parts to the marijuana problem that the First, the Borough needs to discuss in the future and discuss with the public. Medical marijuana has some detractors. Having relatives who have died from cancer, it might have brought some relief that they didn’t have. The second issue is the decriminalization of marijuana offenses. He referenced an incident in West Virginia where someone was arrested for a marijuana joint and spent 10 years in prison for possession of marijuana. West Virginia is now one of the leaders in trying to debate the legalization of marijuana, because it has the 2<sup>nd</sup> worst opioid crisis in the nation. The third issue is recreational marijuana. The first issue with this is the enforcement. Banning marijuana in Highland Park is not going to stop marijuana use in Highland Park. There is easy access to Piscataway, Edison and New Brunswick via Raritan Avenue, River Road and Woodbridge Avenue. It is recognized that there is marijuana use not only in the High School, but the Middle School. It is against the law right now, but they need to balance all of these things in an open public discourse and make some determinations or we could end up like the United States in 1919 when they banned alcohol.

Councilwoman Foster-Dublin added to her report by noting that they have been talking to the Department of Environmental Protection and the Fish and Wildlife representatives and met with them in the Spring. There was supposed to be a public forum in the Fall, but they need more time for research and to bring more partners in. In the interim, should anyone have any deer incidents, they are encouraged to go on the borough website to report it so that they can collect as much data as possible. Mayor Brill Mittler noted that the Fish and Wildlife representatives would like to map out where there is evidence of deer. The Borough Administrator and the Public Information Officer are working on a way for people to report incidents with deer and their locations. The Borough did reach out to the County first, hoping they would be able to help with this situation, but they referred them to the State. She thanked Councilwoman Foster-Dublin and Borough Administrator Jover for their consistent work on this. It has not been an easy process. Working with the State sometimes take a longer time.

Borough Administrator Jover reported that bulk trash pickup for the North Side and Triangle will be on Wednesday. The South Side will have bulk trash pickup on Thursday.

Borough Attorney Schmierer - No report.

Mayor Brill Mittler reported that she co-chaired a meeting of Mayor’s in Middlesex County with the Mayor of East Brunswick, Brad Cohen, to discuss shared services. The Governor sent his two Shared Service Czars to the meeting. It became evident that they cannot expect much funding from the State as we go forward as there are significant financial issues at the State level. They are being asked to be creative with their own expenses. The Borough has had shared services as part of their goals in stabilizing taxes here for years and have some shared services, but as a group of Middlesex County Mayors they will be looking further into some potential. The two czars had some good ideas and they will be meeting again. She has asked Councilman Fine to join her at these meetings. She had a meeting today with the Faith Based Leaders from Highland Park. There were very good discussions and out of it came something that will help the Borough as a community moving forward in learning how to talk to each other about uncomfortable topics such as social justice topics, racial bias topics, racism, anti-Semitism, and other topics that affect our daily lives. Last week, she had the privilege of attending a joint meeting of the New Brunswick Arts Commission, the Highland Park Arts Commission and the Arts Collective for the second round of windows of understanding. They will be bringing this again to Highland Park. This version of the Windows of Understanding will be pairing some of Highland Park’s non-profit groups with local artists who will interpret what these groups do in art forms for public art. Tied into this will be a discussion of windows of understanding and art, but also tables of understanding, where in restaurants they will get groups of people together who don’t know each other to sit down and have some of these hard discussions. She is thrilled that Highland Park is participating with New Brunswick on this. The Teen Center was opened and there has been great programming going on. She was happy to learn from Ashton Burrell, Director, that recently two young teens put together a business of their own to help seniors and others in town by collecting their leaves for them. That came out of a request from a senior resident who wasn’t able to take care of the leaves herself. She thanked the Police Department for their

participation with the youth at the Teen Center. Lastly, she thanked Councilman George for his help in trimming overgrown areas around town. He recently trimmed an area along Raritan Avenue near the Edison border where the sidewalk was block by overgrown bushes.

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

Mara Carlin, 620 Cranbury Road, East Brunswick, thanked Councilman Fine for inviting her and noted that she is the Coordinator for the Coalition and they do programs at the Wellspring Center for Prevention. They do substance abuse prevention throughout Middlesex County. Their primary focus is reducing youth substance use in the community. There are a lot of feelings and a lot of sides to the marijuana issue. She thinks it is important to hear some statistics of what is going on in Middlesex County. There is a survey done every 2 years, called the Middlesex County Pride Survey. Over 5,000 students from Middlesex County are surveyed and asked about their perceptions of risk, their perceptions of substance use and their own person substance use. If you know anything about New Jersey law, it is very hard to get youth to take a survey, as parents have to sign a consent form. From the 2016/2017 school year, 60% of high school students perceived that marijuana is a low or no risk. The more access and the more availability of marijuana, they are going to use it. Access and availability are the two reasons that people use. She works with youth on a daily basis and their attitude is that it is benign and it can't hurt them, it's medicine and it's natural. There is a study that came out last week from the American Academy of Psychiatry which talked about how marijuana use in adolescence, from 13 to 17, their memory was affected; problem solving memory, short term memory, long term memory, manipulation, and the ability to stop habitual behavior. She works with people in recovery all the time and she works with people have an active substance abuse disorder and a lot of it is about ritual and habit forming. From the pride survey, 24% of 12<sup>th</sup> graders in Middlesex County used marijuana in the past 30 days. The national average is 21%. She guesses the number this year is higher because the perception of risk is lower because of what is going on in the State and the talk about legalization of recreational marijuana. 45% of high school students say it is easy or somewhat easy to get marijuana in their town. It is not banning marijuana in your town, it is banning the sale of marijuana in your town. Colorado use in the past month for 12 years and older is ranked 3<sup>rd</sup> in the nation, but 85% higher than the national average. We are seeing that the states that legalize medicinal or recreational marijuana have the top 15 tiers of youth that are using marijuana.

