

BOROUGH OF HIGHLAND PARK
REGULAR MEETING
OCTOBER 19, 2022 – 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:

Please click the link below to join the webinar:

<https://zoom.us/j/99058400576>

Or join by telephone: 1- 929-205-6099

Webinar ID: 990 5840 0576

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 Ordinance Amending Chapter 230 Concerning Deed Restricted Control Periods and Mandatory Set-aside Requirements for Affordable Housing for consideration of passage on final reading by title.

a. MOTION to take up ordinance on final reading by title.

b. Public Hearing.

c. 10-22-232 Resolution to adopt/reject and advertise ordinance on final reading by title.

MOTION adopt/reject

ROLL CALL VOTE

12.b Clerk reports advertising Ordinance Amending Chapter 328 Sewer and Water for consideration of passage on final reading by title.

a. MOTION to take up ordinance on final reading by title.

b. Public Hearing.

c. 10-22-233 Resolution to adopt/reject and advertise ordinance on final reading by title.

MOTION adopt/reject

ROLL CALL VOTE

12.c Clerk reports advertising Ordinance Establishing a Pedestrian Mall on South 3rd Avenue at Raritan Avenue for consideration of passage on final reading by title.

a. MOTION to take up ordinance on final reading by title.

b. Public Hearing.

c. 10-22-234 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 on an Ordinance Amending the "Code of the Borough of Highland Park" concerning motor vehicle parking regulations for consideration of passage on first reading by title.

a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.

(Resolution No. 10-22-235)

ROLL CALL VOTE

- 14. Consent Agenda Items - Resolutions.

ROLL CALL VOTE

14.a *10-22-236 Resolution to Amend Annual Salary Resolution

14.b *10-22-237 Resolution Authorizing Submission of an Arts Grant Application with

Middlesex County Division of Folklife and Cultural Heritage Arts Institute County Project Support

- 14.c *10-22-238 Resolution Replacing Resolution 5-22-134 to Apply for 2022 Reforestation & Tree Planting Grant from NJDEP
- 14.d *10-22-239 Resolution to Approve Pay Estimate No. 5 and Closeout Order with Hellas Construction for the Improvements to the Recreation Complex
- 14.e *10-22-240 Resolution to Approve Pay Estimate No. 1 with Top Line Construction Corp. for Improvements to South 4th, Johnson and Montgomery
- 14.f *10-22-241 Resolution to Approve Bills List

15. Appointments.

Mayor appoints the following:

Karin Rabe Shade Tree Advisory Committee

Haley Hszung Municipal Alliance
Hayden Hszung

MOTION TO CONFIRM

ROLL CALL VOTE

16. Second Public Participation.

(3 minutes per speaker on any items; subject to 9PM conclusion prior to Work Session)

17. Recess (5 minutes).

18. Work Session Items: No formal action to be taken.

- a. Rent control (GBM).

19. Executive Session (if necessary).

20. MOTION to adjourn.

21. **Next Scheduled Meeting:** November 1, 2022 @ 7:30 PM

**BOROUGH OF HIGHLAND PARK
RESOLUTION NO.10-22-232**

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2053: “AN ORDINANCE CONCERNING THE BOROUGH OF HIGHLAND PARK AFFORDABLE HOUSING PROGRAM AND AMENDING CHAPTER 230 OF THE “CODE OF THE BOROUGH OF HIGHLAND PARK” CONCERNING DEED RESTRICTED CONTROL PERIODS AND MANDATORY SET-ASIDE REQUIREMENTS”, passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the “Home News Tribune”, of 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: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, 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. 22-2059**

**AN ORDINANCE CONCERNING THE BOROUGH OF HIGHLAND PARK
AFFORDABLE HOUSING PROGRAM AND AMENDING CHAPTERS 86 AND 230 OF
THE “CODE OF THE BOROUGH OF HIGHLAND PARK” CONCERNING DEED
RESTRICTED CONTROL PERIODS AND MANDATORY SET-ASIDE
REQUIREMENTS**

BE IT ORDAINED by the Borough Council of The Borough of Highland Park, County of Middlesex, State Of New Jersey as follows:

Section 1. Sections 86-13 and 86-17 of the “Code of the Borough of Highland Park” which establish control periods for ownership and rental units is amended to read as follows: (underlined material is new).

