

BOROUGH OF HIGHLAND PARK  
REGULAR MEETING  
JULY 6, 2021 – 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:

Dial-in: 1-929-205-6099

Webinar ID: 966 9743 7308

By Computer, Smart Phone or Tablet:

Web Link: <https://zoom.us/j/96697437308>

MISSION STATEMENT OF THE BOROUGH OF HIGHLAND PARK:

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

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

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

**AGENDA**

\* Denotes Consent Agenda Posted Items. Ordinarily, consent agenda items, pursuant to Ordinance No. 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. Agenda Questions by Council Members.
5. Honors and Awards.
6. Approval of Minutes.
7. Council Reports.

- 8. Borough Administrator's Report.
- 9. Borough Attorney's Report.
- 10. Mayor's Report.
- 11. Public Participation.  
*(21 minutes total; 3 minutes each speaker limited to items on this Agenda, including Work Session).*
- 12. Ordinances Requiring a Second Reading.

- 12.a Clerk reports advertising Salary Ordinance Amendment for consideration of passage on final reading by title.
  - a. MOTION to take up ordinance on final reading by title.
  - b. Public Hearing.
  - c. 7-21-166 Resolution to adopt/reject and advertise ordinance on final reading by title.

**MOTION adopt/reject** **ROLL CALL VOTE**

13. Ordinances Requiring a First Reading.

- 13.a Clerk reports introduction of Electric Scooter Ordinance for consideration of passage on first reading by title.
  - a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 7-21-167)

**ROLL CALL VOTE**

- 13.b Clerk reports introduction of ordinance to Terminate and Vacate a Drainage Easement for consideration of passage on first reading by title.
  - a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 7-21-170)

**ROLL CALL VOTE**

- 13.c Clerk reports introduction of Cannabis Ordinance for consideration of passage on first reading by title.
  - a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 7-21-171)

**ROLL CALL VOTE**

14. Consent Agenda Items - Resolutions.

**ROLL CALL VOTE**

- 14.a \*7-21-172 Resolution to Award Bid for Emergency Repairs to the Water & Collection System.
- 14.b \*7-21-173 Resolution in Support of the Medicare for All Act of 2019 and,

Specific to the Pandemic, the Healthcare Emergency Guarantee Act of 2020.

- 14.c \*7-21-174 Resolution to Execute Solid Waste Disposal Agreement with Middlesex County Utilities Authority (MCUA).
  - 14.d \*7-21-175 Resolution to Approve Combination of General Improvement and Water & Sewer Utility Bonds.
  - 14.e \*7-21-176 Resolution to Amend Annual Salary Resolution.
  - 14.f \*7-21-177 Resolution to Approve the Acceptance of State Funds and Authorize the Borough of Highland Park Police Department to Participate in the Grant Program Administered by the State of New Jersey, Department of Law and Public Safety.
  - 14.g \*7-21-178 Resolution to Approve Replacement of HVAC Compressor at the Highland Park Police Department.
  - 14.h \*7-21-179 Resolution to Award Bid for the 2020 NJDOT Roadway Improvements - South 6th Avenue between Magnolia Street and Benner Street; South 9th Avenue between Eden Avenue and Graham Street; North 9th Avenue between Raritan Avenue and Abbott Street; Benner Street between South 7th Avenue and South 9th Avenue; Cliff Court; Lincoln Avenue between Lawrence Avenue and North 5th Avenue and Barnard Street between Central Avenue and Woodbridge Avenue.
  - 14.i \*7-21-180 Resolution to Authorize Submission of Grant Application and Execute a Grant Contract with NJDOT for Improvements to North 4th Avenue, Johnson Street and Montgomery Street.
  - 14.j \*7-21-181 Resolution to Award Fall 2021 Street Tree Planting Project to New Jersey Tree Foundation.
  - 14.k \*7-21-183 Resolution to Approve Taxi Operator.
  - 14.l \*7-21-184 Resolution to Apply for Transportation Electrification Grant from the New Jersey Department of Environmental Protection.
  - 14.m \*7-21-185 Resolution to Authorize Extension of Grace Period for 3rd Quarter Taxes.
  - 14.n \*7-21-186 Resolution to Approve Bills List.
15. Resolutions requiring a Separate Reading.
- 15.a 7-21-187 Chapter 159 Resolution - Body Worn Camera Grant Program .

**MOTION adopt/reject**

**ROLL CALL VOTE**

16. Appointments.
17. Second Public Participation.  
*(3 minutes per speaker on any items; subject to 9PM conclusion prior to Work Session)*
18. Recess (5 minutes).
19. Work Session Items: No formal action to be taken.
  - 19.a
    - a. Revisions to Renewable Government Energy Aggregation Ordinance (PG).
    - b. Water Ordinance Amendment re: 1" Meters (TJ).
    - c. Neighborhood Preservation Program - Woodbridge Avenue (TJ).
    - d. Deer Management Plan (TJ).
20. Executive Session (if necessary).
21. MOTION to adjourn.
22. **Next Scheduled Meeting: August 3, 2021**

BOROUGH OF HIGHLAND PARK  
No. 7-21-166

RESOLUTION: Public Works and Public Utilities Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the 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, passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by him, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of Neptune, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

ADOPTED: July 6, 2021

ATTEST:

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

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
Ordinance No. 21-2024

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	Clerk, Planning Board
1	Clerk, Zoning Board of Adjustment
1	Registrar of Vital Statistics
1	Deputy Registrar of Vital Statistics
1	Qualified Purchasing Agent
1	Public Defender
1	Recycling Coordinator
1	Municipal Alliance Coordinator
1	Clean Communities Coordinator
1	Communications Liaison
2	Mayor
2	Council President
2	Council Member
2	Fire Inspector
2	Capital Projects Manager
3	Tax Assessor Clerk
3	Policy Assistant to the Mayor
3	Fire Sub-code Official
4	Electrical Sub-code Official/Inspector
4	Plumbing Sub-code Official/Inspector
4	Building Inspector
4	Building Sub-code Official
4	Zoning Sub-code Official
4	Construction Official
5	Redevelopment Director
5	Planning Board, Redevelopment and Zoning Board of Adjustment Clerk
5	Zoning Officer
6	Public Information Officer
6	Public Information Officer/Confidential Aide to Mayor
7	Municipal Court Judge
7	Municipal Prosecutor
9	Assistant to Mayor & Council

9	Assistant to the Borough Administrator
9	Assistant to the Borough Administrator/Project Manager
9	Administrative Secretary
9	Administrative Assistant
9	Fire Inspector/Firefighter
9	Public Safety Director
9	Emergency Services Director
10	Deputy Borough Clerk
10	Human Resources Coordinator
10	Communications Coordinator
10	Recreation Program Coordinator
10	Senior Program Coordinator
10	Teen Center Coordinator
10	Deputy Superintendent, Public Works
10	Assistant Finance Officer
10	Fire Official
10	Firefighter Supervisor
10	Firefighter
10	Tax Assessor
10	IT Coordinator
10	Utility Accounts Manager
10	Payroll & Benefits Coordinator
10	Tax Collector
11	Director, Department of Code Enforcement
11	Building Inspector
11	Construction Official
12	Community and Economic Development Director
13	Municipal Court Administrator
14	Director of Fire Safety
15	Foreman, Public Works
15	Planner
16	Borough Clerk
16	Director of Finance
17	Director of Community Services
17	Director of Code Enforcement and Construction Official
17	Superintendent of Public Works
18	Chief Financial Officer
18	Borough Administrator
19	Borough Attorney
21	Chief of Police
H-3	Farmers' Market Site Supervisor
H-3	Seasonal Laborer
H-3	Clean Communities Laborer
H-3	Seasonal Recreation
H-4	Miscellaneous Part-time Clerical Employee
H-4	On-Call Firefighter
H-14	Misc. Recreation Program Employee
H-14	Part-Time Administrative Assistant
H-16	Special Law Enforcement Officer II

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 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.

Introduced on first reading  
by title: June 15, 2021

ADOPTED: July 6, 2021  
ATTEST:

APPROVED: July 6, 2021

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

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

Latest update 6/12/18; 12/3/19; 2/4/20; 8/18/20; 7/6/21



BOROUGH OF HIGHLAND PARK  
NO. 7-21-167

RESOLUTION: Public Safety Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE LICENSING ELECTRIC SCOOTERS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK" BY ADDING ARTICLE V TO CHAPTER 247 OF SAID CODE, 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 3, 2021, 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 6, 2021

ATTEST:

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Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

---

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
ORDINANCE NO. 21-

AN ORDINANCE CONCERNING ELECTRIC SCOOTERS AND AMENDING THE "CODE OF THE  
BOROUGH OF HIGHLAND PARK" BY ADDING NEW SECTION 7-12.5 TO CHAPTER 7 OF SAID CODE

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

1. Chapter 7 of the "Code of the Borough of Highland Park" which contains the general traffic requirements within the Borough of Highland Park is amended to add thereto Section 7-12.5 which shall read as follows:

**Section 7-12.5. Electric Scooters Regulations.**

The purpose of this Section is to regulate electric scooters. This section shall apply to electric scooter operations and the placement upon any street or upon any public right of way within the Borough.

**A. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

"Electric scooter" means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of nineteen (19) miles per hour.

"Owner" means any company, entity or individual that has ownership of an electric scooter.

"Private electric scooter" means any electric scooter owned and operated by a private individual.

"Shared electric scooter" means any electric scooter owned by a company authorized and permitted by the Borough of Highland Park to offer publicly electric scooters through a pay-per-ride or subscription program.

"User" means any person who is operating an electric scooter.

**B. Application of motor vehicle laws to electric scooters.**

Every person riding an electric scooter within the Borough of Highland Park shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state including the provisions of Chapter 4 of Title 39 of the New Jersey Revised Statutes applicable to bicycles as defined in N.J.S. 39:4-10 and the traffic provisions of this Code applicable to the driver of a vehicle, except as to special regulations in this Section and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

**C. Electric scooter rules and regulations.**

Rules and regulations shall pertain to electric scooters and their operation within the Borough:

- (1) Obedience to Traffic Control Devices.
  - (a) Any person operating an electric scooter shall comply with New Jersey Statutes, including Chapter 4 of Title 39 of the Revised Statutes, Rules and Regulations applicable to bicycles as defined in N.J.S. 39:4-10.
- (2) Reserved.
- (3) User Age Restrictions. Electric scooter operators should follow manufacturer's recommendation regarding age of rider.
- (4) Helmet Requirements. Electric scooter operators under the age of seventeen (17) must wear a helmet per N.J.S. 39:40-10.1.
- (5) Manner of Riding. No electric scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (6) Speed Restrictions. No person shall operate an electric scooter at a speed greater than is reasonable and prudent under the condition then and there existing provided it does not exceed nineteen (19) miles per hour.
- (7) Reserved.
- (8) Riding on Sidewalks.
  - (a) No person shall ride an electric scooter upon a sidewalk.
  - (b) Any person traveling on the sidewalk with an electric scooter shall dismount before entering the sidewalk throughway and walk the electric scooter along the sidewalk.
  - (c) No person shall start or stop an electric scooter trip on the sidewalk.
- (9) Carrying Articles. No person operating an electric scooter shall carry any package, bundle, or article, which prevents the user from keeping both hands upon the handlebars.

(10)Reserved.

(11)Lamps and Equipment on Electric Scooters.

- (a) Electric scooters in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front with a lamp emitting a red light visible from a distance of five hundred (500) feet to the rear.
- (b) Electric scooters shall be equipped with a kickstand to prevent them from toppling over when parked.

(12)Electric Scooter Parking/Placement.

- (a) Private electric scooters are permitted to be secured at municipal bicycle racks for up to four consecutive days without being utilized.
- (b) Private electric scooters may be attached or secured to the bicycle rack. No person shall attach or secure an electric scooter to any fixed object not suited for electric scooter parking or typically used for bicycle parking.
- (c) Electric scooters shall be parked in designated electric scooter parking areas if they are available and advertised as such by either signage, pavement markings or racks.
- (d) No person or owner shall leave an electric scooter lying on or standing upon the sidewalk or any portion of the Borough's right-of-way as to hinder or impede pedestrian access.

(13)Abandonment of Electric Scooters.

- (a) An electric scooter may be deemed abandoned by the Borough if:
  - i. It has been parked for a period of forty-eight (48) or more consecutive hours except in designated bicycle racks and approved marked areas;
  - ii. It appears visually to be in a state of prolonged disuse such that it has deflated tires, damaged or missing equipment making it inoperable, accumulated debris associated with it;  
OR
  - iii. It is parked, placed or left on a roadway or in any public right-of-way in violation of this chapter.
- (b) It shall be unlawful for any person, user or owner to abandon any electric scooter within the Borough.
- (c) In the event that electric scooter is deemed to be abandoned as defined herein, the Borough's Department of Public Works, the Police Department or the Department of Code Enforcement shall have the authority to seize and impound same pursuant to this Section and that it will be removed.

(14)Shared Electric Scooter Rental Restriction. The shared electric scooter user shall be the same person who made the rental reservation. No person shall rent a shared electric scooter for another user.

(15)Electric Scooter Charging. No electric scooter battery shall be recharged in the public right-of-way without prior written authorization from the Borough.

(16)Electric Scooter Disposal. All electric scooters shall be disposed of in a manner in accordance with state and federal regulations as they related to hazardous materials disposal.