Daniel Stern Cardinale, Harper Street, commented about access to medical cannabis and that it should generally be available. You can get OxyContin right here at a pharmacy in Highland Park. Why should Highland Park discriminate against patients that can benefit from medical cannabis, especially when it can replace some of those more dangerous treatment options. He asked what is easier to get for teenagers, cannabis or alcohol. It is way easier to get cannabis as there is not a regulated legal market for it. Alcohol is way harder for the underage to get because of the regulated legal market for it. Legalization for recreational cannabis is safer than for prohibition. It is true that cannabis will affect development of brains, affect memory, it will cause mental illness and problems down the road. The question isn't pros versus cons of legalization, because legalization is coming one way or the other. That is not a decision Highland Park gets to make. The decision Highland Park has to make is going to deal with the costs associated with legalized recreational cannabis or are we going to deal with the costs of legalized recreational cannabis and also get some of the benefits from it. It is true that taxation in that market is not going to solve all the problems, it is going to singlehandedly revitalize Main Street, but if that is the standard for any new policies you want to implement, no policy is ever going to meet or solve the problem. The question is which of the two options facing the Borough is the net good versus the other one. The answer is pretty clear, that allowing legal regulated recreational cannabis in Highland Park is better than the alternative of prohibiting it in Highland Park, when it is going to be allowed elsewhere in the State of New Jersey.

Barbara McKeithen, 415 South 7<sup>th</sup> Avenue, commented that she received a water and sewer bill for over \$13,000. Apparently, a tag was put on her door, but she found it in the middle of the street. She came to ask what the high bill was about. She was told that if she didn't do something about the leak in her house her bill would be \$6,000. Her house is a small house and was originally a 1-bedroom house. Two bedrooms were added on with a bathroom and a family room. She asked her nephew to come and read her meter and he told her she didn't have a meter. Her regular bill before this problem was less than \$50. Borough Administrator Jover noted that the Council would be discussing this matter in conference. She met with Ms. McKeithen and told her that she does not have the authority to waive away \$13,000 charge. She needs to talk to Council about establishing a policy to address a situation like hers. They will need to establish a general policy/standard practice because the Borough does not have an exception for this. Mayor Brill Mittler noted that this matter will be discussed in Conference and they will advise her of the solution after that meeting.

Susan Slusky, 309 North 4<sup>th</sup> Avenue, commented that she is concerned about the deer situation. She has a great many deer that live on her lawn. She has deer feces all over the lawn. She is concerned about ticks. She wanted clarification on reporting an incident about the deer. Councilwoman Foster-Dublin noted that they want to gather information on where there are clusters of deer so that they can provide the data to the Fish and Wildlife representatives. She was asked to go on the Borough website and use the report a concern button. Deer are everywhere throughout town. Borough Administrator Jover that Highland Park is unique. A lot of communities have very high motor vehicle accidents involving deer. Our data shows that there have been some accidents and some close calls. They are going to mark the map and show distribution based on information to date. We want to impress upon the State that residents are concerned.

