

BOROUGH OF HIGHLAND PARK  
REGULAR MAYOR & COUNCIL MEETING  
VIA TELEPHONE  
JULY 21, 2020 - 7:00 PM

**The Borough is using the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Borough's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers.**

**The public is invited to attend and participate by way of a call-in number and password:**

**Call-in number: 1-929-205-6099**  
**Meeting ID: 912 3276 1225**  
**By Computer, Smart Phone or Tablet:**  
**Web Link: <https://zoom.us/j/91232761225>**

**MISSION STATEMENT OF THE BOROUGH OF HIGHLAND PARK:**

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

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

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

**AGENDA**

**The Mayor is presiding over this Council meeting. She may interrupt, warn or terminate a participant's statement or participation in the virtual meeting if the participant's statement does not adhere to the 3 minutes provided to each participant for public comment or if the statement is abusive, obscene or irrelevant.**

\* Denotes Consent Agenda Posted Items. Ordinarily, consent agenda items, pursuant to Ordinance No. 920, are not read nor debated unless there is a request by a member of Council or the public. Furthermore, unless requested by a member of Council for a separate vote, all consent agenda items, as per Council's Rules of Order, Article IV, shall be considered in the form of one **MOTION**.

1. Call to Order and Open Public Meetings Statement.
2. Pledge of Allegiance.
3. Roll Call.
4. 7-20-194 Resolution to appoint new Council Member.  
**MOTION** adopt/reject

**ROLL CALL VOTE**

Oath of Office administered to new Councilperson by Mayor Brill Mittler.

5. 7-20-195 Resolution to Amend Resolution No. 1-20-03 – Regarding Standing Committees.  
**MOTION** adopt/reject **ROLL CALL VOTE**
6. Proclamations – Library Personnel – Retirements – Fran Lee & Jane Stanley.
7. Council Reports.
8. Borough Administrator's Report.
9. Borough Attorney's Report.
10. Mayor's Report.
11. Public Discussion.  
*(21 minutes total; 3 minutes each speaker limited to items on this Agenda, including Work Session).*
12. 7-20-196 Resolution to introduce 2020 Main Street Highland Park Budget and approve on first reading and schedule public hearing date.  
**MOTION** adopt/reject **ROLL CALL VOTE**
13. Clerk reports introduction of Amendment to Tree Removal and Protection Ordinance for consideration of passage of first reading by title.  
a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 7-20-197) **ROLL CALL VOTE**
14. Clerk reports introduction of Ordinance Authorizing Acceptance of Site Triangle Easement for 31 River Road, for consideration of passage of first reading by title.  
a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 7-20-198) **ROLL CALL VOTE**
15. Clerk reports introduction of Salary Ordinance Amendment, for consideration of passage of first reading by title.  
a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 7-20-199) **ROLL CALL VOTE**

**CONSENT AGENDA** - **MOTION** to adopt the following starred (\*) items:

**ROLL CALL VOTE**

16. \*7-20-200 Resolution to Approve Release of Found Property.
17. \*7-20-201 Resolution to Amend Annual Salary Resolution.
18. \*7-20-202 Resolution to Approve Purchase of Leaf Bags.
19. \*7-20-203 Resolution to Appoint Housing Authority Members.

- 20. \*7-20-204 Resolution to Cancel Outstanding Bail Account Checks.
- 21. \*7-20-205 Resolution to Cancel Outstanding General Account Checks.
- 22. \*7-20-206 Resolution to Submit Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the 2021 Roadway Improvement Project.
- 23. \*7-20-207 Resolution Authorizing Execution of the FY2021 Municipal Alliance Contract with the County of Middlesex.
- 24. \*7-20-208 Resolution to Execute Professional Services Agreement with Gabel Associates for Renewable Government Energy Aggregation Consulting.
- 25. \*7-20-209 Resolution in Support of Application to County Open Space & Recreation Trust for Improvements to Borough Recreation Complex.
- 26. \*7-20-210 Resolution Authorizing Issuance of RFP for Emergency Water & Sewer Repairs.
- 27. \*7-20-211 Resolution to Approve Bills List.  

	<b>MOTION adopt/reject</b>	<b>ROLL CALL VOTE</b>
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- 28. 7-20-212 Chapter 159 – 2020 Middlesex County Code Blue Grant.  

	<b>MOTION adopt/reject.</b>	<b>ROLL CALL VOTE</b>
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- 29. 7-20-213 Chapter 159 – Hazardous Discharge Site Remediation Fund Grant.  

	<b>MOTION adopt/reject.</b>	<b>ROLL CALL VOTE</b>
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- 30. 7-20-214 Resolution Authorizing Redevelopment Agreement for 433 Cleveland Avenue.  

	<b>MOTION adopt/reject.</b>	<b>ROLL CALL VOTE</b>
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- 31. Mayor appoints the following:

Derek Gamble	HP Gives a Hoot
<b>MOTION TO CONFIRM</b>	<b>ROLL CALL VOTE</b>
- 32. Public Comments.  
*(3 minutes per speaker on any items; subject to 9PM conclusion prior to Work Session)*
- 33. Recess (5 minutes).
- 34. Work Session Items: No formal action to be taken.
  - a. Draft Resolution in Support of Assembly Bills A4226 and A4034 (MH).
  - b. Bid Threshold Increase (TJ).

- c. Fire Department Ordinance Amendments (EFD).
- d. Director of Emergency Services Ordinance (EFD).
- e. Deer Feeding Ordinance (TJ).

35. Goals.

36. **MOTION** to adjourn.

**Next Scheduled Meeting: August 18, 2020**

**BOROUGH OF HIGHLAND PARK  
NO. 7-20-194**

**RESOLUTION: Council as a Whole**

**BE IT RESOLVED** by the Borough Council of the Borough of Highland Park that due to the passing of Councilwoman Welkovits, \_\_\_\_\_ is hereby appointed to temporarily fill the vacancy on the Borough Council, effective immediately;

**BE IT FURTHER RESOLVED** that \_\_\_\_\_ shall serve on the Borough Council until such time as a candidate is elected to fill the remainder of the unexpired term at the General Election to be held on November 3, 2020.

**ADOPTED:** July 21, 2020

**ATTEST:**

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

**RECORD OF COUNCIL VOTES**

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-195

RESOLUTION: Council as a Whole

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Resolution No. 1-20-03 adopted by the Borough Council on January 7, 2020, shall be and is hereby amended to read as follows:

"BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Standing Committees of said Council for the year 2020 shall be and are hereby established as follows:

RECREATION AND ARTS	Councilpersons FINE, Kim-Chohan, _____.
ECONOMIC DEVELOPMENT & PLANNING	Councilpersons HALE, _____, Kim-Chohan.
FINANCE	Councilpersons _____, FINE, GEORGE.
HEALTH AND HUMAN SERVICES	Councilpersons KIM-CHOHAN, Hale, Foster-Dublin.
PUBLIC SAFETY	Councilpersons FOSTER-DUBLIN, George, Hale.
PUBLIC WORKS & PUBLIC UTILITIES	Councilpersons GEORGE, Foster-Dublin, Fine.

BE IT FURTHER RESOLVED that the first Councilpersons listed above for each Committee shall serve as Chair of that Committee."

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-196

RESOLUTION TO INTRODUCE 2020 MAIN STREET HIGHLAND PARK BUDGET

RESOLUTION: Economic Development and Planning Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following statements of revenues and appropriations shall constitute the Main Street Highland Park Budget for the year 2020;

BE IT FURTHER RESOLVED that said Budget be published in the Home News Tribune, Asbury Park, NJ, in the issue of July 24, 2020.

The Governing Body of the Borough of Highland Park does hereby approve the following as the Main Street Highland Park Budget for the year 2020:

<u>Income</u>	
Government Grants	93,515.00
Special Assessment (BID)	166,474.00
Fees/Sponsorships	16,400.00
Reserves	<u>17,913.00</u>
Total Income	\$ 294,302.00
<u>Expense</u>	
Administration and General	\$ 164,602.00
Program Expense	<u>129,700.00</u>
Total Expense	\$ 294,302.00
<u>Budget Surplus/(Deficit)</u>	\$ 0.00

Notice is hereby given that the Main Street Highland Park Budget and Resolution was approved by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, on July 21, 2020.