Section 86-13, “Control periods for restricted ownership units and enforcement mechanisms” is hereby amended to read as follows:

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:8—26.5, and each restricted ownership shall remain subject to the controls on affordability for a period of at least 30 years and until the municipality takes action thereafter to release the controls on affordability. After thirty years, the Borough shall have unilateral authority to extend such affordability controls.

Section 86-17, “Control periods for restricted rental units” is hereby amended to read as follows:

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented. After thirty years, the Borough shall have unilateral authority to extend such affordability controls.

Section 2. A **NEW** Article XXIII of Chapter 230 is hereby added to said Code to establish affordable housing mandatory set-aside requirement and shall read as follows:

Article XXIII. Affordable Housing Requirements

§ 230-207. Affordable Housing Mandatory Set-Aside

A. Purpose

This Section is intended to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or the Borough Planning/Zoning Board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of at least fifteen percent (15%) for multi-family rental projects and at least twenty percent (20%) for all other multi-family projects. This section shall apply except where inconsistent with applicable law. This ordinance shall not apply to existing affordable housing inclusionary zones, which predate the effective date of this ordinance.

B. Affordable Housing Mandatory Set-Aside Requirement

If the Borough or the Borough Planning Board/Zoning Board permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, the Borough or the Borough’s Planning Board/Zoning Board shall require that an appropriate percentage of the residential units be set aside for low-and moderate-income households. This requirement shall apply beginning with the effective date the Ordinance creating this section was adopted to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough’s Planning Board or Zoning Board. For any such development for which the Borough’s land use ordinances already permitted residential development as of the effective date of the Ordinance creating this section was adopted, this requirement shall only apply if the Borough or the Borough’s Planning Board or Zoning Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date the Ordinance created this section was adopted. Nothing in this paragraph precludes the Borough or the Borough’s Planning Board or Zoning Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. For all inclusionary projects, the appropriate set-aside percentage will be at least fifteen percent (15%) for multi-family rental projects and at least twenty percent (20%) for all other multi-family projects. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment or variance, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Borough’s Settlement Agreement with FSHC, which was executed on December 22, 2017, or in the Borough’s Adopted Housing Element and Fair Share Plan dated December 18, 2018, for which density and set-aside standards shall be governed by the specific standards set forth therein.

Furthermore, this Section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this Section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the number of net new dwelling units is five (5) or more.

All affordable units produced as a result of this Ordinance shall comply with the Borough’s Affordable Housing Ordinance, COAH and UHAC regulations and applicable laws, including, but not limited to bedroom and income distributions and income distributions requirements within each bedroom category. This obligation also includes compliance with the Fair Housing Act’s

(“FHA”) very low-income requirements, including the requirement that at least 13% very low-income units as defined by the FHA (households earning no more than 30% of the region’s median income).

C. Redevelopment Projects

The Borough may, if it determines appropriate, require affordable housing in redevelopment projects that deviates from the requirements of Sections 230-207 (A) and (B). Such requirement shall be included in applicable redevelopment agreements provided that such requirements must comply with the Borough’s Settlement Agreement with FSHC, which was executed on December 22, 2017 and the Borough’s Adopted Housing Element and Fair Share Plan dated December 18, 2018.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Highland Park, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the General Ordinances of the Borough of Highland Park are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Middlesex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Highland Park for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provision in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16, and the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Introduced at the meeting on September 6, 2022

Adopted: _____, 2022

Attest:

Approved: _____, 2022

Jennifer Santiago
Borough Clerk

Gayle Brill Mittler
Mayor

**BOROUGH OF HIGHLAND PARK
RESOLUTION NO.10-22-233**

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2053: AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 328, "SEWER AND WATER", passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of 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: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, 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. 2022-2060

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLAND PARK,
CHAPTER 328, "SEWER AND WATER"

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

SECTION 1. Section 328-17 of the "Code of the Borough of Highland Park" which provides for the care and protection of Borough-owned water meters is amended as follows: (brackets are deletions; underlined material is new)

§ Section 328-17 **Care and protection of meters.**

B. Where replacements, repairs or adjustments of any meter, whether owned by the Borough or not, become necessary due to the act, neglect or carelessness of the owner or occupant of any premises, any expense to the Department caused thereby shall be charged to and collected from the owner of such premises. In addition, the charge for a meter, size 5/8 inches, whether owned by the Borough or sold by the Borough to homeowners or plumbers for installing lawn sprinklers or other purposes, when replaced due to neglect, freezing or carelessness, shall be [~~\$100~~] \$300.