Matt Hersh, 333 Felton Avenue, commented that as a resident, a taxpayer and a parent of a 3, 7 and 9-year-old, that he does support legalized marijuana in New Jersey as well as in Highland Park. He supported it when he went to the voting booth back in November, when Governor Murphy who ran on legalized marijuana, won in a landslide. He supports legislation sponsored by Assemblyman Jamal Holley and the Assembly as well as Senator Nick Scitari and the Senate that legalizes recreational marijuana. He pointed out that you can always look at substance in the form of abuse and he thinks prevention is incredibly important and should be looked at in every way possible to make sure Highland Park, and especially the youth, are protected and are safe and are educated about abusing any kind of substance. He noted that the legislation outlines that marijuana legalization is available to those over the age of 21. He asked where the Council is in the process on this issue. He asked whether this had been vetted by the Public Safety Committee, the Health and Human Services Committee, the Board of Health, and the Human Relations Commission. If it hasn't been vetted yet, he wonders why it is being discussed now. As a legislator, and as a matter of governance, and as a seasoned veteran on Borough Council, he asked why Councilman Fine chose to hop over those important steps that every other initiative and every other ordinance goes through. He asked why what he is hearing has not been vetted fully by the Borough Council. Mayor Brill Mittler noted that they had a discussion and there is a process that they will be going through, but the process has not yet started. Mr. Hersh commented that marijuana legalization covers so many policies areas and so many silos that to pigeonhole it and create fear, when it is really about educating the public, raising concerns about health issues, but knowing that people that are over 21 years old are making adult decisions. We cannot be stigmatizing marijuana anymore if it is legal. Councilman Fine commented that he started off his report by noting that the Council has not discussed this yet. We are a team and we work together and we want to come to consensus, but at the same time we are individually elected and we have a responsibility to speak to what we believe. It is okay for anyone up here to express their opinion on any matter and that it doesn't have to go through three committees. It is okay from the beginning to take a stand, even if we disagree with each other, and have that stand.

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

The Clerk reported advertising an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY REQUIRING INSPECTIONS AND THE ISSUANCE OF CERTIFICATES OF CONTINUED OCCUPANCY FOR MULTI-DWELLING AND APARTMENT BUILDINGS AT THE TIME OF SALE, for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available for public inspection as required by law.

On motion made by Councilwoman Welkovits, seconded by Councilman George and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

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

Suzanne, North 6<sup>th</sup> Avenue, asked what this ordinance referred to. Councilwoman Welkovits explained that there were two recent sales of large apartment complexes in town. Other towns are doing this as the State is behind in their inspections.

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

On motion made by Councilwoman Welkovits, seconded by Councilman George, the ordinance entitled as above, being Ordinance No. 18-1970, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Abstain: None.

Absent: None.

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. 10-18-256

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY REQUIRING INSPECTIONS AND THE ISSUANCE OF CERTIFICATES OF CONTINUED OCCUPANCY FOR MULTI-DWELLING AND APARTMENT BUILDINGS AT THE TIME OF SALE, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of 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, in the manner prescribed by law.

The Clerk reported that an ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", had been introduced in writing by the Public Safety Committee for consideration of passage on first reading by title.

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

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

Opposed: None.

Absent: None.

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

No. 10-18-257

WHEREAS, an Ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", 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, October 23, 2018 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.

The Clerk reported that an ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY ADDING CHAPTER 86 "FAIR SHARE AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF HIGHLAND PARK TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT AND THE MOUNT LAUREL DOCTRINE, 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 Councilwoman Foster-Dublin, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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

No. 10-18-258

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY ADDING CHAPTER 86 "FAIR SHARE AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF HIGHLAND PARK TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT AND THE MOUNT LAUREL DOCTRINE, 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, October 23, 2018 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.

On motion made by Councilman Hale, seconded by Councilwoman Foster-Dublin, and carried by affirmative voice vote of all Councilpersons present, Resolution No. 10-18-271 was separated from the Consent Agenda.

On motion made by Councilman George, seconded by Councilwoman Welkovits and carried by affirmative voice vote of all councilpersons present, Resolution No. 10-18-272 was tabled from consideration.

Resolution Nos. 10-18-259 through 10-18-274, except Resolution Nos. 10-18-271 and 10-18-272, 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, Foster-Dublin, George, Hale, Kim-Chohan, Welkovits.

Opposed: None.

Absent: None.

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

No. 10-18-259

WHEREAS, the residents of Franklin Township live in close proximity to the proposed Williams-Transco Compressor Station 206 at Trap Rock Quarry in Franklin Township;

WHEREAS, Williams Transco plans to install a greenfield natural gas fired 32,000hp Compressor Station 206 in Franklin Township, Somerset NJ; and

WHEREAS, the Trap Rock Quarry, adjacent to the proposed Compressor Station 206, is slated as a potential future reservoir site in 2045; and

WHEREAS, the Federal Energy Regulatory Commission (FERC) issued the Draft Environmental Impact Statement (DEIS) on March 23, 2018; and

WHEREAS, FERC acknowledges receiving comments requesting FERC to perform a Health Impact Assessment for Compressor Station 206 in the Executive Summary (pages ES-5 to 7), Environmental Analysis (page 4-292) and their Conclusions and Recommendations (page 5-20) of the DEIS; and

WHEREAS, FERC also identifies existing federal guidelines for air quality and that, due to regulations, Compressor Station 206 is designated as a minor source of pollution; and

WHEREAS, the FERC online database does not indicate performing a Health Impact Assessment for the past 12 years; and

WHEREAS, recent studies detail known and evidenced health hazards resulting from natural gas-fired compressor station emissions and causal evidence of long-term chronic health conditions; and