A hearing on the Main Street Highland Park/Business Improvement District Budget will be held at the next Council Meeting, which, due to the COVID-19 pandemic will be taking place virtually on **August 18, 2020 at 7:00 o'clock PM** at which time and place objections to said Budget and Resolution for the year 2020 may be presented.

ROLL CALL: Ayes:  
Nays:  
Absent:  
Abstain:

Introduced and approved on first reading July 21, 2020.

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

DRAFT



BOROUGH OF HIGHLAND PARK  
NO. 7-20-197

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE TO REPLACE CHAPTER 388 OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010" CONCERNING TREE REMOVAL AND PROTECTION, 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, August 18, 2020, 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 Deputy Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK

ORDINANCE NO. 20-

An Ordinance of the Borough of Highland Park, County of Middlesex, Amending Chapter 388 of the "Code of the Borough of Highland Park" concerning Tree Removal and Protection.

BE IT ORDAINED by the Highland Park Borough Council, Middlesex County, that Sections 388-11 A and D of the "Code of the Borough of Highland Park" is amended to read as follows: [bracketed material deleted], underlined material new:

§ 388-11. Tree replacement.

Any tree removed pursuant to this Chapter and having a DPM of 8 inches or greater shall be replaced, unless otherwise exempt, by planting a replacement tree(s) or making a payment in mitigation.

A. Planting of replacement trees

- a. All replacement trees of whatever species shall have DPM of not less than two-inch caliper.
- b. For any property for which tree replacement is required, trees shall be replaced according to the following schedule:
  - i. For each tree removed that is 8 inches DPM or greater but less than 20 inches, replacement shall be by one (1) replacement tree; and
  - ii. For each tree removed that is 20 inches DPM or greater but less than 36 inches, replacement shall be by two (2) replacement trees; and
  - iii. For each tree removed that is 36 inches DPM or greater, replacement shall be by three (3) replacement trees.]
  - i. For any residential property that is owner-occupied, trees shall be replaced according to the following schedule:

For each tree removed that is 8 inches DPM or greater but less than 20 inches, replacement shall be by one (1) replacement tree;

For each tree removed that is 20 inches DPM or greater but less than 36 inches, replacement shall be by two (2) replacement trees; and

For each tree removed that is 36 inches DPM or greater, replacement shall be by three (3) replacement trees.

- ii. For residential property that is not owner-occupied and for any other property held for investment and for all commercial property, trees shall be replaced according to the following schedule:

For each tree removed that is 8 inches DPM or greater but less than 20 inches, replacement shall be by two (2) replacement trees;

For each tree removed that is 20 inches DPM or greater but less than 36 inches, replacement shall be by four (4) replacement trees; and

For each tree removed that is 36 inches DPM or greater, replacement shall be by six (6) replacement trees.

[D. Tree Replacement Fund. The Department of Code Enforcement and DPW, in consultation with the STAC, may permit an applicant to make a payment to the Borough's Tree Replacement Fund, established hereunder in § 388-12, in lieu of replacement of part or all of the trees removed pursuant to § 388-8. Such payment shall be calculated at a rate of \$500 for each deciduous tree and \$450 for each evergreen tree.

All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:

- a. The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund; or
- b. The Department of Code Enforcement and applicant agree in writing that the applicant shall make payment to the Tree Replacement Fund based upon the above; or
- c. The Department of Code Enforcement in consultation with DPW and the STAC and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal Community Forestry Management Plan.]

D. Monetary Mitigation. All replacement trees shall be planted on site in accordance with the foregoing. Monetary mitigation shall be made as a payment to the Tree Replacement Fund in an amount equal to \$400 for each unplanted replacement tree. Monetary mitigation shall be required if:

- a. the applicant for any reason plants fewer than the number of required replacement trees within the required six months of removal; or
- b. the applicant determines that the site will not accommodate the total number of required replacement trees and makes a monetary mitigation payment for each replacement tree that will not be planted; or
- c. a replacement tree dies within a year of planting and the applicant determines not to plant a new replacement tree.

2. This Ordinance shall take effect upon its passage and publication and provided for by law.

Introduced and Passed on first reading: July 21, 2020

Adopted:

Approved:

Attest:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

\_\_\_\_\_  
Gayle Brill-Mittler, Mayor

BOROUGH OF HIGHLAND PARK  
NO. 7-20-198

RESOLUTION: Economic Development and Planning Committee

WHEREAS, an Ordinance entitled, ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, NEW JERSEY, AUTHORIZING ACCEPTANCE OF A NON-EXCLUSIVE EASEMENT OVER BLOCK 183, LOT 24 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF HIGHLAND PARK, PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ., 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, August 18, 2020, 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 Deputy Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

**BOROUGH OF HIGHLAND PARK  
ORDINANCE NO. 20-**

**ORDINANCE OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF HIGHLAND PARK, COUNTY OF  
MIDDLESEX, NEW JERSEY, AUTHORIZING  
ACCEPTANCE OF A NON-EXCLUSIVE EASEMENT OVER  
BLOCK 183, LOT 24 AS SHOWN ON THE OFFICIAL TAX  
MAP OF THE BOROUGH OF HIGHLAND PARK,  
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, the Borough of Highland Park (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, 31 River Road Urban Renewal, LLC (the "**Grantor**") is the owner of a parcel of land located in the Borough, which parcel of land is shown and designated as Block 183, Lot 24 on the Official Tax Map of the Borough (the "**Property**"); and

**WHEREAS**, on September 12, 2019, by way of Application #P2019-03, the Grantor received preliminary and final major site plan approval (the "**Approval**") pursuant to the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, from the Borough of Highland Park Planning Board (the "**Planning Board**") in furtherance of the Grantor's plans (the "**Project Plans**") to construct a multifamily residential development on the Property (the "**Project**"); and

**WHEREAS**, by Resolution No. 2019-06, adopted on October 10, 2019, the Planning Board memorialized the Approval (the "**Resolution**"); and

**WHEREAS**, the Project Plans depict, and the Resolution requires, that the Grantor grant to the Borough a non-exclusive sight triangle easement that is consistent with American Association of State Highway Transportation Officials (the "**AASHTO**") standards (the "**Sight Triangle Easement**") in, over, and across portions of the Property, and to provide for the maintenance and upkeep thereof; and

**WHEREAS**, there is an existing sight triangle easement on the Property for the benefit of the County of Middlesex (the "**County**") that is inconsistent with the Project; and

**WHEREAS**, the County is willing to terminate the existing easement if a new Sight Triangle Easement agreement is executed, in which the Grantor agrees to give, grant, and convey the Sight Triangle Easement to the Borough (the "**Sight Triangle Easement Agreement**"), to replace the easement that is being terminated; and

**WHEREAS**, the Borough Attorney has reviewed the Sight Triangle Easement Agreement between the Grantor and the Borough, in which the Grantor agrees to give, grant, and convey the Sight Triangle Easement to the Borough, in the form attached hereto as Exhibit A, and finds same acceptable, subject to the approval of the Borough Council of the Borough of Highland Park (the "**Borough Council**"); and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et seq.*, an ordinance is required to accept the Sight Triangle Easement and authorize the execution of the Sight Triangle Easement Agreement to memorialize same, and the Borough Council so desires to accept the Single Triangle Easement and execute the Sight Triangle Easement Agreement.

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

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

Section 2. The Borough Council hereby accepts the Sight Triangle Easement.

Section 3. The Borough Council hereby authorizes the Mayor, Borough Administrator, Borough Clerk, Borough Attorney, Chief Financial Officer, and other necessary Borough Officials to execute the Sight Triangle Easement Agreement in the form attached hereto as Exhibit A and all other necessary documents and undertake all actions reasonably necessary to effectuate the aforementioned Sight Triangle Easement and this Ordinance.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Sight Triangle Easement Agreement shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

Introduced and passed on first  
reading: July 21, 2020

ADOPTED:

ATTEST:

APPROVED:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

\_\_\_\_\_  
Gayle Brill Mittler, Mayor

**EXHIBIT A**  
**SIGHT TRIANGLE EASEMENT AGREEMENT**

DRAFT

**WHEN RECORDED, RETURN TO:**

Wilentz, Goldman & Spitzer, P.A.  
90 Woodbridge Center Drive  
Woodbridge, New Jersey 07095  
Attn: Steven Tripp, Esq.