(17)All operators of electric scooters shall certify once (at the time of sign-up for an electric scooter program prior to riding), that they have read the state law (N.J.S.A. 39:1-1 et seq.) and the herein ordinance governing electric scooter use.

(18)Electric scooters shall only be operated on bicycle paths and roadways in public parks.

**D. Violations and penalties.**

- (1) Except as detailed below, in the event that any user or owner violates the terms of this Section, the violator shall be subject to a fine in the Municipal Court of the Borough of Highland Park in an amount of one hundred dollars (\$100.00) for a non-moving violation. No court appearance shall be required for this violation.
- (2) If the offense involves a moving violation under Title 39, then the violation shall be subject to appropriate Title 398 penalties as determined by the Municipal Court Magistrate.

**E. Voluntary personal scooter registration.**

Any resident of the Borough that desires to voluntarily register their privately owned person electric scooter may do so with the Highland Park Police Department.

2. **Severability.**

If any section, paragraph, subsection, clause or provision of this Section shall be judged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remained of this Section shall be valid and enforceable.

3. **Effective Date.**

This ordinance shall take effect upon final adoption and publication as required by law.

Introduced and passed on first  
reading: July 6, 2021

ADOPTED:

ATTEST:

APPROVED:

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

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

BOROUGH OF HIGHLAND PARK  
NO. 7-21-170

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, TERMINATING AND VACATING A DRAINAGE EASEMENT ON BLOCK 75, LOT 15.02, BOROUGH OF HIGHLAND PARK TAX MAP, 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 3, 2021, 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 6, 2021

ATTEST:

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Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

---

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**BOROUGH OF HIGHLAND PARK  
ORDINANCE NO. 21-**

**AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX  
TERMINATING AND VACATING A DRAINAGE EASEMENT ON BLOCK 75, LOT 15.02  
BOROUGH OF HIGHLAND PARK TAX MAP**

**WHEREAS**, Highland Park has received a request to vacate the following drainage easement dated February 7, 2000 on Block 75, Lot 15.02 Borough of Highland Park Tax Map and described as follows and as recorded in the Office of the Middlesex County Clerk in Deed Book 4742, Page 625 on February 7, 2000:

Beginning at a point, said point lying the following 2 courses from a point marking the intersection of the southerly right-of-way line of Sullivan Way (R.O.W. varies) with the common lot line between lots 15.02 and 15.03 in Block 75; thence

- A. South 89 degrees 15 minutes 00 seconds West, along said right-of-way line, a distance of 55.74 feet to a point; thence
- B. North 82 degrees 42 minutes 00 seconds West, along said right-of-way line, a distance of 14.20 feet to the point or place of BEGINNING; thence
- 1. South 04 degrees 44 minutes 21 seconds East a distance of 136.45 feet to a point; thence
- 2. South 39 degrees 11 minutes 00 seconds East a distance of 229.72 feet to a point; thence
- 3. South 50 degrees 49 minutes 00 seconds West a distance of 30.00 feet to a point; thence
- 4. North 39 degrees 11 minutes 00 seconds West a distance of 221.34 feet to a point; thence
- 5. North 04 degrees 44 minutes 21 seconds West a distance of 164.59 feet to a point in the southerly right-of-way line of Sullivan Road; thence
- 6. South 82 degrees 42 minutes 00 seconds East, along said southerly right-of-way line a distance of 20.45 feet to the point or place of BEGINNING.

The above-described parcel contains 0.22 Ac. more or less. All as shown on a map entitled "Colonial Homes – Drainage Easement Map" prepared by Menlo Engineering Associates, Inc.; job no. 8958; drawing no. ESMT-1; dated February 18, 1997.

**WHEREAS**, the current owners of Block 75, Lot 15.02 have provided an alternate easement area which has been reviewed and approved by the Borough of Highland Park Engineer; and

**WHEREAS**, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-5(b) permits the relinquishment of an interest in real property no longer needed for its original public purpose.

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

- 1. The above-described drainage easement is hereby terminated and vacated.
- 2. The Borough of Highland Park hereby authorizes the Mayor and Municipal Clerk to execute a termination of drainage easement by general release with regard to the above-described easement on Block 75, Lot 15.02 Borough of Highland Park Tax Map.
- 3. This Ordinance shall take effect upon its passage and publication as provided for by law.

Introduced on first reading  
by title: July 6, 2021

ADOPTED:  
ATTEST:

APPROVED:

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

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

BOROUGH OF HIGHLAND PARK  
NO. 7-21-171

RESOLUTION: Council as a Whole

WHEREAS, an Ordinance entitled, AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK ALLOWING CLASS V RETAIL CANNABIS BUSINESSES, CLASS VI CANNABIS DELIVERY SERVICES, AND MEDICAL CANNABIS DISPENSARIES IN THE CBD AND C ZONING DISTRICTS, ESTABLISHING LICENSING, TAXATION, AND ZONING REQUIREMENTS IN CONNECTION THEREWITH, AND PROHIBITING ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH, 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 17, 2021, 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 6, 2021

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**BOROUGH OF HIGHLAND PARK  
NO. 21-**

**AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY  
AMENDING THE CODE OF THE BOROUGH OF HIGHLAND PARK ALLOWING CLASS V RETAIL  
CANNABIS BUSINESSES, CLASS VI CANNABIS DELIVERY SERVICES, AND MEDICAL CANNABIS  
DISPENSARIES IN THE CBD AND C ZONING DISTRICTS, ESTABLISHING LICENSING, TAXATION,  
AND ZONING REQUIREMENTS IN CONNECTION THEREWITH, AND PROHIBITING ALL OTHER  
CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE  
BOROUGH**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “*New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act*” (the “Act” or “CREAMMA”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from a licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to permit, regulate or prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, municipalities are authorized by the Act and by N.J.S.A. 40:481- 1.a (1) to impose by ordinance a transfer tax of up to two percent (2%) on the sale of cannabis or cannabis items by a cannabis retailer located in the municipality; and

**WHEREAS**, municipalities imposing a transfer tax are required by N.J.S.A. 40:481-1.b (1) to include in the ordinance a user tax, at the equivalent transfer tax rates, on any current license holder operating more than one cannabis establishment and transferring cannabis or cannabis items from the license holder's establishment in the municipality to any of the other license holder's establishment(s), whether located in the municipality or another municipality, based on the value of each such transfer or use not otherwise subject to the transfer tax; and



**WHEREAS**, the Council of the BOROUGH OF HIGHLAND PARK (hereafter, the "BOROUGH") has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the BOROUGH in particular, it is at this time necessary and appropriate, and in the best interests of the health, safety and welfare of the BOROUGH's residents and members of the public who visit, travel, or conduct business in the BOROUGH, to allow only medical cannabis dispensaries, Class 5 cannabis retailers and Class 6 cannabis delivery services to operate within the geographical boundaries of the Borough; to establish limitations on where and how these operations may take place; and to establish licensing and taxation requirements in connection with same; and

**WHEREAS**, the Medicinal Use Act authorizes the licensed operation of medical cannabis dispensaries as defined by said act at N.J.S.A. 24:61-3; and

**WHEREAS**, the Borough of Highland Park Board of Education has agreed to prepare a significant program that will target the prevention of underaged consumption of cannabis, similar to the Board of Education's successful Alcohol Abuse Education Program in order to educate their students against the illegal consumption of cannabis products; and

**WHEREAS**, the Borough of Highland Park Board of Health will with support from the Borough social worker also develop a program for parents to counsel their children against the underaged consumption of cannabis products; and

**WHEREAS**, the Borough of Highland Park joins several other Middlesex County municipalities who have indicated that they will also authorize Class 5 Cannabis Retailer licenses so that residents of the Borough, if they are unable to procure legally authorized cannabis products in the Borough, will simply go to an adjoining municipality to acquire their cannabis products; and

**WHEREAS**, authorizing the retail sales of cannabis within the Borough has the potential to provide a significant source of additional income to the Borough annually to offset the current reliance on property taxes. Said additional income will assist the Borough in providing tax relief, including relief for senior residents that would like to remain in the Borough but face challenges due to the burden of real property taxes; and

**WHEREAS**, authorizing retail cannabis sales will address economic equity issues, support continued economic growth in the Central Business District and the Commercial District and will provide additional job opportunities for residents of the Borough; and

**WHEREAS**, the BOROUGH intends to continue gathering information and further exploring whether and where to allow other marketplaces classes of cannabis businesses; and

**WHEREAS**, until such time as the BOROUGH has gathered sufficient information to make such a determination, all other marketplaces classes of cannabis businesses shall be prohibited from operating anywhere within the geographical boundaries of the BOROUGH;

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the BOROUGH OF HIGHLAND PARK, in the County of Middlesex, State of New Jersey, as follows:

1. **Preamble.** The findings set forth in the preamble to this ordinance are hereby incorporated as if fully restated.

2. **General prohibition on all cannabis businesses other than Class 5 cannabis retailers and Class 6 cannabis delivery services.** In accordance with the authority granted to municipalities by N.J.S.A. 24:61-45, only the following cannabis facilities shall be permitted to operate within the geographical boundaries of the Borough: Class V cannabis retailers and Class VI cannabis delivery services, subject to the use, permitting, and taxation requirements set forth in this ordinance. All other marketplace classes of cannabis businesses shall be prohibited from operating anywhere within the geographical boundaries of the Borough.

3. **Amendments to Borough land development regulations.** Chapter 230, entitled "1989 Land Development Ordinance of the Borough of Highland Park, New Jersey." of the Code of the Borough Highland Park ("Code"), is hereby amended to permit Class 5 cannabis retailers and Class 6 cannabis delivery services in the CBD Central Business District and the C Commercial District, as follows (additions are underlined; deletions are in [brackets]):

**§ 230-140.CBD Central Business District Zone.**

Add the following new subsection (10) under "B. Permitted principal uses":

(10) Medical cannabis dispensaries, Class 5 cannabis retailers and Class 6 cannabis delivery services, as said terms are defined in this Code, subject to the requirements set forth in Chapter 136 of this Code.

Add the following new subsection (14) under "F. Prohibited uses":

(14) Class 1 cannabis cultivators, Class 2 cannabis manufacturers, Class 3 cannabis wholesalers, and Class 4 cannabis distributors, as said terms are defined in this Code.

**§ 230-141. C Commercial Zone.**

Add the following new subsection (8) under “B. Permitted principal uses”:

(8) Medical cannabis dispensaries, Class 5 cannabis retailers and Class 6 cannabis delivery services, as said terms are defined in this Code, subject to the requirements set forth in Chapter 136 of this Code.

Add the following new subsection (8) under “F. Prohibited uses”:

(8) Class 1 cannabis cultivators, Class 2 cannabis manufacturers, Class 3 cannabis wholesalers, and Class 4 cannabis distributors, as said terms are defined in this Code.

**4. Licensing requirements and general limitations for Class 5 cannabis retailers and Class 6 cannabis delivery services.** A new Chapter 136 entitled “Cannabis” is hereby added to Part II, “General Legislation, of the Code of the Borough of Highland Park, which shall read as set forth in Exhibit “A” attached hereto.

**5. Taxation of Class 5 cannabis retailers and Class 6 cannabis delivery services.** A new Article III entitled “Local Cannabis Transfer Tax and User Tax,” is hereby added to Chapter 374, “Taxation” of the Code of the Borough of Highland Park, which shall read as set forth in Exhibit “B” attached hereto.

**6. Repealer.** Any article, section, paragraph, subsection, clause, or other provision of the BOROUGH Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**7. Severability.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**8. Effective date.** This ordinance shall take effect upon its passage and publication and filing with the County of Middlesex Planning Board, and as otherwise provided for by law.

Introduced on first reading  
by title: July 6, 2021

ADOPTED:  
ATTEST:

APPROVED:

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

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

**EXHIBIT A**  
**CHAPTER 136**  
**CANNABIS**  
**ARTICLE I**  
**General Provisions**

**§ 136-1. Purpose.**

This chapter is enacted in accordance with the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act” or “CREAMMA”), *N.J.S.A. 24:61-32 et seq.*, and the regulations promulgated by the Cannabis Regulatory Commission (“CRC”). The purpose of this chapter is to regulate the establishment and operation of cannabis businesses in the Borough of Highland Park (“Borough”) and to specify the conditions and limitations applicable thereto.

**§ 136-2. Definitions.**

For the purpose of this chapter and all other applicable chapters of this Code, words and phrases herein shall have the meanings set forth in CREAMMA.

**§ 136-3. Applicable laws.**

All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the Act, rules and regulations referred to in §136-1 above, and all other applicable laws of the State of New Jersey. The regulations set forth herein are subject to the enabling authority of the State of New Jersey, by and through the Cannabis Regulatory Commission, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.

**§ 136-4. License required.**

No cannabis facility may lawfully operate in the Borough without the issuance of a State permit or license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the Borough in accordance with the provisions of this chapter.

**§ 136-5. Conditions and limitations.**

- A. Only the following marketplace classes of cannabis facilities shall be allowed to operate in the Borough, subject to the limitations and requirements set forth herein and elsewhere in this Code and all other classes shall be prohibited:

Class 5 Cannabis Retailer  
Class 6 Cannabis Delivery Service

- B. Only a Borough license issued pursuant to this chapter shall constitute “written municipal approval” pursuant to CREAMMA, *N.J.S.A. 24:6I-36(b)(1)(c)(i)* and *24:6I-45(c)*. Other written statements, letters, resolutions, or other documents issued by the Borough or any official, employee, or other representative shall not constitute annual or renewed “written municipal approval” for purposes of the CRC.

- C. Cannabis retailers and delivery services (“facility”) shall be permitted, pursuant to this chapter, only if in addition to all applicable land use regulations, the following requirements are met:

- (1) Land development regulations: The facility shall obtain all approvals required pursuant to the Borough’s land development regulations set forth in Chapter 230 of this Code, which approval(s) shall be evidenced by the issuance of a zoning permit.

- (2) Hours of operation: The operating hours of the licensed facility shall be between 9:00 am and 10:00 pm daily. It shall be unlawful for any person to sell or dispense cannabis or cannabis products in any licensed facility at any time other than between these hours.
- (2) The licensed facility shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress.
- (3) No cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place.
- (4) All cannabis products shall be stored securely indoors and onsite.
- (5) Consumption of cannabis products, by any means of ingestion, shall not be permitted in the licensed facility or adjacent grounds. .
- (6) Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (7) All cannabis facilities shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; shall have security fencing and gates around the perimeter of the premises; and shall have trained security personnel onsite at all times during operating hours.
- (8) Signage design shall comply with the Borough's sign regulations at Section 230-115 of the Code.
- (9) With respect to stand-alone cannabis delivery services, cannabis items shall not be stored or housed at the office or dispatch without trained security personnel guarding the items. Cannabis items must not be left unattended in vehicles. Signage design shall not include artistic or photographic renderings of cannabis plants. Signage at the cannabis delivery service shall communicate that the facility is not open to the public. Window signs and advertisements are prohibited.
- (10) No cannabis facility shall be housed in a vehicle or any movable or mobile structure.
- (11) Comply with all rules and regulations adopted by the New Jersey Cannabis Regulatory Commission.
- (12) Consumption of cannabis products, by any means of ingestion or smoking shall not be permitted in the licensed facility or adjacent grounds unless within an approved cannabis consumption area. Each retailer may only operate one cannabis consumption area. The cannabis consumption area shall be either (a) an indoor, structurally enclosed area of the licensed cannabis retailer's premise that is separate from the area in which retail sales of cannabis items occur or (b) an exterior structure on the same premise as the retailer, either separate from or connected to the retailer and likewise wholly enclosed. There shall be no outdoor cannabis consumption area. The cannabis consumption area shall be equipped to mitigate and contain odors from cannabis products which may be smoked. The cannabis consumption area shall be equipped with a ventilation system sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the cannabis consumption area. The discharge of said ventilation system shall not discharge any odors that can be smelled by any adjacent property owner or within a right of way.

**ARTICLE II**  
**Licensing**

**§ 136-6. Issuing authority.**

- A. All licenses required by this chapter shall be issued by the Borough Council, which shall also administer the provisions of this chapter.
- B. No license issued pursuant to this chapter shall be effective until or unless the State has issued the requisite permits or licenses to operate such a facility.
- C. Each license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of an application and renewal fee provided all conditions and requirements of applicable State law and this this chapter are met.

**§ 136-7. Application process.**

- A. Application. Persons wishing to obtain any classification of cannabis license shall file a license application with the Borough Clerk, on a standardized form established by the Clerk. The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Clerk, until all documents and application fees are submitted.
- B. To be deemed complete, all applications shall be accompanied by the following:
  - (1) Nonrefundable application fee.
  - (2) Registration fee, which shall be refunded in the event the applicant does not receive a license.
  - (3) Zoning permit demonstrating that the location proposed for licensing by the applicant complies with all applicable requirements of the Borough's land development regulations set forth in chapter 230 of this Code.
  - (4) Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.
  - (5) Affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
  - (6) Affidavit or other documentary proof that any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
- C. All applications upon being deemed complete shall be submitted to the Council for approval or denial. In evaluating the application(s), the Council shall establish a minimum percentage score required to be awarded a license using the criteria and percentage attributed to said criteria set forth herein below. In the event, however, there are multiple applicants for a license, the Council shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:

- (1) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of non-owner principals (twenty percent, not to exceed 2,500 words);
- (2) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (five percent, not to exceed 1,000 words), and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (five percent, not to exceed 2,500 words);
- (3) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (five percent, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (five percent), and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research (five percent);
- (4) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well-paying jobs with employee benefits in the municipality (twenty percent in total; five points for labor peace, full twenty points for collective bargaining agreement in effect for at least one year);
- (5) Summary of the applicant's environmental impact and sustainability plan (four percent, not to exceed 500 words); whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability (three percent); and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system (three percent);
- (6) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in the Borough for five or more years in the past ten years or at least one shareholder's continuous ownership of a business based in Borough of Highland Park for five or more years in the past ten years (five percent); and
- (7) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (twenty percent in total; ten points for one certification and twenty points for two or more).

- D. Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the Administrator’s discretion for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

**§ 136-8. Fees; number of licenses.**

- A. The number and type of cannabis licenses and the annual fees therefor shall be as follows:

<u>Class of License</u>	<u>Application Fee (nonrefundable)</u>	<u>Annual Registration Fee (refunded in the event the applicant does not receive a license)</u>	<u>Number of Licenses</u>
Class 5 Cannabis Retailer and Medical Cannabis Dispensaries	\$1,000.00	\$5,000.00	Limited to six (6)
Class 6 Cannabis Delivery Service	\$1,000.00	\$2,500.00	No Limit

- B. The license fee shall be paid on or before January 1 and shall cover the time period from January 1 until December 31. For a license issued after December 1 and before December 31, the license fee shall be prorated on a per month basis.
- C. Licenses issued pursuant to this chapter shall be personal to the licensee and shall not be transferable.
- D. A separate license shall be required for each class of cannabis business, and a separate application fee and registration fee shall be charged for each type of license.

**ARTICLE III  
Suspension or Revocation of License**

**§ 136-9. Suspension; revocation; non-renewal.**

Any suspension, revocation or non-renewal of a license pursuant to this chapter, or any suspension, revocation or non-renewal of a CRC-issued license or permit for the operation, or any adjudication of felony criminal guilt by the cannabis business or its principals shall constitute an automatic revocation of a Borough license issued pursuant to this chapter, at which time the operation shall immediately cease. A criminal adjudication voids and prohibits any future reinstatement of a Borough license.

**ARTICLE IV**  
**Enforcement, Violations and Penalties**

**§ 136-10. Violations and penalties.**

Any violation of the terms of this chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties, including but not limited to the general penalties set forth in Chapter 1, Article III of this Code.

**§ 136-11. Enforcement.**

The provisions of this chapter shall be enforced by the Borough Police Department, Borough Zoning Officer and/or Borough Health Officer as appropriate based on the nature of the violation.



**EXHIBIT B**

**CHAPTER 374**

**TAXATION**

\*\*\*

**ARTICLE III**

**Local Cannabis Transfer and User Tax**

**§ 374-6. Purpose.**

The purpose of this article is to implement the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act" or "CREAMMA") set forth at *N.J.S.A. 24:6I-46* and *N.J.S.A. 40:48I-1*, which authorize a municipality to impose transfer and user taxes on cannabis establishments.

**§ 374-7. Definitions.**

All terms herein shall be defined as set forth in section 3 of CREAMMA, *N.J.S.A. 24:6I-33*.

**§ 374-8. Cannabis transfer tax.**

- A. All cannabis establishments operating in the Borough shall be subject to the following transfer tax on the sale of cannabis or cannabis related items:
  - (1) Class 5 cannabis retailers: Two percent (2%) of the receipts from each sale
- B. The transfer tax imposed pursuant to this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
- C. Any transaction for which the transfer tax is imposed shall be exempt from the tax imposed under the "Sales and Use Tax Act," *N.J.S.A. 54:32B-1 et seq.*
- D. The transfer tax shall be collected or paid, and remitted to the Borough by the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

**§ 374-9. Cannabis user tax.**

- A. Any concurrent license holder operating more than one cannabis establishment shall be subject to a two percent (2%) user tax. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this article, from the license holder's establishment that is located in the Borough to any of the other license holder's establishments, whether located in the Borough or in another municipality.
- C. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. Any transaction for which the user tax is imposed, is exempt from the tax imposed under the Sales and Use Tax Act. *N.J.S.A. 54:32B-1 et seq.*
- D. The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

**§ 374-10. Collection of cannabis transfer and user tax.**

In accordance with the provisions of CREAMMA:

- A. Every cannabis establishment required to collect the transfer and user taxes imposed by this article shall be personally liable for the transfer and user tax imposed, collected, or required by this article and CREAMMA.
- B. Any cannabis establishment collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis establishment or the consumer as if the tax was a part of the sale and payable at the same time. With respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the Borough's chief financial officer is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

- C. No cannabis establishment required to collect the transfer and user taxes imposed by this article shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

**§ 374-11. Remittance of cannabis taxes; delinquencies.**

- A. All revenues collected from the transfer tax and user tax imposed pursuant to this article shall be remitted to the Borough's chief financial officer on a monthly basis.
- B. The Borough shall enforce the payment of delinquent taxes or transfer fees imposed by this article in the same manner as provided for municipal real property taxes.
- C. In the event that the transfer tax or user tax imposed by this article is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid Borough taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of Borough taxes, and shall be on a parity with and deemed equal to the Borough lien on the parcel for unpaid property taxes due and owing in the same year.
- D. The Borough shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- E. No licensed cannabis establishment operating in the Borough shall be permitted to renew a license issued pursuant to Chapter 136 of this Code should any transfer or user tax imposed by this article be delinquent.

**BOROUGH OF HIGHLAND PARK  
NO. 7-21-172**

**RESOLUTION AWARDING CONTRACT FOR “EMERGENCY REPAIRS  
TO THE WATER & COLLECTION SYSTEM”**

RESOLUTION: Public Works & Public Utilities Committee

**WHEREAS**, pursuant to a duly advertised Notice to Bidders, on May 27, 2021 the Borough of Highland Park received three (3) bids for a Contract for “Emergency Repairs to the Water & Collection System,” as follows:

<b>Bidder</b>	J.F. Kiely Construction Co.	J. Fletcher Creamer & Son, Inc.	B & W Construction Co. of NJ, Inc.
<b>Bid Proposal #1</b>	\$483,767.00	\$164,382.00	\$173,171.00
<b>Bid Proposal #2</b>	\$14,496.00	\$12,864.00	\$11,050.19
<b>Total Bid Price</b>	<b>\$498,263.00</b>	<b>\$177,246.00</b>	<b>\$184,221.19</b>

**WHEREAS**, the Bidding Documents requested bidders to submit both separate and combined bids for #1, Emergency Repairs to the Collection System and #2, Emergency Repairs to the Distribution System, and

**WHEREAS**, through the Bidding Documents, the Borough reserved the right to award one single contract based on the combined price for both proposals or two separate contracts; and

**WHEREAS**, the Administrator, in consultation with the Borough’s consultants and Attorney’s office, recommends that a single contract for both proposals be awarded to one bidder to ensure efficiency of administration of the services; and

**WHEREAS**, J. Fletcher Creamer & Son, Inc. has submitted the bid that is lowest in price for all work under the combined proposals; and

**WHEREAS**, the Administrator, Borough’s consultants and Attorney’s office have reviewed the bid submission from J. Fletcher Creamer & Son, Inc. and recommend that the award be made to J. Fletcher Creamer & Son, Inc. as the lowest responsive and responsible bidder; and

**WHEREAS**, the Chief Financial Officer has certified that the availability of sufficient funds for this contract in 1-05-55-500-423.

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

1. The foregoing preamble is hereby incorporated herein as if fully restated.
2. The Council hereby awards a contract to J. Fletcher Creamer & Son, Inc. for the Emergency Repairs to the Water & Collection System for the not to exceed amount of \$177,246.00.
3. The Mayor and Clerk are hereby authorized and directed to execute an Agreement consistent herewith.

ADOPTED: July 6, 2021

ATTEST:

VERIFIED AND ENCUMBERED AS TO: AVAILABILITY OF FUNDS \$177,246.00 ACCOUNT NO. 1-05-55-500-423 P.O. NO. _____ BY:  FINANCE DIRECTOR
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\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, County of Middlesex, New Jersey, do hereby certify the above to be a true copy of a Resolution adopted by two-thirds vote of the authorized membership of the Borough Council of said Borough at its meeting on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-173

A RESOLUTION IN SUPPORT OF THE MEDICARE FOR ALL ACT OF 2019 AND, SPECIFIC TO THE  
PANDEMIC, THE HEALTHCARE EMERGENCY GUARANTEE ACT OF 2020

RESOLUTION: Health and Human Services Committee

**WHEREAS**, every person in Highland Park, Middlesex County, deserves high quality health care and everyone's health is at risk when our neighbors cannot receive care; and

**WHEREAS**, before the Covid-19 pandemic, the number of Americans without health insurance was nearly 30 million with about 50 million Americans underinsured, the pandemic will greatly increase these numbers; e.g., up to 45 million additional people will lose job-related health insurance, with the impacts most severe on our black and brown neighbors; and

**WHEREAS**, without new strategies, the never-ending rising costs of health care further challenge our already strapped municipal budget and our small businesses that keep our communities thriving; and

**WHEREAS**, recent polls show that a growing majority of Americans support Medicare-for-All; cities/town approving Medicare for All Resolutions include: Los Angeles (CA), South Bend (IN), Ann Arbor (MI), Knoxville (TN), New Orleans (LA), Putnam (CT), Hanover (NH); Essex County (NJ); Maplewood (NJ); and Red Bank (NJ); and

**WHEREAS**, the Senate Medicare for All Act of 2019 and the House Medicare for All Act of 2021 would provide national health insurance for every person in the United States for all necessary medical care including diagnostic (e.g., virus) testing; prescription drugs; hospital, surgical and outpatient services; primary and preventive care; emergency services; women's reproductive care; dental and vision care; and long-term care; and

**WHEREAS**, the Senate Medicare for All Act of 2019 and the House Medicare for All Act of 2021 would provide coverage without copays, deductibles or other out-of-pocket costs, and would slash bureaucracy, protect the doctor-patient relationship, and assure patients a free choice of doctors; and

**WHEREAS**, the Senate Medicare for All Act of 2019 and the House Medicare for All Act of 2021 would save millions in taxpayer dollars now spent on premiums that provide often inadequate health insurance coverage for government employees; and

**WHEREAS**, the Healthcare Emergency Guarantee Act of 2020 will cover, through Medicare, the costs of Covid-19 related treatment for uninsured Americans as well as all out-of-pocket costs for those with private or public insurance throughout the duration of the pandemic; and

**WHEREAS**, the quality of life for the residents of Highland Park, Middlesex County, will vastly improve because everyone would be able to get preventative and ongoing care, when they need it to keep themselves and their neighbors healthy and avoid further burdening local resources;

**NOW, THEREFORE, BE IT RESOLVED**, that the Highland Park Borough Council enthusiastically supports the (Improved) Medicare for All Act(s) of 2019 and 2021 (S.1129 and H.R. 1976) and the Healthcare Emergency Guarantee Act(s) of 2020 (H.R. 6906 and S.3790) and calls on our federal legislators to work toward their immediate enactment, assuring appropriate and efficient health care for all residents of the United States.

**BE IT FURTHER RESOLVED**, that we, the Highland Park Borough Council, acknowledge the following:

- The Covid-19 pandemic has shown the importance of making high-quality healthcare available to everyone; our existing system leaves out too many people of color and those with limited resources; and
- Millions who have no insurance or insurance with high out-of-pocket costs, face the possibility that a major illness would lead to financial ruin; medical illness and bills contribute to two-thirds of all bankruptcies; and

- Managed care and other market-based reforms have failed to contain health care costs, which threaten the international competitiveness of U.S. businesses; and
- The existence of thousands of public and private insurance providers and regulators has resulted in extraordinarily complex (and unsustainable) health care business procedures that consume almost one-third of our nation’s expenditures for health care; and
- Administrative waste stemming from our reliance on private insurers consumes one-third of private health spending while the single-payer Medicare system has administration costs of less than 5 percent; and
- Rationing health care according to ability to pay has diminished the overall health of our citizens to the point that the United States ranks last among industrialized nations in health outcomes and as many as 30,000 people in the United States die each year due to inadequate health care; and
- Numerous academic studies have concluded that the administrative savings under a single-payer, (Improved) Medicare for All system would be enough to cover the currently uninsured and improve coverage for all those who now have only partial coverage; and
  - Entrusting care to profit-oriented firms diverts billions of dollars to outrageous incomes for CEOs and threatens the quality of care; and
  - The failure to provide affordable and appropriate preventative health care services places unnecessary and more costly demands upon Red Bank emergency health care services.

**BE IT FURTHER RESOLVED**, that Highland Park Borough encourages all of our residents to their Members of Congress and U.S. Senators and encourage them to co-sponsor this critical legislation.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to U.S. Senator Robert Menendez; U.S. Senator Cory Booker; Congressman Frank Pallone, representative of NJ’s sixth Congressional District; NJ Senator Patrick Diegnan, representative of NJ’s 18<sup>th</sup> Legislative District, Assemblyman Sterley Stanley, representative of NJ’s 18<sup>th</sup> Legislative District; Assemblyman Robert Karabinchak, representative of New Jersey’s 18<sup>th</sup> Legislative District; NJ Governor Philip Murphy; and the Middlesex County New Jersey Board of Commissioners.

ADOPTED: July 6, 2021  
ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-174

RESOLUTION TO EXECUTE SOLID WASTE DISPOSAL AGREEMENT  
WITH MIDDLESEX COUNTY UTILITIES AUTHORITY (MCUA)

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Borough of Highland Park wishes to enter into an agreement with the Middlesex County Utilities Authority (MCUA) for disposal of municipally controlled solid waste in the Middlesex County Landfill for the period beginning January 1, 2022 and ending December 31, 2026; and

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et seq., a municipality may enter into a contract for such services with another governmental subdivision without public bidding; and

WHEREAS, MCUA has offered to contract with the Borough for solid waste disposal at the rate of \$70.00/ton maximum through 2022, \$71.25/ton maximum for 2023, \$72.50/ton maximum for 2024, \$73.75/ton maximum for 2025, and \$75.00/ton maximum for 2026, a copy of which contract and addendum are attached to the original of this resolution; and

WHEREAS, funds will be made available in subsequent budgets for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk shall be and are hereby authorized and directed to execute and attest on behalf of the Borough a contract with Middlesex County Utilities Authority for the disposal of municipally controlled solid waste at the rate, \$70.00/ton maximum through 2022, \$71.25/ton maximum for 2023, \$72.50/ton maximum for 2024, \$73.75/ton maximum for 2025, and \$75.00/ton maximum for 2026, said contract and addendum to be in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Director and Middlesex County Utilities Authority forthwith.

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**BOROUGH OF HIGHLAND PARK  
NO. 7-21-175**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ISSUES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$14,102,000 GENERAL OBLIGATION BONDS, SERIES 2021 OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, CONSISTING OF \$10,233,000 GENERAL IMPROVEMENT BONDS, SERIES 2021 AND \$3,869,000 WATER/SEWER UTILITY BONDS, SERIES 2021, AND PROVIDING FOR THE SALE OF SUCH BONDS, AND DETERMINING CERTAIN MATTERS WITH RESPECT THERETO**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AS FOLLOWS:**

**SECTION 1.** Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough of Highland Park, in the County of Middlesex, State of New Jersey (the "Borough"), authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Improvement Bonds, Series 2021 in the aggregate principal amount of \$10,233,000 (the "General Improvement Bonds").

**SECTION 2.** The principal amount of bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the General Improvement Bonds described by reference to the bond ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances, are respectively as follows:

<b><u>Ordinance Number</u></b>	<b><u>Description and Date of Final Adoption</u></b>	<b><u>Amount of Issue</u></b>	<b><u>Useful Life</u></b>
13-1843, as amended by 13-1850	2013 sidewalk improvement program along various real properties, finally adopted April 2, 2013 (13-1843) and October 15, 2013 (13-1850)	\$404,000 (\$271,000 under 13-1843 and \$133,000 under 13-1850)	10.00 years



<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
14-1869	Various sidewalk improvements, finally adopted October 7, 2014	\$75,000	10.00 years
14-1870	Various roadway improvements, finally adopted October 7, 2014	\$1,050,000	10.00 years
14-1871	Acquisition of garbage receptacles and recycling buckets, finally adopted October 7, 2014	\$75,000	10.00 years
15-1880	Roof improvements to the Borough Library, Fire House and Senior Center, finally adopted February 17, 2015	\$228,000	15.00 years
15-1881, as amended by 15-1894, as amended by 15-1897, as amended by 17-1928, as amended by 18-1965	Acquisition of an approximate 0.1148 acre tract of land designated as Block 446, Lot 1 on the Borough's official tax map, the demolition of existing structures and the construction of a teen center thereon, and the acquisition of additional parcels of real property in the Borough, finally adopted February 17, 2015 (15-1881), October 1, 2015 (15-1894), December 1, 2015 (15-1897), February 21, 2017 (17-1928) and September 4, 2018 (18-1965)	\$6,302,000	39.33 years
16-1909	Acquisition of senior center, police, and fire equipment, finally adopted April 19, 2016	\$180,500	5.00 years
18-1968	Various roadway improvements, finally adopted September 4, 2018	\$1,619,000	10.00 years
18-1969	Acquisition of police, fire, and public works equipment, finally adopted September 4, 2018	\$299,500	6.67 years
<b>TOTALS</b>		<b>\$10,233,000</b>	

**SECTION 3.** The following matters are hereby determined with respect to the combined issue of General Improvement Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of General Improvement Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 27.98 years.

(b) The General Improvement Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2021" and shall mature within the average period of usefulness determined in Section 3(a) above.

(c) The General Improvement Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), specifically N.J.S.A. 40A:2-26(f), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

(d) The General Improvement Bonds are being issued to (i) refund, on a current basis, an \$8,585,000 portion of prior bond anticipation notes of the Borough issued in the aggregate principal amount of \$10,589,000 on March 23, 2021 and maturing on October 22, 2021 (the "Prior Notes"), and (ii) permanently finance various general capital improvements in and for the Borough in the amount of \$1,648,000.

**SECTION 4.** The following additional matters are hereby determined, declared, recited and stated:

(a) None of the General Improvement Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

(c) Any General Improvement Bonds issued pursuant to this Resolution and said bond ordinances described in Section 2 shall be general obligations of the Borough, and the Borough's full faith and credit are hereby irrevocably pledged to the punctual payment of the principal of and interest on said General Improvement Bonds and, unless paid from other sources, the Borough is required by law to provide for the payment thereof by the levy of *ad valorem* taxes on all the taxable property located within the Borough without limitation as to rate or amount.

**SECTION 5.** The \$10,233,000 aggregate principal amount of General Improvement Bonds referred to and described in the bond ordinances described in Section 2 of this Resolution duly adopted by the Borough Council of the Borough pursuant to the Local Bond Law on July 6, 2021, shall mature in the principal amounts on September 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2022	\$303,000	2032	\$570,000
2023	325,000	2033	580,000
2024	350,000	2034	590,000
2025	375,000	2035	600,000
2026	400,000	2036	600,000
2027	430,000	2037	600,000
2028	460,000	2038	600,000
2029	540,000	2039	600,000
2030	550,000	2040	600,000
2031	560,000	2041	600,000

The General Improvement Bonds shall be subject to redemption prior to maturity in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit C. The General Improvement Bonds shall be twenty (20) in number, with one certificate being issued for each year of maturity and shall be designated and numbered GI-1 to GI-20, inclusive.

**SECTION 6.** Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 7 hereof, shall be combined into a single issue of Water/Sewer Utility Bonds, Series 2021 in the aggregate principal amount of \$3,869,000 (the "Water/Sewer Utility Bonds").

**SECTION 7.** The principal amount of bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Water/Sewer Utility Bonds described by reference to the bond ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances, are respectively as follows:

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\* Preliminary, subject to change as described herein.

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
13-1854	Replacement of a water main on Montgomery Street, finally adopted October 1, 2013	\$349,000	10.00 years
17-1926	Repair of water and sewer mains, finally adopted February 7, 2017	\$200,000	10.00 years
20-2003	Various water and sewer improvements, finally adopted June 23, 2020	\$3,320,000	20.00 years
<b>TOTALS</b>		<b>\$3,869,000</b>	

**SECTION 8.** The following matters are hereby determined with respect to the combined issue of Water/Sewer Utility Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Water/Sewer Utility Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 18.58 years.

(b) The Water/Sewer Utility Bonds of the combined issue shall be designated "Water/Sewer Utility Bonds, Series 2021" and shall mature within the average period of usefulness determined in Section 8(a) above.

(c) The Water/Sewer Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, specifically N.J.S.A. 40A:2-26(f), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

(d) The Water/Sewer Utility Bonds are being issued to (i) refund, on a current basis, a \$2,004,000 portion of the Prior Notes, and (ii) permanently finance various water and sewer capital improvements in and for the Borough in the amount of \$1,865,000.

**SECTION 9.** The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Water/Sewer Utility Bonds described in Section 7 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 7 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 7 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 7 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

(c) Any Water/Sewer Utility Bonds issued pursuant to this Resolution and said bond ordinances described in Section 7 shall be general obligations of the Borough, and the Borough’s full faith and credit are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Water/Sewer Utility Bonds and, unless paid from other sources, the Borough is required by law to provide for the payment thereof by the levy of *ad valorem* taxes on all the taxable property located within the Borough without limitation as to rate or amount.

**SECTION 10.** The \$3,869,000 aggregate principal amount of Water/Sewer Utility Bonds referred to and described in the bond ordinances described in Section 7 of this Resolution duly adopted by the Borough Council of the Borough pursuant to the Local Bond Law on July 6, 2021, shall mature in the principal amounts on September 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2022	\$199,000	2030	\$270,000
2023	205,000	2031	275,000
2024	235,000	2032	275,000
2025	240,000	2033	280,000
2026	245,000	2034	285,000
2027	250,000	2035	295,000
2028	255,000	2036	300,000
2029	260,000		

The Water/Sewer Utility Bonds shall be subject to redemption prior to maturity in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit C. The Water/Sewer Utility Bonds shall be fifteen (15) in number, with one certificate being issued for each year of maturity and shall be designated and numbered WSU-1 to WSU-15, inclusive.

**SECTION 11.** The General Improvement Bonds and the Water/Sewer Utility Bonds are sometimes collectively referred to herein as the “Bonds”.

**SECTION 12.** The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of the Bonds of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New

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\* Preliminary, subject to change as described herein.

York ("DTC"), which will act as securities depository for the Bonds (the "Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants (the "Participants") or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 each or any integral multiple thereof, with a minimum purchase of \$5,000 required, except that any Bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its Participants. The Bonds will be dated their date of delivery and shall bear interest therefrom, which interest shall be payable semiannually on the first day of March and September (each an "Interest Payment Date"), in each year until maturity or earlier redemption, as applicable, commencing March 1, 2022, at a rate or rates per annum as proposed by the Winning Bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough, or some other paying agent as the Borough may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the Participants of DTC as listed on the records of DTC as of the fifteenth day of February and August preceding each Interest Payment Date for the Bonds (the "Record Dates"). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the Borough, under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Borough. The following matters are hereby determined with respect to the Bonds:

<b>Date of Bonds:</b>	Date of delivery
<b>Principal Payment Dates:</b>	September 1, 2022 and each September 1 thereafter until maturity or earlier redemption, as applicable
<b>Interest Payment Dates:</b>	Semiannually on each March 1 and September 1 of each year until maturity or earlier redemption, as applicable, commencing March 1, 2022
<b>Place of Payment:</b>	Cede & Co., New York, New York.

**SECTION 13.** The Bonds shall be substantially in the forms set forth in Exhibit A and Exhibit B, respectively, attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds of each series in accordance with the requirements of DTC, upon the advice of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, in its capacity as Bond Counsel to the Borough ("Bond Counsel"), and Phoenix Advisors, LLC, Bordentown, New Jersey, in its capacity as Municipal Advisor to the Borough (the "Municipal Advisor").

**SECTION 14.** The Bonds shall be sold upon receipt of electronic proposals on or about Tuesday, August 10, 2021 (the “Bid Date”) at or about 11:00 a.m. by the Chief Financial Officer of the Borough or the Administrator of the Borough, as applicable, on i-Deal’s Bidcomp®/PARITY® electronic competitive bidding system (“PARITY”), in accordance with the Notice of Sale authorized herein in Exhibit C which Notice of Sale may be adjusted prior to the Bid Date by the Chief Financial Officer of the Borough or the Administrator of the Borough, as applicable, upon consultation with the Municipal Advisor and Bond Counsel. The use of the services provided by PARITY and the fees associated therewith are hereby approved. Bond Counsel, on behalf of the Clerk of the Borough, is hereby authorized and directed to arrange for (i) the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the Bid Date in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, (ii) the publication of the full text of such Notice of Sale to be published not less than seven (7) days prior to the Bid Date in the Home News Tribune, and (iii) the posting of the full text of the Notice of Sale on www.MuniHub.com, the website provided by or for PARITY. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer of the Borough or the Administrator of the Borough, as applicable, as the financial officers authorized to sell and to award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officers shall report in writing the results of the sale to the Borough Council at its regularly scheduled meeting thereafter. The Chief Financial Officer of the Borough or the Administrator of the Borough, as applicable, are each hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

**SECTION 15.** The Notice of Sale for the Bonds shall be in the form set forth in Exhibit C attached hereto (the “Notice of Sale”) with such additions, deletions and omissions as may be necessary for the Chief Financial Officer of the Borough or the Administrator of the Borough, as applicable, to market the Bonds, upon the advice of the Municipal Advisor and Bond Counsel to the Borough.

**SECTION 16.** Each series of Bonds shall have attached thereto a copy of the written opinion with respect to such series of Bonds that is to be rendered by Bond Counsel, complete except for omission of its date.

**SECTION 17.** Bond Counsel is hereby authorized and directed to arrange for the printing of the Bonds of each series and for the printing and electronic posting of the Preliminary Official Statement (as defined herein) and the Official Statement (as defined herein), and any and all fees associated therewith. The Preliminary Official Statement and the Official Statement are hereby authorized to be prepared by Bond Counsel, the Municipal Advisor, Samuel Klein and Company, Freehold, New Jersey, auditor to the Borough (the “Auditor”), and other Borough officials. Bond Counsel and the Municipal Advisor are also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds. The Mayor, the Chief Financial Officer or the Administrator of the Borough are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Official Statement. The Chief Financial Officer of

the Borough, the Administrator of the Borough, Bond Counsel, the Municipal Advisor, and the Auditor are each further authorized and directed to obtain ratings on the Bonds, to prequalify the Bonds for municipal bond insurance, and to prepare and submit financial and other information on the Borough to rating agencies and municipal bond insurers, and the preparation and submission of any such applications is hereby ratified and confirmed.

**SECTION 18.** The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), to preserve the exemption from taxation of interest on each series of the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

**SECTION 19.** The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

**SECTION 20.** In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Obligations") in denominations of \$5,000 each or any integral multiple thereof, with a minimum purchase of \$5,000 required, except that any Bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the respective Registered Obligations. The Borough shall be obligated to provide for the execution and delivery of the respective Registered Obligations in certified form.

**SECTION 21.** The Chief Financial Officer is hereby authorized and directed to "deem final" the Official Statement (the "Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, and to execute a certificate regarding same. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the "Preliminary Official Statement") in connection with the offering and sale of the Bonds. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, to reflect the effect of the sale of the Bonds, and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer or the Mayor of the Borough is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser of the Bonds in accordance with the provisions of the Rule, for its use in the sale, resale and distribution of the Bonds, where and if applicable.

**SECTION 22.** The final Official Statement to be dated on or about August 10, 2021 (the "Final Official Statement"), prepared with respect to the issuance of the



Bonds, is hereby authorized to be executed on behalf of the Borough by the Chief Financial Officer or the Mayor of the Borough, as the case may be, and delivered to the purchaser of the Bonds for its use in connection with the sale, resale and distribution of the Bonds, where and if applicable. The Chief Financial Officer and the Mayor of the Borough are further hereby authorized and directed to deliver any certificates necessary in connection with the distribution of the Official Statement.

**SECTION 23.** The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate (the "Certificate") which will set forth the obligation of the Borough to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provisions of the Rule. The Chief Financial Officer of the Borough or the Borough Administrator are each hereby authorized and directed to execute and deliver this Certificate to the purchaser of the Bonds, evidencing the Borough's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder.

**SECTION 24.** The Chief Financial Officer of the Borough or the Administrator of the Borough, as applicable, are each hereby authorized and directed to determine all matters and terms in connection with the Bonds, as applicable (including adjusting the maturity schedule for the Bonds in accordance with the terms set forth in the Notice of Sale attached hereto as Exhibit C, or any matters set forth in this Resolution that are deemed necessary and advisable to change by the Chief Financial Officer or the Administrator of the Borough, as applicable, in consultation with Bond Counsel, the Municipal Advisor, and the Auditor, prior to the sale or closing of the Bonds), all in consultation with Bond Counsel, the Municipal Advisor, and the Auditor, and the manual or facsimile signature of the Chief Financial Officer or the Administrator of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer, the Administrator, the Clerk, and any other Borough officials or professionals, including, but not limited to, Bond Counsel, the Municipal Advisor, the Auditor, the Borough Engineer, and the Borough Attorney (collectively, the "Borough Officials"), are each hereby authorized and directed to execute and deliver such documents, certificates, agreements and opinions as are necessary to consummate the authorization, sale, issuance, execution, delivery, and closing of the Bonds and to take such actions or refrain from such actions as are necessary for the authorization, sale, issuance, execution, delivery, and closing of the Bonds, and all such actions or inactions taken by the aforesaid Borough Officials and professionals heretofore are hereby ratified and confirmed.

**SECTION 25.** This Resolution shall take effect immediately.

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**EXHIBIT A**

**BOROUGH OF HIGHLAND PARK,  
IN THE COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY  
UNITED STATES OF AMERICA**

**GENERAL IMPROVEMENT BOND, SERIES 2021**

**NUMBER:** GI-\_\_\_\_\_

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
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Date of Delivery	September 1, _____	%	
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**REGISTERED OWNER:** Cede & Co.

**PRINCIPAL SUM:** \_\_\_\_\_ Dollars  
( \$ \_\_\_\_\_ )

The BOROUGH OF HIGHLAND PARK, in the County of Middlesex, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as Securities Depository (the "Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond at the Rate of Interest Per Annum specified above semiannually on the first day of March and September (each an "Interest Payment Date"), commencing March 1, 2022, in each year until maturity or earlier redemption, as applicable. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough, or a duly designated paying agent, and will be credited to the participants (the "Participants") of DTC, as listed on the records of DTC, as of the fifteenth day of February and August preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of DTC. DTC shall be responsible for maintaining the book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to September 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after September 1, 2029 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after September 1, 2028, upon notice as required herein, at one

hundred percent (100%) of the principal amount thereof being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by mailing by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as DTC (or any successor thereto) (the "Securities Depository") acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such Securities Depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such Securities Depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented, various bond ordinances duly adopted by the Borough Council of the Borough, approved by the Mayor and published as required by law, and a resolution duly adopted by the Borough Council of the Borough on July 6, 2021 entitled, "Resolution Providing For The Combination Of Certain Bond Issues And Determining The Form And Other Details Of The Offering Of \$14,102,000 General Obligation Bonds, Series 2021 Of The Borough Of Highland Park, In The County Of Middlesex, State Of New Jersey, Consisting Of \$10,233,000 General Improvement Bonds, Series 2021 And \$3,869,000 Water/Sewer Utility Bonds, Series 2021, And Providing For The Sale Of Such Bonds, And Determining Certain Matters With Respect Thereto".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

**IN WITNESS WHEREOF**, the Borough of Highland Park, in the County of Middlesex, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of its Borough Clerk, and this Bond to be dated the Date of Original Issue as specified above.

**BOROUGH OF HIGHLAND PARK,  
IN THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY**

(SEAL)

By: [FORM OF BOND; DO NOT EXECUTE]  
GAYLE BRILL MITTLER,  
Mayor

ATTEST:

By: [FORM OF BOND; DO NOT EXECUTE]  
JOAN HULLINGS,  
Clerk

By: [FORM OF BOND; DO NOT EXECUTE]  
LORI MAJESKI,  
Chief Financial Officer

**EXHIBIT B**

**BOROUGH OF HIGHLAND PARK,  
IN THE COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY  
UNITED STATES OF AMERICA**

**WATER/SEWER UTILITY BOND, SERIES 2021**

**NUMBER:** WSU-\_\_\_\_\_

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
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Date of Delivery	September 1, _____	%	
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**REGISTERED OWNER:** Cede & Co.

**PRINCIPAL SUM:** \_\_\_\_\_ Dollars  
(\$ \_\_\_\_\_)

The BOROUGH OF HIGHLAND PARK, in the County of Middlesex, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as Securities Depository (the "Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond at the Rate of Interest Per Annum specified above semiannually on the first day of March and September (each an "Interest Payment Date"), commencing March 1, 2022, in each year until maturity or earlier redemption, as applicable. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough, or a duly designated paying agent, and will be credited to the participants (the "Participants") of DTC, as listed on the records of DTC, as of the fifteenth day of February and August preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of DTC. DTC shall be responsible for maintaining the book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to September 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after September 1, 2029 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after September 1, 2028, upon notice as required herein, at one

hundred percent (100%) of the principal amount thereof being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by mailing by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as DTC (or any successor thereto) (the "Securities Depository") acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such Securities Depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such Securities Depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented, various bond ordinances duly adopted by the Borough Council of the Borough, approved by the Mayor and published as required by law, and a resolution duly adopted by the Borough Council of the Borough on July 6, 2021 entitled, "Resolution Providing For The Combination Of Certain Bond Issues And Determining The Form And Other Details Of The Offering Of \$14,102,000 General Obligation Bonds, Series 2021 Of The Borough Of Highland Park, In The County Of Middlesex, State Of New Jersey, Consisting Of \$10,233,000 General Improvement Bonds, Series 2021 And \$3,869,000 Water/Sewer Utility Bonds, Series 2021, And Providing For The Sale Of Such Bonds, And Determining Certain Matters With Respect Thereto".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

**IN WITNESS WHEREOF**, the Borough of Highland Park, in the County of Middlesex, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of its Borough Clerk, and this Bond to be dated the Date of Original Issue as specified above.

**BOROUGH OF HIGHLAND PARK,  
IN THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY**

(SEAL)

By: [FORM OF BOND; DO NOT EXECUTE]  
GAYLE BRILL MITTLER,  
Mayor

ATTEST:

By: [FORM OF BOND; DO NOT EXECUTE]  
JOAN HULLINGS,  
Clerk

By: [FORM OF BOND; DO NOT EXECUTE]  
LORI MAJESKI,  
Chief Financial Officer



**EXHIBIT C  
BOROUGH OF HIGHLAND PARK,  
IN THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY**

**NOTICE OF SALE  
\$14,102,000\* GENERAL OBLIGATION BONDS, SERIES 2021  
Consisting of:  
\$10,233,000\* General Improvement Bonds, Series 2021  
and  
\$3,869,000\* Water/Sewer Utility Bonds, Series 2021  
  
(BOOK-ENTRY ONLY)                      (CALLABLE)**

**SUMMARY**

ISSUER: Borough of Highland Park, in the County of Middlesex, State of New Jersey

PAR AMOUNT: \$14,102,000\* General Obligation Bonds, Series 2021, consisting of \$10,233,000\* General Improvement Bonds, Series 2021 (the "General Improvement Bonds") and \$3,869,000\* Water/Sewer Utility Bonds, Series 2021 (the "Water/Sewer Utility Bonds" and together with the General Improvement Bonds, the "Bonds")

SECURITY: General Obligations of the Borough as to all Bonds.

TAX EXEMPT: Yes

RATINGS: [Standard & Poor's] [Moody's] – Expected

INSURANCE: The Winning Bidder of the Bonds may, at its sole option and expense, purchase a policy of municipal bond insurance.

TYPE OF SALE: Electronic proposals via the Parity Electronic Bid System ("PARITY") of i-Deal LLC ("i-Deal") (See Bidding Details herein).

AUCTION AGENT: PARITY

BID/AWARD DATE: The Bonds are being sold on the basis of the Combined Maturity Schedule set forth herein on August 10, 2021 at 11:00 a.m. Award by 2:00 p.m.

DATED DATE: Date of Delivery

DELIVERY DATE: September 1, 2021

INTEREST PAYMENT DATES: March 1 and September 1, commencing March 1, 2022.

CALL DATE: September 1, 2028.

MINIMUM BID: \$14,102,000 (Par); the Bonds will be sold on the basis of the combined maturity schedule set forth herein.

MAXIMUM BID: \$14,807,100 (105%); the Bonds will be sold on the basis of the combined maturity schedule set forth herein.

**BID SECURITY:** **Good Faith Check or Wire in the amount of \$282,040 received by Borough prior to bidding or a Financial Surety Bond as provided in this Notice, if available.**

BASIS OF AWARD: True Interest Cost.

OFFERING STATEMENT: Preliminary Official Statement available at [www.MuniHub.com](http://www.MuniHub.com).

LEGAL OPINION: Wilentz, Goldman & Spitzer, P.A.

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\* Preliminary, subject to change as described herein.

## **NOTICE**

NOTICE IS HEREBY GIVEN that bids will be received by the Borough of Highland Park, in the County of Middlesex, State of New Jersey (the "Borough") for the purchase of the Borough's \$14,102,000\* aggregate principal amount of General Obligation Bonds, Series 2021, consisting of \$10,233,000\* General Improvement Bonds, Series 2021 (the "General Improvement Bonds") and \$3,869,000\* Water/Sewer Utility Bonds, Series 2021 (the "Water/Sewer Utility Bonds" and together with the General Improvement Bonds, the "Bonds"). **All Bids (as defined below) must be submitted in their entirety on i-Deal's PARITY website ("PARITY") at [www.newissuehome.i-deal.com](http://www.newissuehome.i-deal.com) prior to 11:00 a.m., prevailing New Jersey time, on August 10, 2021 (the "Bid Date"). To bid via PARITY, Bidders (as defined below) must have submitted a good faith check in the form of a certified, cashier's or treasurer's check, a wire transfer or a Financial Surety Bond, if available, payable to the Borough in the amount of \$282,040 no later than 11:00 a.m. on the Bid Date (see "Bidding Details" below).**

### **Preliminary and Final Official Statement**

The Borough's Preliminary Official Statement (the "POS") is available for viewing in electronic format on [www.MuniHub.com](http://www.MuniHub.com). In addition, broker dealers registered with the National Association of Securities Dealers (the "NASD") and dealer banks with The Depository Trust Company, New York, New York (the "DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer, or (b) at any time prior to 11:00 a.m. (prevailing New Jersey time) on the Bid Date, elect to receive a photocopy of the POS in the mail by requesting it on PARITY or by calling the Borough's bond counsel, Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095 ("Bond Counsel"). Calls should be directed to Charles A. Solimine, Esq. at (732) 855-6430. All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Borough to be final as of its date, for purposes of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Borough, at its expense, will make available to the Winning Bidder (as defined herein) a reasonable number of Final Official Statements, within seven (7) business days following the date of acceptance of the Bid.

### **Types of Bids Allowed**

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$14,102,000\*. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Borough, the Bidder will be required to purchase the entire issue in accordance with such Bid.

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\* Preliminary, subject to change as described herein.

## Insurance

If the Bonds qualify for the issuance of any policy of municipal bond insurance, the Bidder for the Bonds may, at its sole option and expense, purchase such insurance. The insurance premium, if any, will be paid by the Bidder. Any failure of the Bonds to be so insured shall not in any way relieve the Winning Bidder of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

## Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each March 1 and September 1 (each an "Interest Payment Date"), commencing March 1, 2022, in each year until maturity or prior redemption, as applicable, by payment of money to DTC or its authorized nominee. DTC will credit payments of principal of and interest on the Bonds to the Participants of DTC as listed on the records of DTC as of each February 15 and August 15 preceding each Interest Payment Date for the Bonds (the "Record Dates"). The Bonds are general obligations of the Borough.

## Principal Amortization

The Bonds will consist of two series of serial bonds (with one CUSIP for each combined maturity) maturing on September 1 in each year, commencing September 1, 2022 for both series of the Bonds, as indicated on the maturity schedule set forth below. The principal amounts of each serial maturity shall be as set forth below:

### BONDS MATURITY SCHEDULE

<u>Year</u>	<u>General- Improvement Bonds*</u>	<u>Water/Sewer Utility Bonds*</u>	<u>Combined Maturity Schedule*</u>
2022	\$ 303,000	\$ 199,000	\$ 502,000
2023	325,000	205,000	530,000
2024	350,000	235,000	585,000
2025	375,000	240,000	615,000
2026	400,000	245,000	645,000
2027	430,000	250,000	680,000
2028	460,000	255,000	715,000
2029	540,000	260,000	800,000
2030	550,000	270,000	820,000
2031	560,000	275,000	835,000
2032	570,000	275,000	845,000
2033	580,000	280,000	860,000
2034	590,000	285,000	875,000
2035	600,000	295,000	895,000
2036	600,000	<u>300,000</u>	900,000
2037	600,000		600,000
2038	600,000		600,000
2039	600,000		600,000
2040	600,000		600,000
2041	<u>600,000</u>		<u>600,000</u>
Totals	\$10,233,000	\$3,869,000	\$14,102,000

\* Preliminary, subject to change as described herein.

## **Adjustment of Maturity Schedule**

The Borough may, and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed ten percent (10%) upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed ten percent (10%) upward or downward of the aggregate principal amount of Bonds, as specified herein, and the aggregate principal amount of Bonds, as adjusted, shall not exceed \$14,102,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount, as calculated from the bid, and the Initial Public Offering Prices required to be delivered to the Borough, as stated herein.

## **Book-Entry Only**

The Bonds will be issued in book-entry only form, and each certificate will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. The Bonds will be issued in the form of one certificate for the aggregate principal amount of the Bonds of each series maturing in each year and will be payable as to both principal and interest in lawful money of the United States of America. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants (the "Participants") or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of the individual purchasers. The Winning Bidder will not receive certificates representing its interests in the Bonds. Individual purchases may be made in the principal amount of \$5,000 each or any integral multiple thereof, with a minimum purchase of \$5,000 required, except that any Bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its Participants. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to Participants to then be remitted to the Beneficial Owners of the Bonds. It shall be the obligation of the Winning Bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

## **Redemption Provisions**

The Bonds of this issue maturing prior to September 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after September 1, 2029 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after September 1, 2028, upon notice as required herein, at one hundred percent (100%) of the principal amount thereof being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by mailing by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as DTC (or any successor thereto) (the "Securities Depository") acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such Securities Depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such Securities Depository to advise any of its Participants or any failure of any Participant to

notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

### **Term Bond Option**

Bidders may not elect to structure the issue to include term bonds (the "Term Bond Option").

### **Terms of PARITY**

Each electronic bid must be submitted via PARITY. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). To the extent any instructions or directions set forth on PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact the Borough's Municipal Advisor, Sherry Tracey of Phoenix Advisors, LLC, at (609) 291-0130 or PARITY at (212) 849-5021. The Borough may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via PARITY. When a bid for the Bonds is submitted via PARITY, the bidder further agrees that: the Borough may regard the electronic transmission of the bid via PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as the official "Bid for Bonds" executed by a duly authorized signatory of the bidder. If the bid submitted electronically via PARITY is accepted by the Borough, the terms of the bid and this Notice of Sale and the information that is electronically transmitted via PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

PARITY is not an agent of the Borough, and the Borough shall have no liability whatsoever based on any bidder's use of PARITY, including but not limited to any failure by PARITY to correctly or timely transmit information provided by the Borough or information provided by the bidder.

The Borough may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via Thomson News Service ("TM3"), or by other available means, no later than 3:00 p.m., prevailing New Jersey time, on the last business date prior to the Bid Date.

Once the bids are communicated electronically via PARITY to the Borough, each bid will constitute an official "Bid for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Bids for Bonds" electronically via PARITY, the time as maintained on PARITY shall constitute the official time.

Each bidder shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Borough nor PARITY shall have any duty or obligation to provide or assure to any bidder, and neither the Borough nor PARITY shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or

any damages caused by, PARITY. The Borough is using PARITY as a communication mechanism, and not as the Borough's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Borough harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

The Borough may, in its sole discretion and prior to the electronic receipt of bids, clarify any term hereof, including, without limitation, its decision to discontinue use of electronic bidding via PARITY, by issuing a notification of the clarification via TM3, or any other available means, no later than 11:00 a.m. (prevailing New Jersey time) on the Bid Date.

### **Bidding Details**

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (1) **THE BONDS ARE BEING SOLD ON THE BASIS OF THE COMBINED MATURITY SCHEDULE SET FORTH ABOVE. ALL BIDDERS SUBMITTING PROPOSALS MUST BID ON BOTH SERIES OF THE BONDS.**
- (2) **BIDDERS MUST SUBMIT EITHER A GOOD FAITH CHECK, A WIRE TRANSFER OR A FINANCIAL SURETY BOND (IF AVAILABLE) IN THE AMOUNT OF \$282,040 PAYABLE TO THE BOROUGH PRIOR TO THE TIME FOR SUBMISSION OF BIDS AT THE FOLLOWING ADDRESS:**

**Lori Majeski  
Chief Financial Officer  
Borough of Highland Park  
221 South 5<sup>th</sup> Avenue  
Highland Park, New Jersey 08904**

**BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE BOROUGH. TO OBTAIN WIRE TRANSFER INSTRUCTIONS, PLEASE CONTACT THE BOROUGH'S MUNICIPAL ADVISOR, PHOENIX ADVISORS, LLC, BORDENTOWN, NEW JERSEY (THE "MUNICIPAL ADVISOR"). INQUIRIES SHOULD BE DIRECTED TO SHERRY TRACEY AT (609) 291-0130 OR [stracey@muniadvisors.com](mailto:stracey@muniadvisors.com).**

- (3) All Bids must be submitted via the PARITY website at [www.newissuehome.i-deal.com](http://www.newissuehome.i-deal.com). **No telephone, telefax, telegraph or personal delivery Bids will be accepted.**
- (4) All Bids for the Bonds must be submitted on an AON basis.
- (5) Bidders may bid to purchase Bonds from the Borough at a price which is no less than the par amount and no greater than with a premium not to exceed \$705,100 (5% of the combined par amount of the Bonds). No Bid shall be considered that offers to pay an amount less than the total principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest True Interest Cost to the Borough under any legally acceptable Bid. Please note the expectation of the Borough to adjust the amount of Bonds to the amount needed by the Borough, as described in "Adjustment of Maturity Schedule" herein.
- (6) Bidders must specify a rate of interest for each maturity of the Bonds which rate of interest must be expressed in multiples of one-eighth (1/8) or one-twentieth (1/20) of one

percent (1%). Not more than one rate of interest may be named for the Bonds of the same maturity. The difference between the highest and lowest rates of interest named shall not exceed two percent (2%). There is no limitation on the number of rates of interest that may be named.

- (7) Bidders are only permitted to submit Bids for the Bonds during the bidding period.
- (8) The Winning Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours prior to the date of delivery of the Bonds a certificate satisfactory to Bond Counsel to the Borough, the form of which is attached hereto as Exhibit A, to the effect that: (i) each maturity of the Bonds has been the subject of a bona fide initial offering to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price set forth in such certificate; (ii) ten percent (10%) or more in par amount of the Bonds of each maturity were sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price for such maturity set forth in such certificate; (iii) at the time the Winning Bidder submitted its bid to the Borough, based upon then prevailing market conditions, the Winning Bidder had no reason to believe that any maturity of the Bonds would be sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price greater than the initial public offering price for that maturity, or that the fair market of any maturity of the Bonds would be in excess of the initial public offering price for that maturity (in the event the Borough receives fewer than three (3) bids for the Bonds, then the issue price of the Bonds shall be established based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below)); or (iv) the initial offering price to the Public as of the Sale Date of any Maturity of the Bonds as the issue price of that Maturity (the "hold-the-offering-price rule"), in each case applied on a Maturity-by-Maturity basis (and if different interest rates apply within a Maturity, to each separate CUSIP number within that Maturity). The Winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Borough, in writing, evidence satisfactory to Bond Counsel to the Borough of such sales prices for each maturity of the Bonds. In the event that the Winning Bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Delivery Date (each, an "Unsold Maturity"), the Winning Bidder shall be subject to the hold-the-offering-price rule. Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter (as defined herein) or a related party to the Underwriter. The term "related party" generally means any two or more persons who have greater than fifty percent (50%) common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public. Such certificate shall state that it is made to the best knowledge, information and belief of the Winning Bidder.

- (9) Additionally, the Winning Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours of the Bid Date the public offering prices and reoffering yields for each maturity of each series of the Bonds.

### **Definitions**

- “Bid” any confirmed purchase offer received by PARITY on or before the auction deadline.
- “Bidder” any firm registered and approved for participation in the sale.
- “True Interest Cost” computed by determining the interest rate, compounded semiannually, necessary to discount the debt service payments to the date of the Bonds and to the price bid, excluding accrued interest to the delivery date. The True Interest Cost serves as the basis for awarding bonds to Winning Bidders.
- “Winning Bid” any purchase offer made by a Bidder and received by PARITY which, at the end of the bidding time period, results in the lowest True Interest Cost which is acceptable to the Borough.

### **Bid Procedure and Basis of Award**

Subject to the right reserved by the Borough to reject any or all Bids, the Bonds will be sold to the Bidder whose Bid produces the lowest True Interest Cost for the Borough and otherwise complies with this Notice of Sale.

Bids must remain valid until at least 2:00 p.m., prevailing New Jersey time, on the date of the sale, and if accepted by the Borough, prior to such time, shall be irrevocable except as otherwise provided in this Notice of Sale. Upon selection of the Winning Bidder, the Borough will execute an award certificate to award the Bonds and will promptly communicate with the Winning Bidder by telephone, e-mail or fax.

### **Bid Security and Method of Payment for Bonds**

**A Good Faith Deposit (“Deposit”) in the form of a certified or cashier’s or treasurer’s check, a wire transfer or a Financial Surety Bond, if available, in the amount of \$282,040, payable to the order of the Borough, is required for each Bid to be considered. Wire instructions may be obtained by contacting Sherry Tracey, Municipal Advisor, at (609) 291-0130, and such wire must be received and confirmed by the Borough prior to 11:00 A.M., prevailing New Jersey time, on the Bid Date. If a check is used, it must be a certified or cashier’s or treasurer’s check and must be provided to the Borough prior to 11:00 a.m. (prevailing New Jersey time) on the Bid Date. Each Bidder accepts responsibility for delivering such check or wire Deposit on time and the Borough is not responsible for any check or wire Deposit that is not received on time. If a Financial Surety Bond is available and is used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”) and such bond must be submitted to the Borough no later than 11:00 a.m. (prevailing New Jersey time) on the Bid Date at the address referred to above. Use of any Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Borough unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the Bidder whose Deposit is guaranteed by such Financial Surety Bond. If**



**the Bonds are awarded to a Bidder utilizing a Financial Surety Bond, then that Winning Bidder is required to submit its Deposit to the Borough by wire transfer as instructed by the Borough not later than 3:30 p.m. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Borough to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Winning Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the Winning Bidder fails to honor its accepted Bid or fails (other than for reasons permitted under this Notice) to accept delivery of and pay for the Bonds on the closing date, the Deposit shall be retained by the Borough as and for full liquidated damages to secure the Borough from any loss resulting from such failure by the Winning Bidder. Award of the Bonds to the Winning Bidder or rejection of all Bids is expected to be made within two hours after opening of the Bids, but such Winning Bidder may not withdraw its proposal until after 2:00 p.m. of the day for receipt of such Bids and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Borough on or about September 1, 2021.**

### **Right to Reject Bids; Waive Irregularities**

The Borough reserves the right to reject any and all Bids and to the extent permitted by law to waive any irregularity or informality in any Bid.

### **Delivery of the Bonds**

The Bonds will be delivered on or about September 1, 2021 (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON PARITY NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York City at DTC against payment of the purchase price therefor (less the amount of the good faith deposit). PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE BY WIRE TRANSFER OF IMMEDIATELY AVAILABLE FUNDS.

There will also be furnished the usual closing papers, including (1) a certificate, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery of the Bonds, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds, (2) certificates in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor and compliance with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") necessary to preserve tax exemption, (3) a certificate signed by the Borough relating to the Official Statement, and (4) a Continuing Disclosure Certificate evidencing compliance with the Rule (as defined herein) and the undertaking of the Borough with respect thereto.

### **CUSIP Identification Numbers**

CUSIP Identification Numbers (one CUSIP for the combined aggregate amount of Bonds maturing in each year) will be applied for with respect to the Bonds. The request for the assignment of such CUSIP Identification Numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge for the assignment of the numbers shall be the responsibility of and shall be paid for by the Winning Bidder of the Bonds. CUSIP numbers must be communicated to Bond Counsel within twenty-four (24) hours of the award of the Bonds to have the CUSIP numbers printed on the Bonds. The Borough will assume no obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the Winning Bidder thereof to accept delivery of and make payment for the Bonds. There will be one CUSIP number for each combined maturity of the Bonds.

## Legal Opinion

The approving opinion of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Borough, will be furnished without cost to the Winning Bidder, such opinion to be substantially in the form set forth in the Final Official Statement distributed in preliminary form in connection with the sale of the Bonds, to the effect that the Bonds are valid and legally binding obligations of the Borough, that all the taxable property therein will be subject to the levy of *ad valorem* taxes to pay the Bonds and the interest thereon without limitation as to rate or amount and that interest on the Bonds is not includable as gross income under current law if the Borough complies with all conditions subsequent contained in the Code, except to the extent that interest on the Bonds held by a corporate taxpayer is included in the income computation for calculation of the corporate alternative minimum tax, and that interest on the Bonds and any gain on the sale thereof is not includable as gross income under the existing New Jersey Gross Income Tax Act.

## Postponement

The Borough reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED ON PARITY, BEFORE 11:00 A.M. ON THE BID DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via PARITY at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any Bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of this Notice of Sale, except for the date of sale and except for the changes announced on PARITY at the time the sale date and time are announced.

## Termination

The Winning Bidder at its option may refuse to accept the Bonds if prior to their delivery any change in any income tax law of the United States of America, shall provide that the interest thereon is includable or shall be includable in gross income at a future date for Federal income tax purposes. In such case, the Deposit made by such Winning Bidder shall be returned and such bidder will be relieved of its contractual obligations arising from the acceptance of its Winning Bid.

## Clarification of Notice of Sale Terms

The Borough may, in its sole discretion and prior to the electronic receipt of proposals, clarify any term hereof, including, without limitation, its decision to discontinue use of electronic bidding via PARITY, by publishing the clarification on PARITY, or any other available means, no later than 3:00 p.m. (prevailing New Jersey time) on the last business day prior to the Bid Date.

## Additional Information

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Borough. This Notice of Sale and the POS may be viewed on [www.MuniHub.com](http://www.MuniHub.com). However, the Borough makes no assurance or representation with respect to the form of this Notice of Sale and the POS on [www.MuniHub.com](http://www.MuniHub.com), and no investment decision should be made in reliance thereon. Printed copies of the POS and this Notice of Sale may be obtained from the Bond Counsel at the address and phone number stated below. Additional information relating to the financing of the Borough can be obtained by contacting Lori Majeski, Chief Financial Officer, Borough of Highland Park, 221 South 5<sup>th</sup> Avenue, Highland Park, New Jersey 08904, telephone (732) 819-3780 or email [lmajeski@hpboro.com](mailto:lmajeski@hpboro.com); Sherry Tracey, Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505, telephone (609) 291-0130 or email [stracey@muniadvisors.com](mailto:stracey@muniadvisors.com); or Borough Bond Counsel, Charles A. Solimine, Esq., Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095, telephone (732) 855-6430 or email [tsolimine@wilentz.com](mailto:tsolimine@wilentz.com).

/s/ Lori Majeski

Lori Majeski  
Chief Financial Officer  
Borough of Highland Park  
in the County of Middlesex  
State of New Jersey

August 3, 2021

**EXHIBIT A to the General Obligation Bonds Notice of Sale**

**Form of Issue Price Certificate for the Bonds**

September \_\_, 2021

Borough of Highland Park  
221 South 5<sup>th</sup> Avenue  
Highland Park, New Jersey 08904

Wilentz, Goldman & Spitzer, P.A.  
90 Woodbridge Center Drive  
Woodbridge, New Jersey 07095

Re: Borough of Highland Park, in the County of Middlesex,  
State of New Jersey  
\$14,102,000 aggregate principal amount of General Obligation  
Bonds, Series 2021, consisting of (i) \$10,233,000 aggregate  
principal amount of General Improvement Bonds, Series 2021 and  
(ii) \$3,869,000 aggregate principal amount of Water/Sewer Utility  
Bonds, Series 2021 (collectively, the "Bonds")

Ladies and Gentlemen:

The undersigned, as a representative of \_\_\_\_\_, the Underwriter (the "Underwriter") of the \$14,102,000 aggregate principal amount of General Obligation Bonds, Series 2021, consisting of (i) \$10,233,000 aggregate principal amount of General Improvement Bonds, Series 2021 and (ii) \$3,869,000 aggregate principal amount of Water/Sewer Utility Bonds, Series 2021 (collectively, the "Bonds") sold on August 10, 2021 (the "Sale Date"), dated and issued on the date hereof, of the Borough of Highland Park, in the County of Middlesex, State of New Jersey (the "Issuer" or the "Borough"), hereby certifies as follows:

[1. [Alternate 1 - ***Bids Received From at Least 3 Underwriters and Release of 10% Rule.***]

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by the undersigned are the prices listed in Exhibit A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Maturities of the Bonds used by the undersigned in formulating its bid to purchase the Bonds.

(b) The undersigned was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by the undersigned constituted a firm offer to purchase the Bonds.

(d) Based on the Expected Offering Prices, the aggregate offering prices of the Bonds to the Public is \$\_\_\_\_\_ (face amount of \$\_\_\_\_\_, plus original issue premium of \$\_\_\_\_\_).

[1. [Alternate 2 - **Competitive Sale Requirements not satisfied - Actual sale of at least 10% of Bonds by closing**] As of the date of this certificate, for each Maturity of the Bonds, the first price at which at least 10% of such Maturity of the Bonds was sold to the Public are the respective prices listed in Exhibit A (collectively, the “Offering Prices”). Based on the Offering Prices, the aggregate Offering Prices of the Bonds to the Public is \$\_\_\_\_\_ (face amount of \$\_\_\_\_\_, plus original issue premium of \$\_\_\_\_\_).

[1. **Hold-the-Price language**] As of the Sale Date, the Underwriter offered the Bonds to the Public for purchase at the respective Offering Prices listed in Exhibit A. The Underwriter agrees that (i) for each Maturity of Bonds it will neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Offering Price listed in Exhibit A for such Maturity during the Holding Period for such Maturity (the “Hold-The-Offering-Price Rule”) and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the Hold-The-Offering-Price Rule. Pursuant to such agreement, no Underwriter has offered or sold any Maturity of Bonds at a price that is higher than the respective Offering Price for that Maturity of the Bonds for the Holding Period.

2. **Defined Terms.** In addition to the terms defined above, the following terms used herein shall have the meanings therefor set forth below:

[(a) “Holding Period” means for each Maturity of the Bonds, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date, or (ii) the date on which the Underwriter has sold at least 10% of such Maturity of the Bonds to the Public at prices that are no higher than the Offering Price for such Maturity.]

(b) “Maturity” means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate Maturities.

(c) “Public” means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than fifty percent (50%) common ownership, directly or indirectly.

(d) “Sale Date” means the first day on which there is a binding contract in writing for the sale of a Maturity of Bonds. The Sale Date of the Bonds is August 10, 2021.

(e) “Underwriter” means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate)

to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents the undersigned's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to compliance with the federal income tax rules affecting the Bonds, and by bond counsel in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

Very truly yours,

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title \_\_\_\_\_

**EXHIBIT A**

BOROUGH OF HIGHLAND PARK  
No. 7-21-176

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 5, 2021 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:

KIM A. MCGRAW, Acting Director of Community Services, at an annual salary of \$87,000.00, effective July 1, 2021.

KIM A. MCGRAW, Municipal Alliance Coordinator, at an annual salary of \$7,500.00, effective July 1, 2021.

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 5, 2021 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:

STELLA DRAPER, Summer Camp Administrator, at an hourly rate of \$16.00, effective June 2, 2021.

CAMILA YANEZ, Summer Camp Health Director, at an hourly rate of \$14.00, effective July 5, 2021.

AKUA ASAMOAH, Summer Camp Counselor, at an hourly rate of \$16.00, effective July 5, 2021.

JACOB BARRIE, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

LIA BLANK, Summer Camp Counselor, at an hourly rate of \$12.00, effective July 5, 2021.

ARLINGTON BURRELL, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

OZ DUNCAN, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

ETHAN GILDENBERG, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

DIEGO GONZALEZ, Summer Camp Counselor, at an hourly rate of \$12.00, effective July 5, 2021.

MARZIA KARIM, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

MICHAEL LANDIS, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

LYDIA LEKHAL, Summer Camp Counselor, at an hourly rate of \$12.00, effective July 5, 2021.

KEVIN LIN, Summer Camp Counselor, at an hourly rate of \$16.00, effective July 5, 2021.

COLIN MARX, Summer Camp Counselor, at an hourly rate of \$16.00, effective July 5, 2021.

CARA MCMAHON, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

OLIVIA PARKER, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

MASUMA QURESHI, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

EVAN RODGERS-FARMER, Summer Camp Counselor, at an hourly rate of \$19.00, effective July 5, 2021.

ILYSSA ROIG, Summer Camp Counselor, at an hourly rate of \$16.00, effective July 5, 2021.

KEITH ROIG, Summer Camp Counselor, at an hourly rate of \$19.00, effective July 5, 2021.

GIAVANNA SCALETTI, Summer Camp Counselor, at an hourly rate of \$12.00, effective July 5, 2021.

VERONICA SMITH, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

ASHLEY SOSA, Summer Camp Counselor, at an hourly rate of \$19.00, effective July 5, 2021.

ROHAN THOMPSON, Summer Camp Counselor, at an hourly rate of \$14.00, effective July 5, 2021.

TYLER TRINH, Summer Camp Counselor, at an hourly rate of \$12.00, effective July 5, 2021.

AKILI TULLOCH, Summer Camp Counselor, at an hourly rate of \$12.00, effective July 5, 2021.



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 6, 2021

ATTEST:

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

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-177

RESOLUTION TO APPROVE THE ACCEPTANCE OF STATE FUNDS AND  
AUTHORIZE THE BOROUGH OF HIGHLAND PARK POLICE DEPARTMENT  
TO PARTICIPATE IN THE STATE GRANT PROGRAM ADMINISTERED  
BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY

RESOLUTION: Public Safety Committee

WHEREAS, N.J.S.A 40A:14-118.3 has been enacted by the New Jersey Legislature to require the use of body worn cameras by certain police officers in the State of New Jersey; and

WHEREAS, the Highland Park Police Department previously submitted a grant application to the New Jersey Department of Law and Public Safety, Office of the Attorney General for the SFY21 Body-Worn Camera Grant Program; and

WHEREAS, on June 23, 2021, the New Jersey Department of Law and Public Safety, Office of the Attorney General awarded the Borough of Highland Park a total amount of \$61,140.00 under Award # 21-BWC-192 for the purchase of Body Worn Cameras, storage fees and ancillary items; and

WHEREAS, the award period shall run from January 1, 2021 through December 31, 2025; and

WHEREAS, the awarded funds are provided solely by the State of New Jersey with no in-kind or cash match required by the Borough of Highland Park.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park, Middlesex County that the Borough does hereby authorize the acceptance of the Awarded funds and the said funds shall be used for the purposes described in the application.

ADOPTED: July 6, 2021

ATTEST:

---

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

---

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-178

RESOLUTION TO APPROVE REPLACEMENT OF HVAC  
COMPRESSOR AT THE HIGHLAND PARK POLICE DEPARTMENT

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Highland Park Police Department compressor needs to be replaced; and

WHEREAS, quotes were solicited for said replacement and two (2) quotes were received as follows:

East Coast Mechanical Contractors Inc.	\$12,900.00
Lightning Mechanical, LLC	\$15,015.00
All County Mechanical	No response

WHEREAS, the Superintendent of the Department of Public Works has recommended that said replacement be performed by East Coast Mechanical Contractors Inc., Farmingdale, NJ; and

WHEREAS, funds shall be made available for this purpose in Account No. 1-01-26-310-232 in the amount of \$12,900.00, as reflected by the certification of funds by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Superintendent of Public Works is hereby authorized and directed to accept the quote for the replacement of the HVAC compressor from East Coast Mechanical Contractors Inc., Farmingdale, NJ, at a total cost of \$12,900.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Superintendent of Public Works and the Chief Financial Officer forthwith.

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
JOAN HULLINGS, BOROUGH CLERK

VERIFIED AND ENCUMBERED AS TO:  
 AVAILABILITY OF FUNDS \$12,900.00  
 ACCOUNT NO. 1-01-26-310-232  
 P.O. NO. \_\_\_\_\_  
 BY: \_\_\_\_\_  
  
 FINANCE DIRECTOR

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-179

RESOLUTION TO AWARD BID FOR 2020 ROADWAY IMPROVEMENTS

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, on June 17, 2021 pursuant to a duly advertised Notice to Bidders, the Borough of Highland Park ("Borough") received six (6) bids for the) resurfacing and reconstruction of South Sixth Avenue between Magnolia Street and Benner Street, South Ninth Avenue between Eden Avenue and Graham Street, North Ninth Avenue between Raritan Avenue and Abbott Street, Benner Street between South Seventh Avenue and South Ninth Avenue, Cliff Court, Lincoln Avenue between Lawrence Avenue and North Fifth Avenue, and Barnard Street between Central Avenue and Woodbridge Avenue. Which bids are as follows;

JADS Construction South River NJ	\$773,337.70
D.L.S. Contracting, Inc. Fairfield, NJ	\$773,475.00
Black Rock, Inc. Old Bridge, NJ	\$939,939.39
Top Line Construction Corp. Somerville, NJ	\$950,575.56
Crossroads Paving Newark, NJ	\$1,006,600.00
Lima Charlie Construction, Inc. Freehold, NJ	\$1,039,600.00

WHEREAS, upon recommendation of the Borough Engineer and review by the Borough Attorney, the Borough desires to award the contract for the Project to JADS Construction; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for the award of the contract purpose in the amount of \$773,337.70 in Account Nos. C-04-55-821-001 and C-04-55-824-001, as reflected by the certification of funds, shown below.

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

1. The contract for the Project is hereby awarded to JADS Construction, PO Box 513, South River, NJ 08882 in the amount of \$773,337.70, subject to the approval of the New Jersey Department of Transportation.
2. The Mayor and Borough Clerk are hereby authorized and directed to enter into a contract with JADS Construction, consistent herewith.

ADOPTED: July 6, 2021  
ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

VERIFIED AND ENCUMBERED AS TO:  
AVAILABILITY OF FUNDS \$773,337.70  
ACCOUNT NO. C-04-55-821-001  
C-04-88-824-001  
P.O. NO. \_\_\_\_\_  
BY: \_\_\_\_\_  
  
FINANCE DIRECTOR

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
No. 7-21-180

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE  
IMPROVEMENTS TO NORTH 4<sup>TH</sup> AVENUE, JOHNSON STREET & MONTGOMERY STREET

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-2022-Improvements to North 4<sup>th</sup> Avenue, Johnson Street, & Montgomery Street-00462" 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 signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-181

RESOLUTION TO AWARD FALL 2021 STREET TREE PLANTING  
PROJECT TO NEW JERSEY TREE FOUNDATION

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Shade Tree Advisory Committee seeks to fulfill resident requests for street trees; and

WHEREAS, three (3) quotes were solicited and were received as follows:

DCR Landscaping	NO RESPONSE
New Jersey Tree Foundation	\$8,160.00
Sunset Creations	\$12,650.00

and

WHEREAS, the Borough Administrator has recommended that said services be purchased from New Jersey Tree Foundation, Jackson, NJ based on their quote for same and based on their professionalism and quality of work; and

WHEREAS, funds are available for this purpose in Account No. T-12-56-500-001, 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 Borough Administrator is hereby authorized and directed to accept the quote for tree planting from the New Jersey Tree Foundation, 576 Leesville Road, Jackson, NJ, at a cost not to exceed of \$8,160.00; and

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

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

VERIFIED AND ENCUMBERED AS TO: AVAILABILITY OF FUNDS \$8,160.00 ACCOUNT NO. T-12-56-500-001 P.O. NO. _____ BY: _____  FINANCE DIRECTOR
----------------------------------------------------------------------------------------------------------------------------------------------------------

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

## NJTF Quote

Common Name	Latin Name	Caliper	Notes	Quantity	Unit Price	Total
American hornbeam	Carpinus caroliniana	2 - 2.5"	20 gallon	1	\$ 355.00	\$ 355.00
Crepe Myrtle	Lagerstroemia indica x fauriei	1.5 - 2"	15 gallon multi-stem	1	\$ 355.00	\$ 355.00
Fastigate maple	Acer rubrum 'fastigiata'	2 - 2.5"	30 gallon	1	\$ 415.00	\$ 415.00
Pink dogwood	Cornus x Stellar Pink	1.5 - 2"		3	\$ 345.00	\$ 1,035.00
Redbud	Cercis canadensis	1.5 - 2"	25 gallon	3	\$ 395.00	\$ 1,185.00
River Birch	Betula nigra 'Heritage'	2 - 2.5"	30 gallon	1	\$ 425.00	\$ 425.00
Serviceberry	Amelanchier canadensis	1.5 - 2"	25 gallon	1	\$ 425.00	\$ 425.00
Smoketree	Cotinus obovatus	1.5 - 2"	10 gallon multi-stem	1	\$ 285.00	\$ 285.00
Swamp white oak	Quercus bicolor	2 - 2.5"	30 gallon	3	\$ 425.00	\$ 1,275.00
Sweetbay magnolia	Magnolia virginiana	1.5 - 2"	15 gallon multi-stem	1	\$ 335.00	\$ 335.00
White dogwood	Cornus x Constellation (or Aurora)	1.5 - 2"		6	\$ 345.00	\$ 2,070.00
						<b>\$ 8,160.00</b>

10 gallon = 1" caliper

15 gallon = 1.5" caliper

20 gallon = 2" caliper

25 gallon = 2.5" caliper

30 gallon = 3" caliper

Stake & Arbor tie trees



# SUNSET CREATIONS, INC.

*Landscaping & Grounds Maintenance*

355 Route 601  
Belle Mead, New Jersey 08502  
Telephone (908) 281-6600  
Fax (908) 281-9672

June 17, 2021

Borough of Highland Park  
Attn: Emma Missy  
221 S. Fifth Avenue  
Highland Park, NJ 08904

Re: Highland Park Fall 2021

The cost to supply and install the 22 trees listed by Highland Park would be \$575.00 per tree.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'John Colombero', is written over the typed name.

John Colombero



BOROUGH OF HIGHLAND PARK  
NO. 7-21-183

RESOLUTION AUTHORIZING ISSUANCE OF TAXI OPERATOR LICENSE FOR THE  
PURPOSE OF OPERATING TAXI CAB IN THE BOROUGH OF HIGHLAND PARK

RESOLUTION: Public Safety Committee

WHEREAS, Antoinette Marie Stallings has filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such License for the year 2021; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicants are qualified and that public necessity and convenience would be served by the issuance of said License.

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

ADOPTED: July 6, 2021

ATTEST:

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Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

---

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**BOROUGH OF HIGHLAND PARK  
NO. 7-21-184**

**RESOLUTION TO APPLY FOR TRANSPORTATION ELECTRIFICATION GRANT FROM  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Department of Public Works desires to replace its aging diesel street sweeper and would like to do so with an electric street sweeper; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has funds available for this initiatives in their Transportation Electrification Grant program; and

WHEREAS, the Department of Public Works wishes to apply for grant funds in the amount of \$375,000.00 which will cover a portion of the electric street sweeper and the installation of charging infrastructure; and

WHEREAS, the remaining cost of the project will be paid using funds from the 2021 Middlesex County Improvement Authority Capital Improvement Program in the amount of \$215,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized and directed to execute and submit, on behalf of the Department of Public Works, the grant application to the NJDEP, a copy of which is attached to the original of this resolution.

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-185

RESOLUTION TO AUTHORIZE EXTENSION OF GRACE PERIOD FOR 3RD QUARTER TAXES

RESOLUTION: Finance Committee

WHEREAS, the Borough of Highland Park finally adopted its 2021 Municipal Budget on May 4, 2021; and

WHEREAS, the state has still not certified the budget to the County Tax Administrator so that the 2021 tax rate can established, and

WHEREAS, the tax collector cannot bill 3<sup>rd</sup> quarter taxes until an official tax rate is set by the County Tax Administrator, and

WHEREAS, N.J.S. 54:4-67 authorizes Council to provide a ten day grace period following the required payment date or a twenty-five calendar day period after mailing of the tax bills during which interest will not be charged;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the grace period for the 2021 third quarter taxes be extended twenty-five (25) days from the actual date of mailing; and

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 54:4-66.5 no interest shall be charged on unpaid third quarter 2021 taxes provided the same are paid on or before twenty-five (25) days from date of mailing, and provided further that interest thereafter shall be payable at the rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from August 1, 2021 until the date of actual payment.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Finance Director and Tax Collector forthwith.

ADOPTED: July 6, 2021

ATTEST:

\_\_\_\_\_  
BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6th day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-186

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 7/6/2021 can be found in the Bills List Journal Book No. 41.

ADOPTED: July 6, 2021

ATTEST:

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

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 7-21-187

REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY  
BODY-WORN CAMERA GRANT PROGRAM

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 2021 budget in the sum of \$61,140.00, which is now available from the State of New Jersey Department of Law and Public Safety, Body-Worn Camera Grant Program, and

BE IT FURTHER RESOLVED that the like sum of \$61,140.00 is hereby appropriated under the caption of Body-Worn Camera Grant Program.

ADOPTED: July 6, 2021

ATTEST:

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

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of July, 2021.

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

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				