WHEREAS, these studies include but are not limited to: 2015 Southwest Pennsylvania Environmental - A brief review of compressor stations<sup>1</sup>; NY Environmental Health Project 2017 study - Health Effects Associated with Stack Chemical Emissions from NYS Natural Gas Compressor Stations: 2008-2014<sup>2</sup>; Dr Nordgaard's studies regarding compressor chemical emissions highlighting that current federal standards do not closely reflect actual human health risks<sup>3</sup>; Concerned Health Professionals of NY published its 5th edition Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking (unconventional Gas and Oil Extraction)<sup>4</sup>; and

WHEREAS, a study of nearly 2.5 million veterans followed for over eight years concluded that there is a significant association between exposure to airborne Particulate Matter (PM<sub>2.5</sub>) and kidney disease. The authors found that levels of PM<sub>2.5</sub> that were below the EPA threshold of 12 microgram/m<sup>3</sup> were associated with risk of Chronic Kidney Disease (CKD) and end-stage renal disease (ESRD)<sup>5</sup>; and

WHEREAS, the Application from Williams/Transco for the Northeast Supply Enhancement Project indicates an expectation that PM<sub>2.5</sub> emissions for Compressor Station 206 and background air would be close to "acceptable" thresholds:

Annual: 10.1 microgram/m <sup>3</sup>	(EPA-NAAQS threshold: 12 microgram/m <sup>3</sup> )
24-hour: 32.1 microgram/m <sup>3</sup>	(EPA-NAAQS threshold: 35 microgram/m <sup>3</sup> )

WHEREAS, airborne emissions from Compressor Station 206 have been identified from Williams as:

- *Estimated* emissions from proposed compressor, in tons per year (tpy), for:  
CO = 56.86tpy; NOx = 22.74tpy; VOC = 8.35tpy; PM<sub>10</sub> = 18.94tpy;  
PM<sub>2.5</sub> = 18.94tpy; SO<sub>2</sub> = 3.07tpy; GHG (natural gas) = 132,720tpy.
- *Estimated* caustic chemical emissions, in pounds per year (lbs/yr), for:  
Formaldehyde = 660lbs/yr; Ammonia = 29,580lbs/yr; Acrolein = 6lbs/yr;  
Acetaldehyde = 44lbs/yr; Ethylbenzene = 34lbs/yr; Benzene = 14lbs/yr; Toluene = 142lbs/yr;  
Propylene Oxide = 32lbs/yr; Xylenes = 70lbs/yr.

WHEREAS, these estimated emissions have not been validated by FERC; FERC has not performed a health impact of the above identified chemicals in recent years; and FERC has not indicated reviewing recent developments and studies correlating natural gas fired compressor emissions with direct health hazards; and

WHEREAS, Federal and New Jersey state agencies have recognized the above stated airborne chemical emissions as highly toxic to human health causing a variety of immediate and chronic health conditions; and

WHEREAS, the ambient air sampling that was completed for the NESE Project used stations in Elizabeth, North Brunswick, and East Brunswick NJ as well as Philadelphia PA, and each only measured specific components; and

WHEREAS, there was no local assessment of air quality emissions that included the airborne pollutants from the mining operations of Trap Rock Quarry in combination with the anticipated emissions from Compressor Station 206; and

WHEREAS, FERC has issued its DEIS but the DEIS does not detail the environmental or health impact of above said proposed Compressor Station 206 emissions and is soliciting input from the public and stakeholders; and

WHEREAS, the Highland Park Borough Council reissues the request of the Township Manager to FERC to require a Health Impact Assessment to detail immediate health impacts, long-term health impacts, and contamination potential from CS206 emissions over the next 25 years;

NOW, THEREFORE, BE IT RESOLVED on this 9<sup>th</sup> day of October, 2018, by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that:

1. An Environmental Impact Statement that does not include analysis of health or environmental impact of chemical emissions from Compressor Station 206 cannot be recognized as a legitimate environmental impact statement.
2. The Highland Park Borough Council opposes the construction and operation of the proposed compressor station as there has not been an adequate assessment of the potential detrimental health impacts from construction and operations of the proposed Compressor Station 206 on the residents around this site.
3. The Highland Park Borough Council strenuously urges FERC to conduct a thorough and comprehensive Health Impact Assessment of the proposed Williams-Transco Compressor Station 206 emissions regarding health and environmental impact for the immediate areas as well as long-term contamination potential for the future 2045 reservoir site.
4. The Highland Park Borough Council requests the Federal Energy Regulatory Commission to require continuous air sampling at the site of the proposed Compressor Station 206 before and during construction as well as ongoing for the lifetime of the compressor station operation and publicly available real time updates of air sampling on the internet.
5. The Highland Park Borough Council urges FERC to require a Health Impact Assessment that is started prior to issuing its Final Environmental Impact Statement and urges its representatives of the United States Congress, United States Senate and New Jersey Legislature to oppose the Northeast Supply Enhancement Project that includes the proposed Compressor Station 206.
6. A copy of this resolution will be forwarded to US Senators Cory Booker and Robert Menendez, Congresswoman Bonnie Watson Coleman, NJ Senators Christopher Batman and Bob Smith, and NJ Assemblymen Joseph Danielsen, Joseph Egan, Andrew Zwicker and Roy Frieman.