SECTION 2. Section 328-23 of the "Code of the Borough of Highland Park" shall have the water consumption rates increased as shown below and the relevant portions of the ordinance shall read as follows:

§ Section 328-23 **Water consumption rates.**

A. Rates. The rate charged for all water used by each consumer shall be as follows:

| Usage Amount (cubic feet) | Rate |
|----------------------------------|--|
| 0 to 799 | [\$40.88] <u>\$44.76</u> flat charge |
| 800 to 999 | [\$53.00] <u>\$58.04</u> flat charge |
| 1,000 to 3,499 | [\$66.21] <u>\$72.50</u> per 1,000 cubic feet |
| 3,500 and up | [\$70.84] <u>\$77.57</u> per 1,000 cubic feet |

§ Section 328-24 **Service charges.**

C. Temporary water service during construction. The fee for a permit for temporary water service during construction [of a single-family frame house] shall be metered and charged [prevailing rates] \$80.00 per 1,000 cubic feet.

J. Final water meter reading. The fee for final water meter readings shall be \$30.

K. Water shut off. The fee for the Borough to operate the water service line shut-off valve at the curb stop is \$50. The fee for an unscheduled emergency water shut off shall be \$150. In accordance with Section 328-11, the customer is responsible for the maintenance of the water service line from the water main to the building and as such the Borough is not responsible for any repairs that may be needed as a result of the shut-off.

SECTION 3. Section 328-38 of the “Code of the Borough of Highland Park” shall have the sewer rental rates increased as shown below and the relevant portions of the ordinance shall read as follows:

§ 328-38 Sanitary sewer rentals.

A. Rates. Sewer rental shall be paid quarterly for the use of the sanitary sewers connected to any premises or lot in the Borough of Highland Park, in accordance with the following rates and classifications:

(4) Rates. The rates charged for all sewer rentals for each consumer shall be as follows:

| Usage Amount (cubic feet) | Rate |
|----------------------------------|---|
| 0 to 799 | [\$32.55] <u>\$35.64</u> flat charge |
| 800 to 999 | [\$41.83] <u>\$45.80</u> flat charge |
| 1,000 to 3,499 | [\$50.61] <u>\$55.42</u> per 1,000 cubic feet |
| 3,500 and up | [\$54.15] <u>\$59.29</u> per 1,000 cubic feet |

SECTION 4. This Ordinance shall take effect upon its passage and publication as provided for by law and shall further take effect as of the fourth quarter of 2022.

Introduced and passed on first reading by title: September 20, 2022

ADOPTED:

ATTEST:

APPROVED:

Jennifer Santiago
BOROUGH CLERK

Gayle Brill Mittler,
MAYOR

**BOROUGH OF HIGHLAND PARK
RESOLUTION NO.10-22-234**

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2053: AN ORDINANCE ESTABLISHING A PEDESTRIAN MALL ON SO. 3RD AVENUE PURSUANT TO N.J.S.A. 40:56-65 ET SEQ. IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, NEW JERSEY, passed on final reading at this meeting be delivered to the Mayor for his/her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of 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: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, 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. 2022-2061**

AN ORDINANCE ESTABLISHING A PEDESTRIAN MALL ON SO. 3RD AVENUE
PURSUANT TO N.J.S.A. 40:56-65 ET SEQ. IN THE BOROUGH OF HIGHLAND PARK,
COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Mayor and Borough Council desire to establish a Pedestrian Mall on a portion of So. 3rd Avenue at the signalized intersection of NJ Route 27 (Raritan Avenue) to a point approximately 150 feet south of the intersection to create a much-needed permanent public gathering space downtown; and

WHEREAS, the adopted 2021 Downtown Redevelopment Plan for Tracts A-D identifies So. 3rd Avenue as the preferred location for such a public space; and

WHEREAS, N.J.S.A. 40:56-65 authorizes the governing body of a municipality to limit the use of streets by private vehicles when such limitation is found to be in the public interest of the municipality and State, to be of benefit to adjoining properties and to be essential to the effective use of such streets for street purposes; and

WHEREAS, N.J.S.A. 40:56-65 further provides that the governing body of a municipality may adopt an ordinance in order to protect the public welfare and health and interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of such a municipality; and

WHEREAS, pursuant to N.J.S.A. 40:56-66, a “pedestrian mall” or “pedestrian mall improvement” means any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, and a pedestrian mall improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of the municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipalities and adjoining properties; and

WHEREAS, in accordance with N.J.S.A. 40:56-68(a), the Borough Council finds that: (1) So. 3rd Avenue is not a part of any State highway, is located primarily in a business district, and is improved to its maximum feasible width with regard to adjoining buildings and improvements; (2) reasonably convenient alternate routes to other parts of the municipality and State exist for private vehicles; (3) continued unlimited use of So. 3rd Avenue or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians; (4) abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials; and (5) it is in the

best interests of the municipality and the public and of benefit to adjacent properties to use such a street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof; and

WHEREAS, in December 2021, CME Associates prepared a Traffic Evaluation Report for the Establishment of Permanent Closures on So. 3rd Avenue at NJ Route 27 (Raritan Avenue) and No. 4th Avenue at NJ Route 27 (Raritan Avenue) that found that the proposed permanent roadway closures can be implemented with continued efficient travel along the surrounding roadway network without adverse traffic impacts; and

WHEREAS, the Borough Council of the Borough of Highland Park finds it in the best interests of the Borough to establish a Pedestrian Mall as herein described.

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

1. Pursuant to N.J.S.A. 40:56-68a, the findings set forth in the Whereas clauses above are hereby incorporated into this Ordinance.
2. Pursuant to the findings set forth above and formal approval from the New Jersey Department of Transportation, the portion of So. 3rd Avenue at the signalized intersection of NJ Route 27 (Raritan Avenue) to a point approximately 150 feet south of the intersection as depicted in a plan on file with the Borough Clerk and is hereby designated as a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq.
3. The use of the surface of the above-described portions of So. 3rd Avenue shall be limited at all times to pedestrians and also emergency, public works and other maintenance and services vehicles as required.
4. Under the direction of the Borough Council, the Pedestrian Mall may be used for any purpose or activity that will enhance the movement, safety, convenience, or enjoyment of pedestrians as authorized by N.J.S.A. 40:56-77.
5. The Borough Administrator or his or her designee shall provide for the control and regulation of the issuance of permits to conduct any special activities or operations consistent with the broad purpose of the Mall as well as the regulation of a limited amount of local vehicular traffic in order to allow for deliveries to be used directly or indirectly by a business and/or residence along the Pedestrian Mall during such hours and days which will not interfere with the use of the Pedestrian Mall by pedestrians and other authorized vehicles in accordance with the requirements of N.J.S.A. 40:56-69d.
6. As more specifically set forth in N.J.S.A. 40:56-75, the Borough shall retain its police and other rights and powers relating to the street constituting the pedestrian mall. No such action shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that the establishment of a pedestrian mall is a matter of a regulation only. This ordinance shall not prevent the

Borough from abandoning the operation of the pedestrian mall, changing the extent of the pedestrian mall, supplementing or amending the description to be specially assessed or taxed for annual costs of the pedestrian mall, or changing or repealing any limitations on the use of the pedestrian mall streets by private vehicles or any plan, rules or regulations adopted for the operation of a pedestrian mall.

7. The Borough Clerk shall publish this ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed on first reading, as required by N.J.S.A. 40:56-71, the Borough Clerk shall at least ten (10) days prior to the time fixed for final passage, mail a copy of this ordinance, together with a notice of the introduction thereof and the date, time and place when this ordinance shall be considered for final passage to the owners of the lots or parcels of land abutting or directly affected by the proposed pedestrian mall.
8. SEVERABILITY. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.
9. INCONSISTENCY. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
10. EFFECTIVE DATE. This ordinance shall take effect upon final passage and publication according to law and upon formal approval from the NJ Department of Transportation.