**SIGHT TRIANGLE EASEMENT AGREEMENT**

**THIS SIGHT TRIANGLE EASEMENT AGREEMENT (“Agreement”)** is made this \_\_\_ day of June , 2020, and between

**31 RIVER ROAD URBAN RENEWAL, LLC**, a New Jersey limited liability company located at 820 Morris Turnpike, Short Hills, New Jersey 07078 (“**Grantor**”);

AND

**BOROUGH OF HIGHLAND PARK**, a municipal corporation of the State of New Jersey, located at 221 S 5th Ave, Highland Park, NJ 08904 (“**Grantee**”).

**WITNESSETH:**

**WHEREAS**, Grantor is the owner of a parcel of land located in the Borough of Highland Park, County of Middlesex and State of New Jersey, which parcel of land is shown and designated as Lot 24 in Block 183 on the current Official Tax Map of the Borough of Highland Park (“**Property**”); and

**WHEREAS**, Grantor proposes to develop the Property with a multifamily residential development pursuant to certain “Approvals” (herein defined) (“**Project**”); and

**WHEREAS**, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., Grantor has applied for and received from the Borough of Highland Park Planning Board (“**Board**”) preliminary and final major site plan approval of the Project under Application P2019-



03 (“**Approval**”), permitting the lawful development of the Property pursuant to the final plans on file with the Board (“**Project Plans**”); and

**WHEREAS**, the Approval was memorialized by Resolution 2019-06 adopted by the Board on October, 10, 2019 (“**Resolution**”); and

**WHEREAS**, the Project Plans depict, and the Resolution requires, Grantor to grant to Grantee a sight triangle easement that is consistent with AASHTO standards (“**Sight Triangle Easement**”) in, over and across portions of the Property; and to provide for the maintenance and upkeep thereof; and

**WHEREAS**, there is an existing sight triangle easement on the Property for the benefit of the County of Middlesex (the “**County**”) that is inconsistent with the Project; and

**WHEREAS**, the County is willing to terminate the existing easement if a new Sight Triangle Easement agreement is executed with the Borough to replace the easement that is being terminated; and

**WHEREAS**, Grantor is executing and delivering this Agreement pursuant to the Approval for the purpose of implementing and complying with the conditions of the Resolution and implementation of the Sight Triangle Easement depicted on the Project Plans; and

**WHEREAS**, it is the interest of the general public and the welfare of the Grantee that the lands hereinafter described shall be at all times retain as open space for the purpose of permitting the operations of vehicles and pedestrians to see across said lands and to provide a clear view for oncoming vehicles or pedestrians from adjoining driveways, streets, roads or highways.

**NOW, THEREFORE**, in consideration of the agreements and covenants set forth herein and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Grantor hereby agrees to grant to Grantee the Sight Triangle Easement on the portions of the Property described on **Schedule "A"** and more specifically depicted on **Schedule "B"** which Schedules are annexed hereto and made a part hereof.

1. **Declaration Of Sight Triangle Easement.** Grantor hereby gives, grants, and conveys to Grantee, a certain non-exclusive Sight Triangle Easement, coupled with the right for Grantee to enter into and upon the Property for reasonable access to the Sight Triangle Easement area. The Sight Triangle Easement is established on the Property to provide proper and safe sight distances for pedestrian and vehicular traffic for the benefit of the public.

2. **Restriction on Grantor's Use of the Sight Triangle Easement Area.** During the term of this Agreement, there shall not be erected at any time any building, structures or signs which may in any way interfere with the view or sight of operators of vehicles or pedestrians traversing the abutting driveways, streets, roads or highways in the Sight Triangle Easement area as depicted on the Project Plans. However, such varieties of ground cover or shrubs having an ultimate height of from 2 to 3.5 feet and that may easily be cared for may be planted in the Sight Triangle Easement area as depicted on the Project Plans.

Grantor, as the owner of the Property, and thereafter its successors in title to the Property, shall have the obligation, at no cost or expense to Grantee, to maintain the Sight Triangle Easement area to control growth of vegetation, weeds, shrubs and/or trees so that same does not interfere with, impede, diminish provide proper and safe sight distances for pedestrian and vehicular traffic.

3. **Grantee's Rights.** In the event Grantor fails or refuses to honor its maintenance obligations herein provided, Grantee, its agents, representatives or employees, may, but shall have no duty to enter into and upon the Property for the purpose of clearing any brush, trees, weeds or other ground cover upon said areas and for the purpose of establishing a clear sight or view for operators of vehicles or pedestrians traversing the abutting streets, roads, driveways or highways. The Sight Triangle Easement granted herein is subject to such state of facts as an accurate survey may reveal, and to all prior easements, covenants, reservations and restrictions of record, provided same do not materially and adversely interfere with Grantee's exercise of the easement rights provided herein.

4. **Reservation of Rights.** Grantor, its successors and assigns, reserves the right to make any and all use of its lands (the surface, sub-surface and air space above) lying within the Sight Triangle Easement area, including, but not limited to, the right to grant to private and public utility companies, municipal utilities authorities and other authorized or permitted parties, easements and right-of-ways over, under, across and/or through the Sight Triangle Easement area, and the right to install or permit to be installed utilities within the Sight Triangle Easement area, provided that same do not prevent or unduly interfere with the exercise of Grantee's rights herein granted.

5. **Duration.** The Sight Triangle Easement herein granted shall run with the land and shall be perpetual.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be properly executed as of the date and year first set forth above.

LLC

**Grantor:**

**31 RIVER ROAD URBAN RENEWAL,**

**By:**

---

DRAFT

Schedule "A"

DESCRIPTION OF SIGHT TRIANGLE EASEMENTS

DRAFT



T 732 846 8585  
F 732 846 9439

261 Cleveland Avenue  
Highland Park, NJ 08904

Legal Description  
31 River Road  
Proposed Sight Triangle Easement  
Block 183, Lot 24  
Borough of Highland Park  
Middlesex County, New Jersey

BEGINNING at a point, said point marking the intersection of the southerly right-of-way line of Walter Avenue (50' R.O.W.) with the easterly right-of-way line of River Road (A.K.A. County Route 622)(R.O.W Varies); thence

1. North 68 degrees 40 minutes 36 seconds East, along said southerly right-of-way line, a distance of 4.95 feet to a point; thence
2. South 24 degrees 10 minutes 36 seconds East, along a line, a distance of 79.86 feet to a point lying in the easterly right-of-way line of River Road; thence
3. North 27 degrees 42 minutes 22 seconds West, along said easterly right-of-way line, a distance of 80.26 feet to the point or place of BEGINNING.

The above-described easement contains 197 square feet, more or less, as shown on a map entitled "31 River Road - Sight Triangle Easement Plan" prepared by Menlo Engineering Associates, Inc.; job no. 2019.019; drawing no. SIGHT-ESMT-1; dated October 10, 2019.

KMR/dp  
MEA #2019.019  
October 10, 2019



Gregg A. Gaffney  
Professional Land Surveyor  
NJPLS# GS43304

O:\Documents\2019\2019.019\ENG\2019.019-Legal Description-Sight Triangle Easement.docx

**SCHEDULE "B"**

**DEPICTION OF SIGHT TRIANGLE EASEMENTS**

DRAFT

C:\dwg\2019.019-31 River Road\2019.019-BASE.dwg PLOTTED: 10/22/2019 8:38 AM BY: KIM ROMAN

BLOCK 184  
LOT 2

YELLOW LINE  
**WALTER AVENUE**  
50' R.O.W.

BLOCK 183  
LOT 24

**RIVER ROAD**  
(A.K.A. COUNTY ROUTE 622)  
(R.O.W. VARIES)

N68°40'36"E  
4.95'  
P.O.B. SIGHT  
TRIANGLE  
ESMT.

PROPOSED  
SIGHT TRIANGLE  
EASEMENT  
(197 SF)

EXISTING SIGHT  
TRIANGLE EASEMENT  
DB 3182, PG 84  
(TO BE EXTINGUISHED)

**REFERENCE**

1. ENGINEERING SITE PLANS ENTITLED "31 RIVER ROAD" PREPARED BY MENLO ENGINEERING ASSOCIATES, INC.; JOB No. 2019.019 DATED 08/07/19.

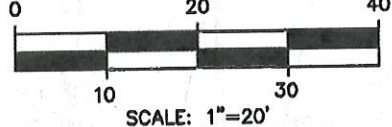


Civil Engineering Consultants  
Landscape Architects  
Professional Planners

261 Cleveland Avenue  
Highland Park, NJ 08904

732-846-8585 732-846-9439  
Certificate of Authorization : 24GA27951900

**GRAPHIC SCALE**



**REVISIONS**

NO.	DESCRIPTION

**31 RIVER ROAD**  
BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY  
**SIGHT TRIANGLE EASEMENT PLAN**  
BLOCK 183, LOT 24

THIS WORK PREPARED UNDER MY IMMEDIATE SUPERVISION...

DRWN. BY KMR  
DSGN BY WAL  
APPRD. BY GAG

DATE OF ISSUE  
OCTOBER 10, 2019

JOB # 2019.019  
DWG # SIGHT ESMT-1  
SHEET # 1

*[Signature]*  
**GREGG A. GAFFNEY**  
PROFESSIONAL LAND  
SURVEYOR NJPLS# GS43304



**ACKNOWLEDGEMENT**

STATE OF NEW JERSEY:

COUNTY OF MIDDLESEX:

I CERTIFY that on \_\_\_\_\_, 2020, \_\_\_\_\_ personally appeared before me and acknowledged under oath, to my satisfaction, that

- (a) this person signed and delivered the attached document as the Managing Member of 31 RIVER ROAD URBAN RENEWAL, LLC, the limited liability company named in this document
- (b) this document was signed and made by the Managing Member as his/her voluntary act and deed by virtue of authority from the entity.

\_\_\_\_\_  
Notary Public

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 7-20-199

RESOLUTION: Council as a Whole

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF HIGHLAND PARK AND THE METHOD OF PAYMENT OF SUCH COMPENSATION", 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, August 18, 2020, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
Ordinance No. 20-

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF EACH OFFICER AND EMPLOYEE OF THE BOROUGH OF HIGHLAND PARK AND THE METHOD OF PAYMENT OF SUCH COMPENSATION"

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

1. Section 1 of the Highland Park Salary Ordinance is amended and supplemented to read as follows:

- I. Personnel Policies and Procedures Handbook of the Borough of Highland Park, as may be amended by Resolution of the Mayor and Council, outlines those personnel policies and procedures for employees and supervisors, including but not limited to:
  - A. Salaries herein set forth, shall be paid twice monthly on the fifteenth day of each month and on the last day of each month. In the event either the fifteenth day or the last day of the month is a weekend or holiday, then payment shall be made on the last work day preceding such date. Nothing hereinafter set forth shall prevent payment for services of a special nature beyond the regular or routine business of the official or employed, or as otherwise specified by resolution of Council.
  - B. Paid Holidays for all non-uniform Borough employees shall be as outlined in the Personnel Policy and Procedures Handbook, or the appropriate collective bargaining agreement. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on Saturday, it shall be observed on the preceding Friday.
  - C. The hereinafter established rate of compensation is intended to remunerate such officials and employees for their regular hours of work without intending to compensate in any way for overtime wages that may become due to them because of services, which they should be called upon to render. Eligibility for overtime is as specified in the **Borough Personnel Policy and Procedures Handbook** for non-union administrative employees, and in the appropriate collective bargaining agreement for union employees.
  - D. The Borough of Highland Park reserves the right to pay a salary to a new or old employee at any figure within the established range for such new and/or old employee's duties.
  - E. The adoption of this ordinance shall not operate so as to decrease the present rate of compensation to any official or employee.
  - F. The classified service shall consist of the following positions. The range scale refers to compensation range limits, which shall be paid as set forth herein:

<u>Range Scale</u>	<u>Position</u>
1	Tax Search Officer
1	Clerk, Planning Board
1	Clerk, Zoning Board of Adjustment
1	Registrar of Vital Statistics
1	Deputy Registrar of Vital Statistics
1	Council Member
1	Special Housing Prosecutor
1	Deputy Purchasing Agent
1	Public Defender
1	Recycling Coordinator
1	Municipal Alliance Coordinator
1	Communications Liaison
1	Clean Communities
1	Executive Director
2	Mayor

2	Council President
2	Fire Inspector
2	Fire Sub-code Official
2	Capital Projects Manager
3	Assistant Borough Administrator
3	Public Safety Director
3	Tax and Revenue Collector
3	Tax Assessor Clerk
4	Electrical Sub-code Official/Inspector
4	Plumbing Sub-code Official/Inspector
4	Building Inspector
4	Building Sub-code Official
4	Construction Official
4	Mayor/Council Secretary
4	Zoning Sub-code Official
5	<u>Redevelopment Director</u>
5	Planning Board, Redevelopment and Zoning Board of Adjustment Clerk
5	Public Information Officer/Aide to Mayor
5	Firefighter Supervisor
5	Public Safety Director
5	Senior Citizens Outreach Coordinator
6	Zoning Officer
7	Municipal Court Judge
7	Municipal Prosecutor
8	Construction Official
9	Assistant to Mayor & Council
9	Assistant to Borough Administrator
9	Administrative Secretary
9	Administrative Assistant
9	Fire Inspector/Firefighter
9	Emergency Services Director
9	Teen Center Coordinator
10	Deputy Borough Clerk
10	Human Resources Coordinator
10	Communications Coordinator
10	Recreation Program Coordinator
10	Senior Program Coordinator
10	Tax and Revenue Collector
10	Deputy Superintendent, Public Works & Utility
10	Assistant Finance Officer
10	Fire Official
10	Tax Assessor
10	IT Coordinator
11	Tax and Revenue Collector
11	Director, Department of Code Enforcement
11	Building Inspector
11	Construction Official
12	Community and Economic Development Director
13	Director of Department of Community Services
13	Municipal Court Administrator
14	Director of Fire Safety
14	Foreman, Public Works & Utility
15	Borough Attorney
16	Planner
16	Borough Administrator
16	<u>Director of Finance</u>
16	<u>Chief Financial Officer</u>
16	Borough Clerk
16	<u>Director of Code Enforcement &amp; Construction Code Official</u>
17	Superintendent, Public Works and Utility

18	Finance Director/Chief Financial Officer
20	Director of Code Enforcement and Construction Official
21	Chief of Police
H-1	Farmers' Market Site Supervisor
H-1	Seasonal Laborer
H-4	Miscellaneous Part-time Clerical Employee
H-14	Misc. Recreation Program Employee
H-14	Part-Time Administrative Assistant
H-15	Part-Time UCC Inspectors and Sub-code Officials

G. Compensation Schedule for General Officials and Employees paid on an hourly basis:

<u>Range Scale</u>	<u>Minimum</u>	<u>Maximum</u>
H-1	NJ Minimum Wage	\$ 13.26
H-2	NJ Minimum Wage	14.28
H-3	NJ Minimum Wage	15.30
H-4	NJ Minimum Wage	25.50
H-5	9.84	17.34
H-6	10.63	19.38
H-7	11.00	21.42
H-8	12.00	22.44
H-9	13.00	23.46
H-10	14.00	24.48
H-11	15.00	25.50
H-12	16.00	26.52
H-13	18.00	27.54
H-14	19.00	40.80
H-15	20.00	32.64
H-16	21.00	34.68
H-17	22.00	35.70

H. Compensation Schedule for Professional/Management/Administrative Employees paid on an annual basis:

<u>Range Scale Number</u>	<u>Minimums</u>	<u>Maximums</u>
1	\$ 1	\$ 11,444
2	\$ 3,522	16,282
3	\$ 7,043	21,656
4	\$ 10,563	26,010
5	\$ 14,084	37,088
6	\$ 17,606	43,208
7	\$ 21,128	49,451
8	\$ 24,649	55,571
9	\$ 28,170	61,751
10	\$ 31,691	78,030
11	\$ 35,212	78,338
12	\$ 38,000	80,786
13	\$ 42,254	83,232
14	\$ 45,000	90,002
15	\$ 49,298	97,922
16	\$ 50,000	<u>115,000</u>
17	\$ 56,339	120,686
18	\$ 59,848	130,560
19	\$ 63,382	132,600
20	\$ 66,903	134,643
21	\$85,000	183,600

- I. Any non-union Borough employees will be paid according to the annual salary resolution adopted by the Mayor and Council.
- J. Employees in the Department of Public Works and the Water and Sewer Department, paid on an hourly basis, shall be paid as set forth in the adopted collective bargaining agreement.
- K. Employees in the Teamsters IBW 64 Bargaining Unit shall be paid as set forth in the adopted collective bargaining agreement.
- L. The Compensation Schedule for employees in the CWA Library Bargaining Unit shall be paid as set forth in the adopted collective bargaining agreement.

M. Police Department:

- 1. Superior Officers shall be paid according to the adopted collective bargaining agreement.
- 2. Sergeants and Police Officers shall be paid according to the adopted collective bargaining agreement.

N. Fire Department:

- 1. Employees in the Fire Department shall consist of the following titles. The range scales refer to compensation range limits as set forth herein:

<u>Range Scale</u>	<u>Position</u>
H-4	Part-time Firefighter, paid on an hourly basis

Introduced on first reading  
by title: July 21, 2020

ADOPTED:  
ATTEST:

APPROVED:

\_\_\_\_\_  
Joan Hullings  
Borough Clerk

\_\_\_\_\_  
Gayle Brill Mittler  
Mayor

Latest update 6/12/18; 12/3/19; 2/4/20;

BOROUGH OF HIGHLAND PARK  
NO. 7-20-200

RESOLUTION TO APPROVE RELEASE OF FOUND PROPRETY

RESOLUTION: Public Safety Committee

WHEREAS, there is a need to turn over found cash to the Municipal Treasurer as per the Middlesex County Prosecutor's Office policy; and

WHEREAS, the owner of the found cash came to retrieve his found wallet; and

WHEREAS, the owner, Kiian S. Bell, 2102 Birchwood Court, North Brunswick, NJ 08902 is due \$142.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Department is hereby authorized to process refund of \$142.00 to Kiian S. Bell.

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

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
No. 7-20-201

RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION

RESOLUTION: Finance Committee

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 7, 2020 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis, there have been the following changes, to wit:

RICHARD ABRAMS, Police Chief, at an annual salary of \$168,300.00, effective April 17, 2020.  
MOHAB HANNOUT, Police Sergeant, at annual salary of \$129,327,000.00, effective July 1, 2020.  
DAVID SODEN, Police Sergeant, at annual salary of \$129,327,000.00, effective July 1, 2020.  
LOUIS MIDDLETON, Police Officer, at annual salary of \$44,449.00, effective June 26, 2020.  
\_\_\_\_\_, Councilperson, at an annual salary of \$4,239.00, effective July 21, 2020.

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 7, 2020 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:

DAVID BALDWIN, Senior Laborer, at an hourly rate of \$22.95, effective July 1, 2020.

DAVE LUXENBERG, Camp Director, at an hourly rate of \$25.00, effective July 6, 2020.  
JOSEPH DIETZ, Camp Health Director, at an hourly rate of \$20.00, effective July 6, 2020.  
LINDSAY BLEVINS, Head Counselor, at an hourly rate of \$19.00, effective July 6, 2020.  
NICOLE PARHAM, Head Counselor, at an hourly rate of \$19.00, effective July 6, 2020.  
TIM STARK, Head Counselor, at an hourly rate of \$19.00, effective July 6, 2020.  
KATIE VOLPERT, Counselor, at an hourly rate of \$16.00, effective July 6, 2020.  
STEVE CONNORS, Head Counselor, at an hourly are of \$19.00, effective July 16, 2020.  
KEITH ROIG, Head Counselor, at an hourly are of \$19.00, effective July 16, 2020.  
ASHLEY SOSA, Head Counselor, at an hourly are of \$19.00, effective July 16, 2020.  
VICKI ZARA, Head Counselor, at an hourly are of \$19.00, effective July 16, 2020.  
EVAN FARMER RODGERS, Head Counselor, at an hourly are of \$19.00, effective July 16, 2020.  
COLM SULLY, Head Counselor, at an hourly rate of \$19.00, effective July 16, 2020.  
AKUA ASAMOAH, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
KEVIN LIN, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
KAYLA ROIG, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
MACKENZIE VOLPERT, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
OLIVIA WEAVER, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
KAYLEIGH WHARTON, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
ILLYSSA ROIG, Counselor, at an hourly are of \$16.00, effective July 16, 2020.  
MICHAEL LANDIS, Jr. Counselor, at an hourly rate of \$12.00, effective July 16, 2020.  
GIA SCALETTI, Jr. Counselor, at an hourly rate of \$12.00, effective July 16, 2020.  
TYLER TRINH, Jr. Counselor, at an hourly rate of \$12.00, effective July 16, 2020.  
OZ DUNCAN, Jr. Counselor, at an hourly rate of \$12.00, effective July 16, 2020.

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

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk



I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

DRAFT

BOROUGH OF HIGHLAND PARK  
No. 7-20-202

RESOLUTION TO AUTHORIZE PURCHASE OF LEAF BAGS

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Highland Park Department of Public Works has a need to purchase leaf bags; and

WHEREAS, the Borough desires to purchase 19,800 leaf bags; and

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

<u>NAME</u>		<u>PRICE</u>
Pabco Industries, LLC	\$	9,222.84
Uline	\$	13,200.00
Grainger	\$	24,156.00

WHEREAS, the Recycling Coordinator has recommended the purchase of said leaf bags from Pabco Industries, LLC at an amount not to exceed \$9,222.84; and

WHEREAS, funds are available for this purpose in Account No. 0-01-42-402-235 in the amount of \$9,222.84, 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 Superintendent of Public Works and Public Utilities is hereby authorized and directed to purchase of leaf bags from Pabco Industries, LLC, for a total price of \$9,222.84 and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Superintendent of Public Works and Public Utilities and the Finance Department forthwith.

ADOPTED: July 21, 2020

ATTEST:

Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

Jennifer Santiago, Deputy Clerk

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

VERIFIED AND ENCUMBERED AS TO: AVAILABILITY OF FUNDS \$9,222.84 ACCOUNT NO. 0-01-42-402-235 P.O. NO. BY: <i>Lou Majeshki</i> FINANCE DIRECTOR
--



Frank Troy <ftroy@hpboro.com>

Re: LEAF BAGS

1 message

Todd Sherman <tsherman@pabco.com>  
To: Frank Troy <ftroy@hpboro.com>

Tue, May 26, 2020 at 10:45 AM

Frank,

Per my conversation, The quote below would be contingent on me securing an order from other township(s) to combine the orders together for a combined print/production run of at least 72,000 bags.

Paper Leaf Bags with NO Township/Municipal name but printed on one side with just the following:

"LEAVES ONLY

NO GRASS, STICKS, TRASH, ETC"

Green Ink

Packed 10 tri-folded bags/pack @ 5 packs per master bdl (50 bags)

36 bundles per pallet (1,800 bags)

Quote 1:

19,800 bags (11 pallets/396bdls) \*\*Must purchase in full pallet increments\*\*

\$23.29/bdl / \$9,222.84 total delivered

Quote 2:

25,200 bags (14 pallets/504bdls) \*\*Must purchase in full pallet increments\*\*

\$23.29/bdl / \$11,738.16

Todd Sherman  
Pabco Industries, LLC  
PH: (973) 242-2200  
FAX: (973) 242-1044

DRAFT

On Tue, May 12, 2020 at 12:51 PM Frank Troy <ftroy@hpboro.com> wrote:  
Todd,

Highland Park would like pricing for 20,000 and 25,000 bags, with the "Leaves Only" imprint. I understand that the need would be for other communities to also order to produce a truckload.

Thank you.

On Wed, Apr 22, 2020 at 12:55 PM Todd Sherman <tsherman@pabco.com> wrote:  
Frank,

Min for imprint is 72,000 bags (Full Truckload). Mill raised minimums last year since there is too much waste on the smaller runs, which used to be 36,000 bags min. No mill anymore will imprint less than a full truckload. I can quote you on plain bags since those are stock.

If you did not need bags until the Fall, another possibility is to do what I did last year with townships who used to purchase printed bags under a truckload. I had created a generic "Leaves Only" print and had quoted towns contingent on me receiving orders from other town(s) to group together to hit the min of 1 truckload. Then ran that production and shipped.

Todd Sherman  
Pabco Industries, LLC  
PH: (973) 242-2200  
FAX: (973) 242-1044

BOROUGH OF HIGHLAND PARK  
NO. 7-20-203

RESOLUTION TO APPOINT HOUSING AUTHORITY MEMBERS

RESOLUTION: Council as a Whole

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following shall be and are hereby appointed to serve as members of the Highland Park Housing Authority for a term to expire as indicated:

Jason Postelnik September 1, 2021

Raysa Martinez-Kruger September 1, 2026

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-204

RESOLUTION TO CANCEL OUTSTANDING BAIL ACCOUNT CHECKS

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Municipal Court Administrator, Tracey Horan, shall be and is hereby authorized and directed to draft a check in the amount of \$123.00 made payable to the Borough of Highland Park as unanticipated revenue from outstanding checks on the Bail Account. Said check is to be forwarded to Lori Majeski, Chief Financial Officer, who will process the check accordingly.

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

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-205

RESOLUTION TO CANCEL OUTSTANDING GENERAL ACCOUNT CHECKS

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Municipal Court Administrator, Tracey Horan, shall be and is hereby authorized and directed to draft a check in the amount of \$113.00 made payable to the Borough of Highland Park as unanticipated revenue from outstanding checks on the General Account. Said check is to be forwarded to Lori Majeski, Chief Financial Officer, who will process the check accordingly.

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

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
No. 7-20-206

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT  
AGREEMENT CONTRACT WITH THE NEW JERSEY DEPARTMENT  
OF TRANSPORTATION FOR THE 2021 ROADWAY IMPROVEMENTS PROJECT

RESOLUTION: Public Works and Public Utilities Committee

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Highland Park formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-2021 Roadway Improvements-00592 to the New Jersey Department of Transportation on behalf of the Borough of Highland Park.

BE IT FURTHER RESOLVED that Mayor and the Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highland Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-207

GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE  
FISCAL GRANT CYCLE JULY 2020 – JUNE 2025

RESOLUTION: Council as a Whole

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

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

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

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

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

1. The Borough Council of the Borough of Highland Park does hereby authorize submission of a strategic plan for the Highland Park Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 5,838.00
Cash Match	\$ 1,459.50
In-Kind	\$ 4,378.50
Total Alliance Budget	\$11,676.00

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

APPROVED: \_\_\_\_\_  
Gayle Brill Mittler, Mayor

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, County of Middlesex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of resolution duly authorized by the Borough Council of the Borough of Highland Park on this 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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



BOROUGH OF HIGHLAND PARK  
NO. 7-20-208

RESOLUTION TO EXECUTE PROFESSIONAL SERVICES AGREEMENT  
WITH GABEL ASSOCIATES FOR RENEWABLE GOVERNMENT  
ENERGY AGGREGATION CONSULTING

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, "The Electric Discount and Energy Competition Act," P.L. 1999, c. 23 ("EDECA") authorizes the New Jersey School Boards' Association ("NJSBA" or "Lead Agency") to obtain electricity and other energy-related services for local boards of education and municipalities; and

WHEREAS, NJSBA has formed the Alliance for a Competitive Energy Services, hereinafter referred to as "ACES," a Cooperative Pricing System (E88-01-ACESCPS) to effectively obtain electricity and other energy-related services for its members; and

WHEREAS, N.J.S.A. 40a:11-10(b) authorizes municipalities to enter into cooperative pricing agreements; and

WHEREAS, ACES, has offered voluntary participation in a cooperative pricing system for the energy-related services to municipalities and counties; and

WHEREAS, the Borough of Highland Park ("Participant") is a current participant in the ACES Cooperative Pricing System;

WHEREAS, NJSBA and the New Jersey Association of School Administrators ("NJASA") has created, and is also offering, the ACESplus Program, which is designed to assist participating government entities with the evaluation and implementation of certain energy related programs;

WHEREAS, as a member of ACES, Highland Park desires to participate in the ACESplus Program for the purpose of developing and implementing a Government Energy Aggregation Program (48:3-93.1 et seq); and,

WHEREAS, the Lead Agency, via its professional energy consultant Gabel Associates, selected via competitive contracting, will work with the Participant to evaluate and implement a GEA Program in accordance with the requirements of the Public School Contracts Law (N.J.S.A. 18A:18A 4.6 and 4.1), EDECA and the Proposal attached hereto as Exhibit A (the "Proposal");

WHEREAS, the NJSBA, as the Lead Agency, via its professional energy consultant Gabel Associates, will work with the Participant to evaluate, develop and administer an RFP process for energy related services and provide related services all in accordance with the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-4.6 & 4.1), EDECA and the Gabel Associates' proposal on file with the Borough Clerk and which is available for inspection during regular Borough business hours.

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

1. This resolution shall be known and may be cited as the "ACES Cooperative Pricing and ACESplus Program Resolution for GEA of the Borough of Highland Park."
2. Highland Park binds itself to NJSBA as the Lead Agency to provide GEA services under the ACESplus Program;

3. Pursuant to the provisions of N.J.S.A. 40A:11-10(b), the Mayor and Clerk of the Borough of Highland Park are hereby authorized and directed to use the ACES Cooperative Pricing System Agreement and accept and execute the Proposal from Gabel Associates on file in the Office of the Borough Clerk.
4. Teri Jover, Administrator, or her designee is hereby authorized and directed to work with the Lead Agency, via its professional energy consultant Gabel Associates for the Participant under the ACESplus Program, as authorized by, and in accordance with the requirements of, the Local Public Contracts Law (N.J.S.A. 40A:11-4.6 and 4.1), EDECA and the Proposal.
5. The New Jersey School Boards Association, through ACES and its professional energy consultant, shall be responsible for complying with the "Local Public Contracts Law," N.J.S.A. 40A:11-1.1 et seq. and all other applicable laws in connection with the preparation, bidding, negotiation and execution of contracts in connection with the ACES Cooperative Pricing System and the ACESplus Program.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

**AGREEMENT BY AND BETWEEN  
BOROUGH OF HIGHLAND PARK, NJ  
AND  
GABEL ASSOCIATES, INC.**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2020 (Effective Date) by and between the Borough of Highland Park in Middlesex County, New Jersey (“Highland Park” or “Borough”), a body politic and corporate of the State of New Jersey, with principal offices located at 221 South 5th Ave, Highland Park, NJ 08904, and Gabel Associates, Inc. (“Gabel Associates” or “Consultant”) having its principal place of business at 417 Denison Street, Highland Park, New Jersey 08904, hereby recites as follows:

**WITNESSETH:**

WHEREAS, Highland Park has designated Gabel Associates as a provider of energy agent and energy consulting services to be utilized by Highland Park in connection with the development and administration of energy procurement processes for a Government Energy Aggregation (“GEA”) program, more specifically, a Renewable Government Energy Aggregation (“R-GEA”) program; and

WHEREAS, Gabel Associates is willing and able to provide the required services (with such services outlined fully below); now, therefore,

IN CONSIDERATION of the mutual promises contained herein, Highland Park and the Consultant agree as follows:

**1. TERM**

The term of this Agreement shall be for the period commencing upon the Effective Date of this Agreement and continuing until the expiration of the third-party electricity supply contracts(s) entered into by Highland Park pursuant to the R-GEA or two years, whichever is longer. The term of this Agreement may be extended upon mutual agreement between Highland Park and Consultant, for a period of up to an additional two years, as permitted by law.

## 2. CONSULTING SERVICES

The Consulting Services (also referred to as the "Services") to be performed by Gabel Associates, that are the subject of this Agreement are as follows. Such Services shall be undertaken pursuant to direction from Highland Park or its project manager employees.

These services relate to Highland Park's Renewable Government Energy Aggregation Services ("R-GEA") program for the purchase of electricity, including renewable energy attributes, for the Borough's residents. Highland Park is serving as Lead Agent of the Borough's R-GEA program. A GEA program is as defined in N.J.S.A. 48:3-92 et al. An R-GEA program is a GEA program that includes an additional element of renewable energy in the power supply. Such a program is not a standard energy procurement process but requires the involvement of residents, the local government, the Board of Public Utilities (BPU), regulators and Third Party Suppliers (TPS).

### 1. PUBLIC OUTREACH TO RESIDENTIAL CUSTOMERS

- a. Work with Highland Park to set up and advertise public discussion forums on R-GEA
- b. Attend Council meetings as necessary and directed to present and discuss the concept of R-GEA with residents, the scheduling of said meetings to be coordinated with Borough officials
- c. Develop other avenues for communication with residents of Highland Park through the Borough websites, the municipal newsletters, and other forms of communication
- d. Develop other documents such as a "Frequently Asked Questions" page for upload to the Borough website and handouts to be available at town hall meetings or distributed at local events
- e. Meet with Highland Park representatives to decide how to time electric procurement bids
- f. Work with Highland Park and its counsel to prepare necessary resolution/ordinance(s), including drafting of such documents and other documents as may be necessary to implement R-GEA

### 2. CONTACTS WITH BPU AND REGULATED UTILITY

- a. Work with BPU, if necessary, to obtain its approval of an Electric Distribution Company ("EDC") Agreement with Public Service Electric and Gas (hereinafter referred to as the "EDC") if necessary, and Form Notices to Customers
- b. Work with the EDC and municipal counsel to execute the standard EDC aggregation Agreement, if necessary, to implement a R-GEA program

- c. Meet with the EDC to obtain its support for the requirement to supply data and discuss modalities of transfer, including the handling of confidential customer information
- d. Work with the BPU to obtain any other approvals that may be required by the BPU

3. DATA COLLECTION

- a. Obtain account and other needed data information to include in the bid package

4. CONTACTS WITH TPS AND LIST OF POTENTIAL SUPPLIERS

- a. Prepare list of potential viable suppliers
- b. Communicate with New Jersey Licensed Third Party Suppliers ("TPSS") about the upcoming bid, documents and related processes and encourage their participation

5. DEVELOPMENT OF BID SPECIFICATIONS AND CONTRACT

- a. Prepare a RFP consistent with the BPU Rules, the Local Public Contracts Law (as applicable) and Highland Park R-GEA program-specific details
- b. Discuss with the Borough and obtain approval by Highland Park and its counsel of RFP content, including but not limited to:
  - i. Length(s) of contract
  - ii. Terms and conditions of contract
  - iii. Expected savings for participants
  - iv. Design and implementation of renewable energy content, product design and verification protocol
  - v. Scoping of and sustainability-related value-added services, if applicable
  - vi. Development of proposal evaluation criteria
- c. Present the RFP draft to the BPU and the Division of Rate Counsel for comments, if necessary or appropriate as determined by Highland Park and its counsel
- d. Discuss with Highland Park and its counsel suggestions by BPU and Division of Rate Counsel and eventual implementation
- e. Obtain approval of RFP by Highland Park and its counsel
- f. Prepare a master performance contract following BPU guidelines and Local Public Contracts Law requirements
- g. Present the contract draft to the BPU and the Division of Rate Counsel for comments, if necessary
- h. Obtain approval of preliminary contract by Highland Park and authorization to implement, if accepted

6. ADMINISTRATION OF BID PROCESS

- a. Make licensed suppliers aware of the bid
- b. Prepare responses to all vendor questions and any necessary addenda
- c. After review and approval by Highland Park and its counsel, distribute the responses and addenda to all suppliers

- d. Review and provide ranking of supplier qualifications to provide requested R-GEA services
- e. Consistent with the Local Public Contracts Law and Department of Community Affairs' requirements, establish a bidding procedure that maximizes the likelihood of receiving beneficial bids
- f. Analyze bid responses
- g. Prepare a Report for Highland Park providing evaluation of qualifications, analysis of bid, and recommendations for contract award
- h. Facilitate finalization and execution of contract between Highland Park and selected supplier

#### 7. IMPLEMENTATION OF R-GEA

- a. Coordinate with Highland Park and the selected supplier to prepare written notice to residential accounts and opt-out forms for the implementation of a R-GEA
- b. Obtain from the EDC a list of residential accounts and service addresses that have not already signed up with a TPS; assist in review and edit of customer list to assure consistency with municipal boundaries
- c. Coordinate printing and mailing of R-GEA notice to residential customer list (such printing and mailing to be undertaken by the winning supplier) obtained from EDC
- d. Coordinate tallying of "Opt-out" notices
- e. Transfer of list of residential accounts to designated TPS
- f. Verify change of supplier
- g. Set up program-specific contact name, toll-free telephone number and email address for customer inquiries
- h. Respond to incoming telephone and email inquiries from residents regarding the Borough's R-GEA program

#### 8. ENERGY ADVISORY SERVICES

- a. Perform ongoing market monitoring and advisory services

#### 9. CLIENT RELATIONSHIP

- a. Meet with Highland Park during the bid process as well as after the award is made.
- b. Monitor selected supplier performance; handle customer inquiries that cannot be resolved by supplier; respond to inquiries and requests for information from Highland Park; obtain necessary program performance information from supplier(s)

### 3. COMPENSATION

For all Services pursuant to Section 2 rendered by Gabel Associates as Consultant, Gabel Associates shall be paid by the winning supplier(s), with no out-of-pocket consulting services payments to be made by the Borough. The Request for Proposals for Electric Supply Service shall require that Price Proposals include an energy agent fee of \$0.00085 per kilowatt hour payable by the winning supplier(s).

The suppliers shall include this agent fee in their price proposals and the winning supplier will invoice participants based on the Bid Price each month and, subsequent to collection of payment from participants, the winning supplier would remit payment of the collected energy agent fees to Gabel Associates on a monthly basis. No energy agent fees will be collected by Gabel Associates unless and until a successful bid is conducted and a resultant power supply contract is awarded by Highland Park to a third-party supplier to service the Borough's R-GEA program.

Certain expenses are required in order to implement a R-GEA which are not included in the energy agent fee. These expenses include the cost of a mailing that will be sent after a winning supplier is chosen and will contain pricing and opt-out provisions. Publication and mailing costs for this mailer to residents will be the responsibility of the selected supplier.

Additionally, the implementation of the R-GEA may result in some out-of-pocket expenses directly related to the R-GEA program that are not covered by the energy agent fee but which, if incurred by the Borough, are recoverable from the selected supplier pursuant to N.J.A.C. 14:4-6.8(d). Such expenses include:

- a. Fees by the local EDC, if any, to supply the needed information on identity and electricity usage of residential accounts participating in the R-GEA (note: as of the date of this Agreement no such fees have been imposed by the EDC on GEA or R-GEA programs).
- b. Out-of-pocket expenses incurred by Highland Park, including legal/professional fees associated with the R-GEA.

Any such direct expenses related to these activities that are incurred by Highland Park shall be recoverable from the winning supplier, pursuant to N.J.A.C. 14:4-6.8(d).

#### **4. STANDARD OF CARE**

The Consultant shall comply with the standard of care attributable to the professions utilized in performing the services detailed herein and shall perform in accordance with the terms and conditions of this agreement. The Consultant agrees that all documents prepared, and all specifications provided, shall meet the requirements outlined by Highland Park and shall comply with all applicable laws, codes and standards applicable to R-GEA programs.

#### **5. INSURANCE**

Prior to commencing work, the Consultant shall furnish Highland Park with a Certificate of Insurance as evidence that it has procured the following insurance coverage:

- a. Professional Liability
  - a. \$ 2,000,000.00
- b. Workers Compensation and Employer's Liability
  - a. \$ 1,000,000.00
- c. General Liability
  - a. \$2,000,000.00
- d. Auto Liability
  - a. \$1,000,000.00 (combined single limit) each accident hired autos, non-owned autos. Gabel Associates, Inc. does not own any automobiles.
- e. Highland Park is to be listed as Additional Insured with respect to the General
  - a. Liability policy
- f. Highland Park must be provided a ten (10) day unfettered notice of cancellation, non-renewal or change in insurance coverage

#### **6. INDEMNIFICATION**

Consultant shall defend, indemnify and hold harmless Highland Park, its officers, agents and employees from any and all claims, suits, actions, damages or costs, of any nature whatsoever, including attorney's fees, whether for personal injury, property damage or other liability, arising out of or in any way connected with the Consultant's negligent acts in connection with this Agreement.



Gabel Associates is acting in a consulting capacity and any opinions, advice, forecasts, or analysis presented by Gabel Associates are based on its professional judgment and do not constitute a guarantee. In no event shall Highland Park or Gabel Associates be responsible for any special, indirect or consequential damages arising under or in connection with the services provided pursuant to this agreement.

#### 7. TERMINATION

Highland Park may terminate this agreement for cause upon twenty (30) days written notice delivered to Consultant by certified mail, return receipt requested if Consultant materially breaches any terms of this agreement and does not, within the twenty (30) days written notice period, take reasonable steps to cure the breach.

All agent fee payment obligations from TPS as described in Section 3 for energy agreements executed prior to termination shall survive termination.

#### 8. GOVERNING LAW

This agreement shall be construed and governed in accordance with the laws of the State of New Jersey and any disputes under this agreement shall be heard in a court of competent jurisdiction in the State of New Jersey.

#### 9. MISCELLANEOUS

The following miscellaneous provisions shall apply to this agreement:

a. Modification.

This agreement may not be amended, altered or modified in any manner except in writing signed by the parties hereto.

b. Headings.

This section and any other headings contained in this agreement are for reference only and shall not affect the meaning and interpretation of this contract.

c. Invalid Clause.

The invalidity of any clause contained herein shall not render any other provision invalid and the balance of this agreement should be binding upon all parties hereto.

d. Entire Agreement.

This agreement shall consist of the entire agreement of the parties and it is acknowledged that there are no side or oral agreements relating to the undertaking set forth herein.

e. Assignability.

This agreement and all rights, duties and obligations herein may not be assigned by the Consultant to any professional corporation, person and/or other entity without the prior written approval of Highland Park.

f. Certification Regarding Debarment.

The Consultant shall complete the Certification Regarding the Debarment, Suspension, Ineligibility and Voluntary Exclusions- Lower Tier Covered Transactions. A copy of said Certification shall be attached to this agreement.

g. Affirmative Action.

The affirmative action provisions set forth in the documents attached hereto and incorporated herein and made a part hereof (Exhibit A).

h. Americans with Disabilities Act.

The Americans with Disabilities Act provisions as set forth in the documents attached hereto are incorporated herein and made a part hereof.

i. Waiver.

It is understood and agreed by the parties that a failure or delay in the enforcement of any of the provisions of this agreement by either of the parties shall not be construed as a waiver of those provisions.

j. Binding Agreement.

This agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors, or assigns.

k. Business Registration and Sales and Use Tax Requirements.

Consultant agrees to comply with the provisions of the "Business Registration and Sales and Use Tax Requirements" attached hereto and incorporated herein and made a part hereof (Exhibit B).

l. Political Contributions.

Consultant agrees to comply with the provisions of the "Political Contributions Requirements" attached hereto and incorporated herein and made a part hereof (Exhibit C).

M. Qualifications.

Consultant represents that it possesses all of the licenses and registrations, if any, required by the State of New Jersey to perform the services set forth in this Agreement and that it will maintain such licenses during the term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have placed their signatures and appropriate seals on the day and year mentioned on the face page of this agreement.

**ATTEST:**

**HIGHLAND PARK**

\_\_\_\_\_  
NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**WITNESS:**

\_\_\_\_\_

**GABEL ASSOCIATES INC**

\_\_\_\_\_  
NAME: Robert S. Chilton  
TITLE: Executive Vice-President  
DATE: \_\_\_\_\_

DRAFT

**BOROUGH OF HIGHLAND PARK  
NO. 7-20-209**

**RESOLUTION IN SUPPORT OF APPLICATION TO COUNTY OPEN SPACE &  
RECREATION TRUST FOR IMPROVEMENTS TO BOROUGH RECREATION COMPLEX**

RESOLUTION: Administrative Committee

WHEREAS, the Borough has an extremely limited amount of land that can be used for recreation; and

WHEREAS, the recreation complex between North Fourth and Fifth Avenues is heavily used by residents and visitors; and

WHEREAS, the track, playground and turf field at the recreation complex are in need of extensive repairs to make them safe and accessible for children and adults of all ages; and

WHEREAS, the Borough Engineer has estimated the construction costs to be \$1,763,839.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor is hereby authorized and directed to submit a funding request to the Middlesex County Open Space Recreation Trust Fund for at least 50 percent of the total project costs related to improvements at the recreation complex.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the .

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-210

RESOLUTION AUTHORIZING ISSUANCE OF RFP FOR  
EMERGENCY WATER & SEWER REPAIRS

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, it is necessary to perform emergency water & sewer repairs in the Borough of Highland Park;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Department of Public Works shall be and is hereby authorized and directed to seek RFP's for Emergency Water & Sewer Repairs;

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-211

RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST

RESOLUTION: Finance Committee

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

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

The bills approved for payment at this meeting, Bills List 7/21/2020 can be found in the Bills List Journal Book No. 40.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-212

REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
2020 MIDDLESEX COUNTY CODE BLUE GRANT

RESOLUTION: Finance Committee

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2020 budget in the sum of \$20,000.00, which is now available from the County of Middlesex for the Code Blue Grant, and

BE IT FURTHER RESOLVED, that the like sum of \$20,000.00 is hereby appropriated under the caption of NJEDA Hazardous Discharge Site Remediation Grant.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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



BOROUGH OF HIGHLAND PARK  
NO. 7-20-213

REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND GRANT

RESOLUTION: Finance Committee

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2020 budget in the sum of \$20,036.58, which is now available from the New Jersey Economic Development Authority for the Hazardous Discharge Site Remediation Grant, and

BE IT FURTHER RESOLVED, that the like sum of \$20,036.58 is hereby appropriated under the caption of NJEDA Hazardous Discharge Site Remediation Grant.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 7-20-214

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE  
BOROUGH OF HIGHLAND PARK, COUNTY OF  
MIDDLESEX, NEW JERSEY, DESIGNATING  
433 CLEVELAND AVENUE LLC AS REDEVELOPER FOR  
433 CLEVELAND AVENUE, AND AUTHORIZING THE  
EXECUTION OF A REDEVELOPMENT AGREEMENT WITH  
RESPECT TO SAME PURSUANT TO THE LOCAL  
REDEVELOPMENT AND HOUSING LAW, N.J.S.A.  
40A:12A-1, *et seq.*

RESOLUTION: Economic Development and Planning Committee

**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 redevelopment; and

**WHEREAS**, by Ordinance No. 16-1921, adopted on December 20, 2016, the Borough Council of the Borough (the "**Borough Council**") designated the entirety of the area within the municipal boundaries of the Borough, including the property commonly known as 433 Cleveland Avenue and identified as Block 153, Lots 15, 17, 18 and 19, Block 154, Lots 6.01, 10 and 11 and Block 191, Lots 6.01 and 6.02 on the official tax map of the Borough (the "**Property**"), an "area in need of redevelopment"; and

**WHEREAS**, on March 17, 2020, the Borough Council adopted an ordinance adopting the "*433 Cleveland Avenue Redevelopment Plan*" dated January 23, 2020 and prepared by LRK Inc. (the "**Redevelopment Plan**") for the Property; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-4, the Borough has determined to act as the "redevelopment entity" (as such term is defined in the Redevelopment Law at N.J.S.A. 40A:12A-3) for the Property, to exercise the powers contained in the Redevelopment Law to facilitate the redevelopment of the Borough's downtown core; and

**WHEREAS**, 433 Cleveland Avenue LLC (the "**Redeveloper**") is the fee simple owner of the Property and seeks to be designated as the "redeveloper" (as defined in the Redevelopment Law) of same, so as to redevelop the Property in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

**WHEREAS**, the Redeveloper proposes to redevelop the Property by constructing: (a) an approximately 78,500 sf girls school and related facilities on property identified as Block 154, Lots 6.01, 10 and 11 and Block 191, Lots 6.01 and 6.02 on the official tax map of the Borough, (b) a parking lot on property identified as Block 153, Lots 17, 18 and 19 on the official tax map of the Borough (together (a) and (b), the "**School**"), (c) a building on property identified as Block 153, Lot 15 on the official tax map of the Borough as permitted by the Redevelopment Plan (the "**Lot 15 Project**") and (d) the Infrastructure Improvements, as defined in the proposed redevelopment agreement attached hereto as *Exhibit A* (the "**Redevelopment Agreement**") (together, the School, the Lot 15 Project and the Infrastructure Improvements are the "**Project**"); and

**WHEREAS**, the Borough has determined that the Redeveloper possesses the proper qualifications, financial resources and capacity to implement and complete the Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances and regulations; and

**WHEREAS**, in order to effectuate the Redevelopment Plan and the Project, the Borough has determined to enter into the Redevelopment Agreement with the Redeveloper, which establishes Redeveloper as the "redeveloper" of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Borough and the Redeveloper with respect to the Project,

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

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

Section 2. 433 Cleveland Avenue LLC is hereby designated as the Redeveloper for the Project in accordance with the Redevelopment Law.

Section 3. The Mayor is authorized to execute the Redevelopment Agreement 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.

ADOPTED: July 21, 2020

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

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

**EXHIBIT A**

**Redevelopment Agreement**

DRAFT