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

No. 10-18-260

WHEREAS, the Borough of Highland Park desires to submit an application for Transportation Enhancements funding to the New Jersey Department of Transportation for improvements to certain Borough roads;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor is hereby authorized to execute the above referenced grant application to the New Jersey Department of Transportation.

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

No. 10-18-261

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Donald Rish, Director of the Department of Public Works, is hereby authorized and directed to submit the 2018 Recycling Enhancement Grant application to the Middlesex County Division of Solid Waste Management.

BE IT FURTHER RESOLVED that upon award and acceptance of said grant by the Borough of Highland Park and the County of Middlesex, the Borough Administrator and the Borough Clerk shall be and are hereby authorized to execute an agreement on behalf of the Borough of Highland Park.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Administrator, the Director of the Department of Public Works and the Finance Director forthwith.

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

No. 10-18-262

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



WHEREAS, the Borough of Highland Park has determined that the use of cooperative purchasing agreements may result in significant cost savings and is desirous of continued participation in a national cooperative called Sourcewell; and

WHEREAS, SOURCEWELL is established as a public agency and serves agencies across the United States and Canada as a municipal contracting agency; and

WHEREAS, SOURCEWELL operates under the enabling authority of Minnesota Statute 123A.21; and

WHEREAS, the Borough of Highland Park desires to continue to be a member of the SOURCEWELL for the purposes of purchasing goods and or services through a procurement process that is more efficient and provides a cost savings to the Town;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, be and hereby is authorized to continue its membership in the Sourcewell; and

BE IT FURTHER RESOLVED that the Mayor be and hereby is authorized to execute any agreement and the Clerk is authorized to attest to the signature of the Mayor on any agreement signed in connection with joining and participating in the Sourcewell; and

BE IT FURTHER RESOLVED that the Borough of Highland Park shall be responsible for ensuring that all goods and/or services procured through the Sourcewell comply with all laws of the State of New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey.

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

No. 10-18-263

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 2, 2018 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an hourly basis, there have been the following changes, to wit:

- ISABELLA GODISH, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.
- OLIVIA WEAVER, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.
- MAKENZIE VOLPERT, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.
- KATIE VOLPERT, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.
- FREDERICK DIAZ, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.
- ELIA SCHWARTZ, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.
- BEN GODISH, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.
- AIYA UNDERWOOD, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.
- OLIVIA PARKER, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.
- CAMILA YANEZ, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.
- SENA KAPER-DALE, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.

FURTHER RESOLVED that the Finance Director be and is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

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

No. 10-18-264

WHEREAS, pursuant to Resolution No. 6-17-211, adopted by the Borough Council on June 13, 2017, a contract was awarded to Astro Electrical Contractor of Linden, NJ, for the purchase and installation of an emergency generator at the Senior/Youth Center; and

WHEREAS, it appears from Pay Estimate No. 5 and Close-Out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$3,610.31, and there is due to Astro Electrical Contractor, the sum of \$2,137.79 in accordance with said Pay Estimate for work performed from March 28, 2018 to September 17, 2018; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-827-205 in the amount of \$2,137.79, 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 Chief Financial Officer be and is hereby authorized and directed to pay Astro Electrical Contractor the sum of \$2,137.79, as certified by the Engineer in Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of \$16,033.45; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer and CME Associates forthwith.

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

No. 10-18-265

WHEREAS, various property owners made payments through their own on-line banking systems and made payments to the wrong accounts; and

WHEREAS, the payments need to be transferred to the appropriate accounts for said properties;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director and/or Tax Collector is hereby authorized to transfer the posting of said payments as follows:

- \$636.45 from tax account to special assessment account #2015-284 for No. 2<sup>nd</sup> Avenue, Block 174, Lot 20
  - \$3,186.80 from tax account for 3-7 South Adelaide Avenue to tax account for 229 Wayne Street
- BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

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

No. 10-18-266

WHEREAS, the Borough Council of the Borough of Highland Park has determined that an inter-local services agreement with the County of Middlesex would permit reimbursement to the Borough for manpower, equipment and supplies when the Borough's emergency response personnel respond to a Hazardous Materials Incident; and

WHEREAS, under such agreement, the County of Middlesex would provide NJ Department of Environmental Protection certified programs within the Borough of Highland Park to carry out Hazard Emergency Response and Cost Recovery Services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk shall be and are hereby authorized and directed to execute an inter-local services agreement with the County of Middlesex for purposes of coordinating response and cost recovery efforts in the County, said agreement to be in a form approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded forthwith to the Borough Attorney, the Borough Administrator, the Highland Park Board of Health, the Highland Park Environmental Commission, the Highland Park Office of Emergency Management, and the Middlesex County Department of Health.