Introduced at the meeting on September 20, 2022

Adopted:

Attest:

Approved:

Jennifer Santiago
Borough Clerk

Gayle Brill-Mittler
Mayor

**BOROUGH OF HIGHLAND PARK
RESOLUTION NO. 10-22-235**

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 7 OF THE “CODE OF THE BOROUGH OF HIGHLAND PARK” CONCERNING MOTOR VEHICLE PARKING REGULATION, 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, November 1, 2022, October 19, 2022, 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: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK
No. 1-22-236

RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION

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 4, 2022 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:

Melaina Squicciarini, Librarian, at an annual salary of \$59,752 effective 10/16/2022
Ophir Filhart, Seasonal Recreational Staff, \$13.00/hour, effective 09/22/2022
Justin Samson, Police Officer, at an annual salary of \$44,449.00, effective 10/16/2022
Christopher Lopes, Crossing Guard, \$19.75/hour, effective 10/16/2022
MaryAnn Autunnale, Principal Clerk Typist, \$46,443, Effective 9/01/2022
Maria Austin, Full-time DCS Driver, \$42,973.00, effective 11/01/2022

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: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK
NO. 10-22-237

**RESOLUTION AUTHORIZING SUBMISSION OF AN ARTS GRANT APPLICATION
WITH MIDDLESEX COUNTY DIVISION OF FOLKLIFE AND CULTURAL
HERITAGE ARTS INSTITUTE COUNTY PROJECT SUPPORT**

WHEREAS, the Borough of Highland Park Community Services would like to apply for a \$5,000.00 to support the Borough’s 2023 Parkstock Outdoor Summer Concert Series; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Highland Park Community Services are hereby authorized and directed to execute and submit, the grant application to County Project Support Grant Application-Arts Institute of Middlesex County.

ADOPTED: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**BOROUGH OF HIGHLAND PARK
NO. 10-22-238**

**REPLACING RESOLUTION 5-22-134
RESOLUTION TO APPLY FOR 2022 REFORESTATION &
TREE PLANTING GRANT FROM NJDEP**

RESOLUTION: Public Works Committee

WHEREAS, the governing body of the Borough of Highland Park desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$150,000.00 to fund the following project: 2022 NJUCF Stewardship Grant-Reforestation and Tree Planting; and

NOW, THEREFORE, BE IT RESOLVED the governing body resolves that Mayor Gayle Brill Mittler or the successor to the office of the Mayor is authorized to make application for such grant, if award, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$150,000.00, and any amendments thereto which do not increase the Grantee's obligations.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Borough Council of Highland Park authorizes and hereby agrees to match 20% of the total project amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up to 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement). The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

ADOPTED: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**BOROUGH OF HIGHLAND PARK
RESOLUTION NO. 10-22-239**

**RESOLUTION TO APPROVE PAY ESTIMATE NO. 5 AND CLOSE OUT CHANGE
ORDER FOR IMPROVEMENTS TO THE HIGHLAND PARK RECREATION
COMPLEX WITH HELLAS CONSTRUCTION INC.**

WHEREAS, pursuant to Resolution No. 3-22-86, adopted March 15, 2022, the Borough Council authorized execution of a contract with Hellas Construction, Inc. for Improvements to Highland Park Recreation Complex (Athletic Field), in an amount not to exceed \$1,974,540.00, without further resolution of Council; and

WHEREAS, pursuant to said resolution a contract was duly executed; and

WHEREAS, it appears from Pay Estimate No. 5 and Close-Out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$84,896.00 and there is due to Hellas Construction Inc. the sum of \$59,079.22 in accordance with said Pay Estimate for work performed from August 24, 2022 to October 10, 2022; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-830-001, in an amount not to exceed \$59,079.22, as reflected by the Certification of Funds Available by the Chief Financial Officer Lori Majeski, certification no. 2022-36; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Hellas Construction Inc. the sum of \$59,079.22, as certified by the Engineer in Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of #283,446.60, to the satisfaction of the Borough Attorney and Engineer; and

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

ADOPTED: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

Date: October 11, 2022 Certificate No.: 5
 Job: HIGHLAND PARK HS TRACK AND FIELD

FTF # _____

To: BOROUGH OF HIGHLAND PARK
 Owner

This is to certify that HELLAS CONSTRUCTION, INC.