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

No. 10-18-267

WHEREAS, pursuant to Resolution No. 3-17-118, adopted by the Borough Council on March 21, 2017, a contract was awarded to Z. Brothers Concrete Contractors, Inc. of Sayreville, NJ, for the Improvements to Grant Avenue, Felton Avenue and Graham Street; and

WHEREAS, it appears from Pay Estimate No. 5 and Close-Out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$61,427.57, and there is due to Z. Brothers Concrete Contractors, Inc., the sum of \$31,717.04 in accordance with said Pay Estimate for work performed from December 12, 2017 to August 15, 2018; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-822-210 in the amount of \$31,717.04, 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 Chief Financial Officer be and is hereby authorized and directed to pay Z. Brothers Concrete Contractors, Inc. the sum of \$31,717.04, as certified by the Engineer in Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of \$71,633.31; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer and CME Associates forthwith.

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

No. 10-18-268

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, the Affordable Housing Deed Restriction for Merriwold, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Attorney and the Kaplan Companies, forthwith.

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

No. 10-18-269

WHEREAS, on January 28, 2016, Highland Cliffs LLC, hereto posted with the Borough of Highland Park a performance bond No. FP0022695, issued by First Indemnity of American Insurance Company in the amount of \$1,108,004.40 and a cash performance bond in the amount of \$123,111.60, for a total amount of \$1,231,116.00, in connection with a final major site plan and final major subdivision application on the property known as 2 South Adelaide Avenue, Block 1, Lot 1.01, in the Borough of Highland Park; and

WHEREAS, the developer for the referenced project has requested that the performance bond be reduced; and

WHEREAS, the Borough Engineer has conducted a site inspection of this project and found that items remain to be completed and recommends that the Bond be reduced by \$821,646.82 to \$409,471.18 subject to the payment of all current inspection fees and/or any other outstanding Borough fees, including the Affordable Housing Trust Fund Payment; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that subject to payment of all current inspection fees together with any other outstanding Borough fees, the performance bond heretofore posted may be reduced to \$409,471.18.

BE IT FURTHER RESOLVED that, pursuant to Section C.40:55D-43-2e of the Municipal Land Use Law, no further reductions of this Bond shall be recommended until the punch list items have been satisfactorily completed.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official and Highland Cliffs LLC.

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

No. 10-18-270

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

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

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

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

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

No. 10-18-273

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 "Redevelopment Law") to determine whether certain parcels of land within the Borough constitute an "area in need of rehabilitation" or an "area in need of redevelopment"; and

WHEREAS, the Municipal Council of the Borough (the "Council"), pursuant to and in accordance with the Redevelopment Law, has designated the property commonly known as 31 River Road and identified as Block 183, Lot 24 on the official tax map of the Borough (the "Property") as "an area in need of rehabilitation"; and

WHEREAS, on August 14, 2018, the Council, in accordance with the applicable provisions and requirements of the Redevelopment Law, adopted the 31 River Road Redevelopment Plan (the "Redevelopment Plan") for the Property; and

WHEREAS, K&K Developers, Inc. (the "Entity") seeks to be designated as the "Redeveloper" (as defined in the Redevelopment Law) of the Property, so as to redevelop the Property in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

WHEREAS, the Borough has determined that in order to coordinate the redevelopment of the Property in the most timely and efficient manner, it is in the best interests of the Borough to designate the Entity as the conditional redeveloper (the "Conditional Redeveloper") of the Property, pending the negotiation and execution of a redevelopment agreement (the "Redevelopment Agreement") with the Borough; and

WHEREAS, the Borough desires to authorize the execution of a conditional redeveloper's agreement with the Entity (the "Conditional Redeveloper's Agreement", in the form attached hereto as *Exhibit A*) for the purpose of creating a framework for the negotiation and execution of a Redevelopment Agreement.

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

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

Section 2. K&K Developers, Inc. is hereby designated as the Conditional Redeveloper of the Property pending the negotiation and execution of a Redevelopment Agreement with the Borough.

Section 3. The Mayor is authorized to execute the Conditional Redeveloper's Agreement as attached hereto as *Exhibit A*, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's counsel and professionals.

Section 4. This Resolution shall take effect immediately.

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

No. 10-18-274

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

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

The bills approved for payment at this meeting, Bills List 10/9/2018 can be found in the Bills List Journal Book No. 37.

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 the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

Abstained: None.

No. 10-18-271

WHEREAS, the Borough of Highland Park has need of the services of a Planner to provide planning services in connection with the investigation of an Area in Need of Redevelopment Investigation for 31 River Road, in accordance with letter proposal from Jim Constantine, Looney Ricks Kiss, attached to the original of this resolution; and

WHEREAS, such services are professional services as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Looney Ricks Kiss, Philadelphia, P.A., is a firm of licensed planners of the State of New Jersey with extensive experience in providing these services; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation of said consulting engineer; and

WHEREAS, funds for this purpose will be available in a Trust Fund Account, funded by the Conditional Developer, in an amount not to exceed \$5,000.00, as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below; and

NOW, THEREFORE, BE IT RESOLVED by the Borough 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 professional services with Jim Constantine, PP, Looney Ricks Kiss, Public Ledger Building, Suite 756, 150 S. Independence Mall West, Philadelphia, PA 191065, a copy of which is attached to the original of this original, and that notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

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

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

Opposed: None.

Absent: None.

Abstained: None.

No. 10-18-275

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$30,000.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$30,000.00 be and the same is hereby appropriated under the caption of:

NJ Urban & Community Forestry (NJUCF) Stewardship Grant \$30,000.00

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

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

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

Opposed: None.

Absent: None.

Abstained: None.

No. 10-18-276

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$54,332.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$54,332.00 be and the same is hereby appropriated under the caption of:

HDSRF Grant – Rutgers Gun & Boat Shop \$54,332.00

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

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

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

Opposed: None.

Absent: None.

Abstained: None.

No. 10-18-277

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$54,432.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$54,432.00 be and the same is hereby appropriated under the caption of:

HDSRF Grant – Denison Street Vacant Lots \$54,432.00

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

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

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

Opposed: None.

Absent: None.

Abstained: None.

No. 10-18-278

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$37,731.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$37,731.00 be and the same is hereby appropriated under the caption of:

HDSRF Grant – Classic Cleaners \$37,731.00

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

Mayor Brill Mittler appointed Irene Riegner to serve as a Regular Member of Sustainable Highland Park for a term to expire December 31, 2018.

Mayor Brill Mittler appointed Leann Cosley-Richardson to serve as a Local/Civic Member of the Municipal Alliance for a term to expire December 31, 2018.

Mayor Brill Mittler appointed Rev. Kermit Ross and Tammy Russ-Fishbane to serve as members of the Human Relations Commission for terms to expire April 17, 2019.

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

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

Opposed: None.

Abstained: None.

Absent: None.

The Clerk reported receipt of notification of the election of Volunteer Firefighter Eric Torres Olivos to the rolls of the Highland Park Volunteer Fire Department.

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

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

Opposed: None.

Absent: None.

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, commented about the shopping bags and noted that she said a long time ago about when her daughter lived in Ohio that if you didn't bring your own bag you paid for it. If you would charge for the plastic bags you would eliminate a lot of the crap that is going into the trash. She takes those plastic bags and uses them for her garbage. She is concerned about the lack of sidewalk repairs. Councilwoman Welkovits was supposed to walk with her in her neighborhood. There are so many broken sidewalks and winter is coming. Councilwoman Welkovits noted that she is available to walk with her on Friday at 1:00 p.m. Ms. Bickhardt commented that she thinks the Borough needs some speed bumps. Lt. Hammill noted that they have had some issues with speed bumps. We have found through a study and watching, that cars actually increase their speeds between the speed bumps and it is causing greater problems. Lt. Panichella has the studies and is the Borough's Traffic Officer and works with the Safe Walking and Cycling Committee. Speed bumps are not an effective way to deter speeding. Mayor Brill Mittler noted they have placed the electric sign to put in a trouble area and they have signs that state "children playing" that can be put in particular areas as traffic calming devices. Ms. Bickhardt noted that cars race up and down her street and go past the line at the corners at the stop sign.

Mara Carlin, 620 Cranbury Road, East Brunswick, addressed a comment someone made about alcohol. Alcohol is not only the most abused drug, but also the most accessible drug. There are lots of sides to this issue and it is not just cut and dry about recreational legalization or medicinal marijuana. It is about youth, public safety and public health and how you want to see your town and there is a lot to think about. She is coming from a public health standpoint, from a youth standpoint. She is not coming from a tax standpoint. She doesn't know about taxes and how the taxes work. She knows, as someone who is in public health and who deals with youth all the time, the more accessible it is, the more they will use it. Alcohol is readily available in her homes. Most homes you go into, have alcohol, have alcohol accessible and it is going to be the same with marijuana. Selling it in your town is something you need to decide as a Council, but it is not a black or white issue and really should be up for discussion.

Daniel Stern Cardinale, Harper Street, commented about the alcohol versus cannabis issue. The question there is whether the cannabis use is in addition to alcohol or substituting for alcohol abuse. The data that is available, as there is not much data, leans towards substitution rather than use in addition to. What are the social costs associated with the two substances? Alcohol is a much higher social cost for use at all ages than alcohol use and abuse. 20 years from now, there will be much better data on that question, but right now it leans towards substituting rather than use in addition to, which is a point in favor of recreational legal cannabis, not a point against. This is a social justice issue. Prohibition, by design, for its entire existence, has disproportionately affected non-white and poor communities, through incarceration, through voter disenfranchisement and through unemployment due to encounters with law enforcement. Legal regulated cannabis is an opportunity to undo some of the injustices that are a result of this policy going back for over a century. Last year, when you passed the open and inclusive community resolution, the debate in this room was whether or not that resolution went far enough to address the challenges that we're facing right now as a community and as a country. Are we going to let fears over potential future harms prevent us from addressing past and ongoing injustices right now that legal regulated cannabis could help address? We should embrace this opportunity as a matter of economics, as a matter of public health and, most importantly, as a matter of social justice. Councilman Hale noted that the resolution passed earlier was in need of some improvement. There will be some additional language in another resolution in the future.