Contractor for HIGHLAND PARK HS TRACK AND FIELD is entitled to

payment in the amount of FIFTY-NINE THOUSAND SEVENTY-NINE AND 22/100
\$59,079.22

for the period ending October 10, 2022 Payment No.: 5

| | | |
|---------------------------------------|-------|-------------------------|
| Original Contract Amount | | <u>\$1,974,540.00</u> |
| Net Change Orders to Date | | <u>-\$84,896.00</u> |
| Revised Contract Amount | | <u>\$1,889,644.00</u> |
| Total Value of Work Performed to Date | | <u>\$1,889,644.00</u> |
| Less Retainage (2%) | | <u>\$0.00</u> |
| Net Value of Work Performed to Date | | <u>\$1,889,644.00</u> |
| Amount Previously Paid | | <u>(\$1,830,564.78)</u> |
| Net Amount Due | | <u>\$59,079.22</u> |
| Balance to Complete | | <u>\$0.00</u> |

| | |
|---|--|
| <p align="center">VENDOR CERTIFICATION AND DECLARATION</p> <p><small>I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.</small></p> | <p align="center">APPROVED BY</p> <p>Signature _____</p> <p>Title _____</p> |
| <p align="center">CLAIMANT</p> <p>Signature <u>Tim Baskerville</u></p> <p>Title <u>Sr. Project Manager</u></p> <p><u>27-0074538</u> <u>10/11/22</u> FEDERAL ID NO. DATE</p> | <p align="center">BOROUGH OFFICER'S OR EMPLOYEE'S CERTIFICATION</p> <p><small>Having knowledge of the facts in the course of regular procedures, I certify that the materials and supplies have been received or the services rendered; said certification is based on delivery slips acknowledged by a municipal official or employee or other reasonable procedures.</small></p> <p><u>Bruce M. Koch</u> BOROUGH ENGINEER SIGNATURE TITLE</p> |

DO NOT WRITE BELOW THIS LINE

**BOROUGH OF HIGHLAND PARK
NO. 10-22-240**

**RESOLUTION TO APPROVE PAY ESTIMATE NO. 1 FOR IMPROVEMENTS TO
SOUTH 4TH AVE., JOHNSON STREET AND MONTGOMERY STREET WITH TOP
LINE CONSTRUCION CORP.**

WHEREAS, pursuant to Resolution No. 8-22-191, adopted August 2, 2022, the Borough Council authorized execution of a contract with Top Line Construction Corp. for Improvements to South 4th Avenue, Johnson Street and Montgomery Street, in an amount not to exceed \$499,500.06, without further resolution of Council; and

WHEREAS, pursuant to said resolution a contract was duly executed; and

WHEREAS, it appears from Pay Estimate No. 1, filed by CME Associates dated October 12, 2022, that certain work under said contract has been completed and approved, and there is due to Top Line Construction Corp. the sum of \$113,728.15 in accordance with said Pay Estimate for work performed from September 16, 2022 to October 10, 2022; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-829-001 as reflected by the Certification of Funds Available by the Chief Financial Officer Lori Majeski, certification no. 2022-37; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Top Line Construction Corp. the sum of \$113,728.16, as certified by the Engineer in Pay Estimate No. 1, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary;

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

ADOPTED: June 14, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 14th day of June 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**BOROUGH OF HIGHLAND PARK
RESOLUTION NO. 10-22-241**

RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST

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

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

The bills approved for payment at this meeting, Bills List 10/19/2022 can be found in the Bills List Journal Book No. 42.

ADOPTED: October 19, 2022

ATTEST:

Jennifer Santiago, Borough Clerk

I, Jennifer Santiago, 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 19th day of October 2022.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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