Matt Hersh, 333 Felton Avenue, commented that he is happy to hear that the inclusive community's resolution is being improved upon. He is not prepared, nor is the community prepared to have this type of debate in this setting. He thinks it is really irresponsible for his Borough Council to have begun this debate in public about this really complicated nuance, multi-dimensional issue. He understands substance abuse, he has dealt with it and he has been sober for 4 years. He fully supports legalizing marijuana in Highland Park and in New Jersey. We should never lead any policy with fear of the worst consequence or the worst outcome. There is not enough evidence and he is not prepared to question the wisdom of the Governor and the Legislature that supports this. It needs to be properly vetted through a very public process. Mayor Brill Mittler noted that she nor the Council had any intention of having this discussion begin. It began with Councilman Fine's letter to the editors of all the newspapers. Once it became public, the discussion started. However, there is a process and it will go

through the Committee process, all the committee's involved. It will come back to the Council for further discussion and will go to the public for an open discussion when we know what we are talking about. Right now, there is no firm answer on exactly what the legislation will look like. The problem that she has with the legislation is that it only gives 2% of the taxes to the municipalities, as they are the ones that are going to have the expenses in Code Enforcement, Police enforcement, etc. Councilman George commented that the process of discussion involves a number of parts and will take place in the public discourse through public meetings, through discussion, through information gathering, and neither side will be rushed to judgment, much less encouraged to do so in the process.

Abby Stern Cardinale, Harper Street, commented about the marijuana discussion and noted that it was posted on Facebook and there were a lot of comments that expressed concerns. She asked whether there has ever been fluoride in the water in Highland Park and when it was last revisited and what is the process for fluoridation of the water. Mayor Brill Mittler noted that in 2009 when she first came to Council, the Board of Health had asked that they look into the matter. Middlesex Water Company said that unless other municipalities that share in the water also wanted to add fluoride, it was a very expensive proposition for the Borough to do it alone. Councilwoman Welkovits noted that several Council Members have gone to Middlesex Water and they said they could build a pump house for Highland Park to fluoridate the water, but it would cost \$500,000. Ms. Stern Cardinale noted that she called and emailed Middlesex Water Company and got conflicting answers. She thinks it is worth discussing with other towns. Public health officials do agree that this is an issue of public health and that is very important for the community. Councilman Hale noted that he will bring this issue directly to the Board of Health.

Lois Lebbing, North 2<sup>nd</sup> Avenue, commented that Edison was removing speed bumps when Highland Park was installing them in 2007. Anyone who lives near a speed bump can hear it when vehicles go over them. Ticks are everywhere and they are on every animal, bird, etc. Deer are where there are trees and they go after bird feeders and have eaten her cat's food in her yard. She asked if the Borough owns Buck Woods with all the ordinance/resolutions passed since 2016 allocating \$1.86 million dollars with those specific Block and Lot numbers. Councilman George noted that the ordinance was passed a number of years ago when there was consideration of possible condemnation as part of a land swap or not part of a land swap. The ordinance passed recently was an amendment to that original ordinance. The ordinance name can't be changed, the money since has been targeted for elsewhere for economic development and for the teen center. Mayor Brill Mittler added that it is an ordinance that allowed the Borough to go out and set up a bond for the purchase of properties for redevelopment. The Borough bought the building that Main Street is in with that ordinance. Ms. Lebbing commented that under the Master Plan when Mayor Frank and Mayor Nolan were in office, they indicated that taxpayer money would not be used for redevelopment. Mayor Brill Mittler noted that if an opportunity comes forward that would help for economic development and would improve the tax base, they would. The 2020 master plan will be worked on in 2019 and will be chaired by former Steve Nolan from the Planning Board. Borough Attorney Schmierer reiterated that the Borough has not purchased Buck Woods and have no intention to do so. No more trees are coming down until a concept plan is submitted by the owner of the property to detail what they would like to do with the property. They should get that concept plan in the next several weeks and they will go back to court. The tree removal for right now has been stopped. Ms. Lebbing commented about getting access to property record cards and deeds from the Assessor's Office. Borough Administrator Jover noted that there is an online portal that Middlesex County has where you can request a copy electronically. Lastly, Ms. Lebbing commented about having a lighted sign posted about an event such as the Arts Festival to let residents know of potential traffic and parking problems during the event. There was a lot of traffic on Denison Street and people didn't seem to know where to go. Lt. Hammill noted that they try to do that at least a week prior to the event and they notify WCTC and NJ12.

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

There being no further business, on motion made by Councilman George, seconded by Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:58 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk