

BOROUGH OF HIGHLAND PARK  
REGULAR MEETING  
NOVEMBER 22, 2022 – 7:00 PM

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, Awards and Presentations.
  - Downtown Redevelopment RFP - Recommendation for Tract A
  - Presentation by Tantum & Fidelco
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 the "Code of the Borough of Highland Park" concerning motor vehicle parking regulations on River Road and No. 6th 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. 11-22-255 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 Establishing a Pedestrian Mall on South 3rd Avenue at Raritan Avenue for consideration of passage on first reading by title.

**Note: This ordinance was previously adopted by the Council on October 19, 2022. The ordinance requires special notice, therefore it is being re-introduced to insure that the required notice is provided to the public.**

- a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 11-22-256) **ROLL CALL VOTE**

14. Consent Agenda Items - Resolutions.

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

- 14.a \*11-22-257 Resolution Appointing Hearing Officer - Chief of Police Michael Foligno
- 14.b \*11-22-258 Resolution to Approve Purchase of Outdoor Street Furniture from Landscape Forms for the Woodbridge Avenue NPP District under State Contract
- 14.c \*11-22-259 Resolution to Amend Professional Services Agreement with McManimon, Scotland & Baumann for Continued Legal Services related to Litigation - JSM vs. Highland Park
- 14.d \*11-22-260 Resolution Authorizing Submission of an Application for NJ Department of Human Services Division on Mental Health and Addiction Services (DMHAS) Grant funding for the Highland Park Municipal Alliance
- 14.e \*11-22-261 Resolution Authorizing Submission of a Strategic Plan for the Highland Park Municipal Alliance for Fiscal Year 2024
- 14.f \*11-22-262 Resolution in Support of Vision Zero to Eliminate Traffic-Related Fatal and Serious Injury Crashes
- 14.g \*11-22-263 Resolution Authorizing Amendment to Salary Resolution

- 14.h \*11-22-264 Resolution Approving 2023 Taxi Operator(s)
- 14.i \*11-22-265 Resolution to Execute Middlesex County Office of Aging & Disabled Services Information and Assistance Grant
- 14.j \*11-22-266 Resolution to Approve Bills List
- 15. Resolutions requiring a Separate Reading.
  - 15.a 11-22-267 Resolution Designating Tantum Fidelco HP LLC as the Conditional Redeveloper for Property Identified as Tract A in the 2021 Downtown Redevelopment Plan and Authorizing an Interim Cost and Conditional Designation Agreement  
**MOTION** adopt/reject **ROLL CALL VOTE**
  - 15.b 11-22-268 Resolution to Approve Budget Transfers  
**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.
  - a. Rent Control (TJ)
- 20. Executive Session (if necessary).
  - 20.a 11-22-269 Executive Session: Litigation: Cappell v. Highland Park  
**MOTION** adopt/reject **ROLL CALL VOTE**
- 21. MOTION to adjourn.
- 22. **Next Scheduled Meeting:** December 6, 2022 @ 7:00 PM

**BOROUGH OF HIGHLAND PARK  
RESOLUTION NO.11-22-255**

**BE IT RESOLVED** by the Borough Council of the Borough of Highland Park that the Ordinance entitled, ORDINANCE NO. 2063: 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, 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: November 22, 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 22<sup>nd</sup> day of November 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 NUMBER 22-2063**

**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**

**BE IT ORDAINED** that the Borough Council of the Borough of Highland Park, County of Middlesex that the following sections of Chapter 7 of the “Code of the Borough of Highland Park” which establishes parking regulations is amended to read as follows, [ ] material deleted; underlined material added::

1. Section 7-3.3., Schedule I which prohibits parking at all times on certain streets within the Borough is amended as follows
  - “North Sixth Avenue, West, From a Point 270 Feet North of the Northerly Curbline of Raritan Avenue to a Point 60 Feet Northerly Thereof”
  - “River Road, [Both] West, From Raritan Avenue to the Piscataway Boundary”
  - “River Road, East, From a Point 50 Feet South of Walter Avenue to the Piscataway Boundary”
2. Section 7-3.8 which prohibits parking on certain roadways within the Borough during snow removal is amended as follows:
  - “River Road, East, From Raritan Avenue to Walter Avenue”
3. Regulatory and warning signs shall be erected and maintained to effect the above designated parking regulations as authorized by the New Jersey Department of Transportation.
4. This ordinance shall take effect upon its passage and publication as provided for by law.

Introduced and Passed on First Reading:      November 1, 2022

Adopted:      November 22, 2022

Approved:      November 22, 2022

Attest: \_\_\_\_\_  
Jennifer Santiago, Borough Clerk

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

**BOROUGH OF HIGHLAND PARK  
RESOLUTION NO. 11-22-256**

**WHEREAS**, an Ordinance entitled, ORDINANCE NO. 2064: “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”, as follows, 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, December 6, 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: November 22, 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 22<sup>nd</sup> day of November 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. 22-2064**

AN ORDINANCE ESTABLISHING A PEDESTRIAN MALL ON SO. 3<sup>RD</sup> 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. 3<sup>rd</sup> 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. 3<sup>rd</sup> 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. 3<sup>rd</sup> 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. 3<sup>rd</sup> 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. 3<sup>rd</sup> Avenue at NJ Route 27 (Raritan Avenue) and No. 4<sup>th</sup> 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. 3<sup>rd</sup> 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. 3<sup>rd</sup> 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 November 22, 2022

Adopted:

Attest:

Approved:

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Jennifer Santiago  
Borough Clerk

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Gayle Brill-Mittler  
Mayor

**BOROUGH OF HIGHLAND PARK**  
**NO. 11-22-257**

**RESOLUTION APPOINTING HEARING OFFICER – CHIEF MICHAEL FOLIGNO**

**WHEREAS**, the Mayor serves as the appropriate authority of the Highland Park Police Department; and

**WHEREAS**, disciplinary charges have been brought against a member of the police department and said member has requested a hearing on the charges; and

**WHEREAS**, the Mayor has determined it appropriate to delegate to a third-party her authority to hear and decide whether the charges have been sustained and what penalty, if any, should be imposed; and

**WHEREAS**, the Mayor has recommended that Michael Foligno, Elmwood Park Chief of Police, be appointed as hearing officer; and

**WHEREAS**, the Borough has determined that hiring Chief Michael Foligno is in the best interests of the Borough; and

**WHEREAS**, funds for this purpose are available in Account No. 2-01-25-240-233, for an amount not to exceed \$3,125.00 as reflected by the certification of funds by the Chief Financial Officer, no. 2022-38.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Highland Park, that Chief Michael Foligno is appointed as hearing officer to preside over the disciplinary hearing, and he shall hear the testimony, review the evidence and make a recommendation in writing at the conclusion of the hearing as to whether the charges are sustained and what penalty, if any, should be imposed by the Borough; and

**BE IT FURTHER RESOLVED**, that Chief Foligno shall be compensated at the rate of \$125.00 per hour to preside over the hearing and time expended related thereto, inclusive of his review of the testimony and evidence, and writing his recommendation, for an amount not to exceed \$3,125.00.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 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. 11-22-258**

**RESOLUTION AUTHORIZING PURCHASE OF OUTDOOR STREET FURNITURE FROM  
LANDSCAPE FORMS FOR THE WOODBRIDGE AVENUE NPP DISTRICT  
UTILIZING STATE CONTRACT NO. 16-FLEET-00132**

**WHEREAS**, under the terms and conditions of the Public Contracts Law of the State of New Jersey, a municipality may purchase items without competitive bidding from a firm or corporation currently under contract with the State of New Jersey; and

**WHEREAS**, the Borough of Highland Park’s Implementation Plan for the Woodbridge Avenue Neighborhood Preservation Program (NPP) grant identified new outdoor street furniture such as garbage and recycling receptacles, benches and bike racks as a priority for the first year of the grant; and

**WHEREAS**, under State Contract No. 16-FLEET-00132, the Borough may contract with Landscape Forms for the purchase of ten (10) garbage receptacles for a cost of \$12,789.00, ten (10) recycling receptacles for a cost of \$12,789.00, five (5) benches for a cost of \$6,829.50, five (5) bike racks for a total of \$1,437.00, and shipping and handling costs of \$5,910.00; and

**WHEREAS**, funds for this purpose are available in Account No. G-02-41-749-001, for an amount not to exceed \$39,754.50 as reflected by the certification of funds by the Chief Financial Officer, no. 2022-40.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highland Park that the Borough Administrator and Borough Clerk are hereby authorized and directed to arrange for the purchase, installation and reprogramming of the aforesaid communications equipment from Landscape Forms, 7800 E. Michigan Ave, Kalamazoo, MI 49048-9543.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to Borough Administrator and Chief Financial Officer.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 2022.

\_\_\_\_\_  
Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

# Quote

Date: 11/08/2022

LF Quote#: 0000369999

PO#:

Project: Highland Park - Woodbridge Ave

Bill To: Borough of Highland Park  
 ATTN: Teri Jover  
 221 South Fifthth  
 Highland Park, NJ 08904

**CORPORATE**

7800 E. Michigan Avenue  
 Kalamazoo, MI 49048-9543  
 P: 800.521.2546 F: 269.381.3455  
 www.landscapeforms.com  
 Federal I.D.# 38-1897577  
 FSC# NC-COC-001261

Ship To: Borough of Highland Park  
 ATTN: Teri Jover  
 221 South Fifthth  
 Highland Park, NJ 08904

Ship To Contact Phone:(732) 819-3789  
 Ship Via: Common Carrier  
 F.O.B.: Destination

Qty	Description	Unit Price	Total Price
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CONTRACT: NJ 16-FLEET-00132

**When ordering please confirm:**

- Shipping address and contact information (name and ph#)
- Billing address and contact information
- Is your firm or the project tax exempt? If so, exemption certificate must accompany order
- Delivery schedule:

\_\_\_ Ship immediately upon completion  
 OR Ship On/After the date:\_\_\_\_\_

5	Scarborough Bench Style: <i>Backed</i> Length: <i>48"</i> Insert: <i>Horizontal Strap</i> Powdercoat Color: <i>Bronze</i> Standard Features: <i>Freestanding/Surface Mountable</i>	\$ 1,365.90	\$ 6,829.50
10	Scarborough Recycling Litter Style: <i>Single Use</i> Opening Option: <i>Standard side opening</i> Sign Option Opening 1: <i>12-Recyclable Material Only</i> Powdercoat Color: <i>Bronze</i> Liner Color: <i>Stormcloud</i>	\$ 1,278.90	\$ 12,789.00
10	Scarborough Recycling Litter Style: <i>Single Use</i> Opening Option: <i>Standard side opening</i> Sign Option Opening 1: <i>14-Trash Only</i> Powdercoat Color: <i>Bronze</i> Liner Color: <i>Stormcloud</i>	\$ 1,278.90	\$ 12,789.00

Cust #: 0IZHP  
 SSR: Renee Clement  
 Rep: Aristeia Metro LLC - NNJ, NNJ

*Landscape Forms Customer Service*

Purchaser

Seller

# Quote

Date: 11/08/2022

LF Quote#: 0000369999

PO#:

Project: Highland Park - Woodbridge Ave

Bill To: Borough of Highland Park  
 ATTN: Teri Jover  
 221 South Fifthth  
 Highland Park, NJ 08904

**CORPORATE**

7800 E. Michigan Avenue  
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 P: 800.521.2546 F: 269.381.3455  
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Ship To: Borough of Highland Park  
 ATTN: Teri Jover  
 221 South Fifthth  
 Highland Park, NJ 08904

Ship To Contact Phone:(732) 819-3789  
 Ship Via: Common Carrier  
 F.O.B.: Destination

Qty	Description	Unit Price	Total Price
5	Bola Bike Rack Style: <i>Bola Bike Rack</i> Mounting: <i>Surface Mount *</i> Finish: <i>Powdercoated Metal</i> Powdercoat Color: <i>Bronze</i> NOTE: <i>* Modified product subject to extended lead-times</i>	\$ 287.40	\$ 1,437.00
			Item Total \$ 33,844.50
Due to the recent increases on fuel related costs that are being seen globally, Landscape Forms has temporarily included an additional 3% surcharge on all Shipping and Handling quotes			Shipping & Handling \$ 5,910.00
			Sub Total \$ 39,754.50
			Estimated Tax \$ 0.00
			Document Total \$ 39,754.50

**Payment Terms: NET 30 - PENDING CRED APPROVAL**

Landscape Forms, Inc. reserves the right to change payment terms based on payment history as well as information obtained from commercial credit reporting agencies.

- Purchaser is responsible for confirming options, materials, quantities, etc., for completeness and conformity to plans and specifications.
- Changes to or cancellations of orders may incur a penalty charge of 30% or more. Special orders may not be changed or cancelled.
- Studio 431 (custom) orders cannot be cancelled once purchase order is received and approved.
- Studio 431 orders are subject to price increase after engineering/product development is complete and approved by designer, end user and purchaser. Modifications in price will be handled via Change Order.
- All orders that include a swing product must include an executed liability waiver to be accepted and entered into production.
- Only the Material Supplier Standard Limited Warranty shall apply to all product sold by Landscape Forms. No other warranties or changes to the standard warranty will be applied or accepted.

Cust #: 0IZHP  
 SSR: Renee Clement  
 Rep: Aristeia Metro LLC - NNJ, NNJ

*Landscape Forms Customer Service*

Purchaser

Seller

# Quote

Date: 11/08/2022

LF Quote#: 0000369999

PO#:

Project: Highland Park - Woodbridge Ave

Bill To: Borough of Highland Park  
ATTN: Teri Jover  
221 South Fifth  
Highland Park, NJ 08904

## CORPORATE

7800 E. Michigan Avenue  
Kalamazoo, MI 49048-9543  
P: 800.521.2546 F: 269.381.3455  
www.landscapeforms.com  
Federal I.D.# 38-1897577  
FSC# NC-COC-001261

Ship To: Borough of Highland Park  
ATTN: Teri Jover  
221 South Fifth  
Highland Park, NJ 08904

Ship To Contact Phone:(732) 819-3789  
Ship Via: Common Carrier  
F.O.B.: Destination

- No merchandise can be returned without authorization from Landscape Forms. Returns may be subject to a disposition fee of 30-100%.
- Prices based on quantities shown and quantity changes may affect price.
- QUOTED prices are held for 60 days. After receipt of a written ORDER, prices will be held for up to six months from receipt of the order. Changes in quantity or specification may affect pricing.
- **Lighting Poles only**-QUOTED prices are held for up to 30 days. ORDERS received on valid quotes for immediate release will be accepted at quoted. Orders received for a future dated release are subject to current pricing at the time of order release.
- Pricing includes selection from our standard color palette. Optional colors and custom color matches are available for an additional fee and will extend lead-time. Please contact our corporate office for more information.
- Fixtures for custom products are the property of Landscape Forms, Inc., and are not available for sale.
- Landscape Forms is a supplier only and ships via common carrier. Customer is responsible for offloading and installing unless otherwise indicated above.
- Handling fees alone will apply on third party and customer pick-up orders.
- Mounting hardware is only available on a limited number of products. Please consult the installation recommendations or contact our corporate office to confirm. In the event hardware is provided, it MUST be used for proper installation.
- Refer to Care and Maintenance guidelines for more detailed information and instructions.
- All orders ship upon completion of fabrication. A one-week grace period may be available, after which storage fees will apply.
- This Agreement contains the entire understanding between the parties. All prior communications are merged into this Agreement. The terms of this Agreement shall control any conflict between documents.
- This Agreement may be signed by the parties separately and by facsimile, and together they shall be deemed one binding, original Agreement.
- Purchaser shall pay all costs and expenses paid or incurred by Landscape Forms, Inc. in collecting any amounts due for goods purchased by Purchaser, including without limitation, reasonable attorneys' fees and collection costs. Balances on invoices not paid within 30 days of date of invoice, or within an alternate period of time as determined and indicated by Landscape Forms, shall incur interest at a rate of 18% per annum. Cash discounts are not offered.
- Tax is estimated. Actual tax will be charged on final invoice and shall be payable by the Purchaser. U.S. customers must provide a valid sales tax exemption or resale certificate to remove liability.
- To the extent purchaser supplies or modifies the standard specifications for any products, Landscape Forms, Inc. expressly disclaims all representations and warranties related to such products or their design whether express or implied except that the products shall be manufactured in accordance with purchaser's specifications.
- **REMITTANCE OPTIONS:** For information on paying via credit card, ACH, direct bank transfer, or wire please email us at [AR@landscapeforms.com](mailto:AR@landscapeforms.com). Please note all credit card charges will be subject to a 3% surcharge. Mail payments to:

Page: 3 of 4

Cust #: 0IZHP  
SSR: Renee Clement  
Rep: Aristeia Metro LLC - NNJ, NNJ

*Landscape Forms Customer Service*

Purchaser

Seller

landscapeforms®

# Quote

Date: 11/08/2022

LF Quote#: 0000369999

PO#:

Project: Highland Park - Woodbridge Ave

Bill To: Borough of Highland Park  
ATTN: Teri Jover  
221 South Fifth  
Highland Park, NJ 08904

## **CORPORATE**

7800 E. Michigan Avenue  
Kalamazoo, MI 49048-9543  
P: 800.521.2546 F: 269.381.3455  
www.landscapeforms.com  
Federal I.D.# 38-1897577  
FSC# NC-COC-001261

Ship To: Borough of Highland Park  
ATTN: Teri Jover  
221 South Fifth  
Highland Park, NJ 08904

Ship To Contact Phone:(732) 819-3789

Ship Via: Common Carrier

F.O.B.: Destination

## **USD Checks**

Landscape Forms, Inc.  
Dept 78073  
PO Box 78000  
Detroit, MI 48278-0073  
USA

## **CAD Cheques**

Landscape Forms, Inc.  
PO Box 2408  
Station A  
Toronto, Ontario M5W 2K6  
CAN

Page: 4 of 4

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Cust #: 0IZHP  
SSR: Renee Clement  
Rep: Aristeia Metro LLC - NNJ, NNJ

*Landscape Forms Customer Service*

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Purchaser

Seller

landscapeforms®

**BOROUGH OF HIGHLAND PARK**  
**NO. 11-22-259**

**RESOLUTION AMENDING PROFESSIONAL SERVICES AGREEMENT FOR  
SPECIAL ENVIRONMENTAL COUNSEL – JSM VS. HIGHLAND PARK**

**WHEREAS**, on March 3, 2020, the Borough of Highland Park engaged McManimon, Scotland & Baumann to serve as Special Environmental Counsel to assist the Borough in its representation in the matter known as JSM at Highland Park, LLC v. the Borough of Highland Park, Docket No. MID-L-4958-17; and

**WHEREAS**, there is a need to authorize an additional work on this case beyond the \$250,000.00 previously authorized by Borough Council and that additional amount is not to exceed \$40,000.00; and

**WHEREAS**, the Borough has funds available for this purpose in Account No. 2-01-20-155-235, as reflected by the Certification of Funds Available by the Chief Financial Officer, no. 2022-39.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highland Park in the County of Middlesex that the Council does hereby authorize an increase to the contract with McManimon, Scotland and Baumann, in accordance with the above-stated limitations.

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to the Borough Administrator and Assistant Finance Officer.

ADOPTED: November 22, 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 Council of said Borough on the 22<sup>nd</sup> day of November 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. 11-22-260**

**DMHAS Youth Leadership Grant**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

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

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

**WHEREAS**, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex;

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

1. The Borough Council does hereby authorize submission of an application for **DMHAS Grant funding for the Highland Park Municipal Alliance for Grant Term Two: 9/1/23 – 9/30/25** in the amount of:  
DMHAS Grant Funding           \$ 5,000.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**CERTIFICATION**

I, Jennifer Santiago, Municipal Clerk of the Borough of Highland Park, County of Middlesex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 22<sup>nd</sup> day of November, 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. 11-22-261**

**GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE  
FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025**

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

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

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

**WHEREAS**, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Highland Park Municipal Alliance grant for fiscal year 2024 in the amount of::

DEDR	\$7,664.00
Cash Match	\$1,916.00
In-Kind	\$5,748.00

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

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

**CERTIFICATION**

I, Jennifer Santiago, Municipal Clerk of the Borough of Highland Park, County of Middlesex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 22<sup>nd</sup> day of November 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. 11-22-262**

**RESOLUTION IN SUPPORT OF VISION ZERO**

**WHEREAS**, traffic fatalities and serious injuries have been climbing since 2020; and

**WHEREAS**, Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all; and

**WHEREAS**, the Middlesex County Board of Commissioners has pledged to eliminate traffic fatalities and serious injuries on roadways in the County by 2040 and will work in partnership with municipalities, agencies, and other stakeholders to achieve that goal; and

**WHEREAS**, Assemblymen Robert Karabinchak and Daniel Benson and Senator Patrick Diegnan, sponsored bills which created a commission to study the effectiveness of Vision Zero; and

**WHEREAS**, the Borough of Highland Park supports policies and programs which reduce traffic crashes, deaths, and injuries.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Highland Park supports the goals of Vision Zero and supports the plan of the Middlesex County Commissioners to eliminate motor vehicle crashes, fatalities and serious injuries.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 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. 1-22-263**

**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:

- Thomas Stephen, Crossing Guard, \$19.75 Effective 11/21/2022
- Angeryca Concepcion, Rec Asst, Part-Time, \$13.00 Effective 10/09/2022
- Justin Samson, Police Officer, \$44,449.00 Salary, Effective 12/01/2022
- Jose Perez, On-call DCS Driver, \$26.00 Effective 11/22/2022
- Dennis Chekenian, Camera Assistant, \$150.000 per meeting, 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: November 22, 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 22<sup>nd</sup> day of November 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. 11-22-264**

**RESOLUTION AUTHORIZING ISSUANCE OF TAXI OPERATOR LICENSES FOR  
THE PURPOSE OF OPERATING TAXI CABS IN THE BOROUGH OF HIGHLAND  
PARK**

**WHEREAS**, Michael Valor, Manzoor Bathth, and Richard Bernard Buck, Jr. have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2023; and

**WHEREAS**, the Chief of Police and/or his designee has investigated said applicants and has reported favorably upon said applications;

**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 Licenses.

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

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 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. 11-22-265**

**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, on behalf of the Borough, the Middlesex County Office on Aging Grant Agreement in the amount of \$15,000.00 for the Highland Park Department of Community Services.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 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. 11-22-266**

**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 11/22/2022 can be found in the Bills List Journal Book No. 42.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 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. 11-22-267**

**RESOLUTION DESIGNATING TANTUM FIDELCO HP LLC AS THE  
CONDITIONAL REDEVELOPER FOR PROPERTY IDENTIFIED AS TRACT A IN  
THE 2021 DOWNTOWN REDEVELOPMENT PLAN AND AUTHORIZING AN  
INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT**

**WHEREAS**, the Borough of Highland Park, a public body corporate and politic of the State of New Jersey (the “**Borough**”), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (as same may be amended from time to time) (the “**Redevelopment Law**”) to act as a redevelopment entity and to implement redevelopment plans and carry out redevelopment projects in the Borough; and

**WHEREAS**, pursuant to the Redevelopment Law, the Borough Council caused a redevelopment plan to be prepared for certain property located within the Borough, entitled the “Downtown Redevelopment Plan for Tracts A-D” (the “**Redevelopment Plan**”); and

**WHEREAS**, on September 14, 2021, the Borough Council approved Ordinance No. 21-2030 adopting the Redevelopment Plan; and

**WHEREAS**, as described in the Redevelopment Plan, the properties identified as Tract A: Block 1704 [173], Lots 41-49 & Portion of Lot 20 (“**Tract A**”); Tract B: Block 2201 [13], Lots 6 & 9 (“**Tract B**”); Tract C: Block 2202 [22], Lots 4, 32.02 & 33.01 (“**Tract C**”); and Tract D: Block 1604 [158], Lots 20-26, 42, 50-51 & Portion of Lot 47, and Block 1603 [162], Lots 36-38 (“**Tract D**”) on the Official Tax Map of the Borough (collectively, the “**Properties**”) have been designated as an “area in need of rehabilitation,” “area in need of redevelopment” and/or a “condemnation area in need of redevelopment”; and

**WHEREAS**, on December 7, 2021, the Borough Council approved Resolution 12-21-299, authorizing the issuance of a Request for Proposals (the “**RFP**”) related to the redevelopment of Tracts A, C, and D; and

**WHEREAS**, the Borough received a proposal from Tantum Fidelco HP LLC (the “**Conditional Redeveloper**”), for Tract A and the Borough and the Conditional Redeveloper intend to pursue pre-development activities, including but not limited to review of the Conditional Redeveloper’s proposal, negotiation in good faith and preparation of a redevelopment agreement and other related actions (the “**Pre-Development Activities**”); and

**WHEREAS**, the Conditional Redeveloper recognizes that the Borough will incur costs and expenses in connection with the Pre-Development Activities, and the Borough is willing to defray those costs and expenses, with no assurance of a particular result for the Conditional Redeveloper from the Borough; and

**WHEREAS**, the Borough wishes to enter into an interim cost and conditional redeveloper’s agreement with the Conditional Redeveloper (the “**Conditional Redeveloper’s Agreement**”), substantially in the form attached, to effectuate the funding of an escrow account



and procedures for the payment therefrom of moneys to pay the Borough’s costs and expenses incurred in undertaking the Pre-Development Activities.

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

**Section 1.** Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** Execution of Agreement. The Borough Council hereby authorizes the Borough Administrator to execute the Conditional Redeveloper’s Agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effectuate the transaction contemplated by this Resolution. However, neither the adoption of this Resolution, nor the execution of the Conditional Redeveloper’s Agreement authorized hereby, shall be construed in any way to bind the Borough to execute one or more definitive agreements with respect to the Project.

**Section 3.** Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 4.** Availability of the Resolution. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.

**Section 5.** Effective Date. This Resolution shall take effect immediately.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 2022.

\_\_\_\_\_  
Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT**  
**BY AND BETWEEN THE BOROUGH OF HIGHLAND PARK**  
**AND TANTUM-FIDELCO**

**THIS AGREEMENT** dated as of November \_\_\_\_, 2022 (“**Effective Date**”), by and between the **BOROUGH OF HIGHLAND PARK**, (the “**Borough**”), located at 221 South Fifth Street, Highland Park, New Jersey 08904, acting pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “**Redevelopment Law**”), and Tantum Fidelco HP LLC, a limited liability company of the State of New Jersey, located at 66 York Street, 5<sup>th</sup> Floor, Jersey City, New Jersey 07302 (the “**Conditional Redeveloper**”).

**WITNESSETH**

**WHEREAS**, the Redevelopment Law provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

**WHEREAS**, the Borough desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Redevelopment Law, designated as Blocks 1704, Lots 41-49, and a portion of Block 1704, Lot 20, more commonly known as 101 Raritan Ave, 115 Raritan Ave., 125 Raritan Ave, 127 Raritan Ave, 133 Raritan Ave, 110-148 Montgomery St. and two unnumbered lots on Denison St. in the Borough, also known as Tract A, ( the “**Project Site**”), be redeveloped in accordance with the Downtown Redevelopment Plan For Tracts A-D adopted by the Borough Council on September 14, 2021 (the “**Redevelopment Plan**”); and

**WHEREAS**, Block 1704, Lots 41, 42 and 48 are currently owned by the Borough; and

**WHEREAS**, on or about May 6, 2022, the Conditional Redeveloper submitted to the Borough a Proposal in response to a Request for Proposals issued by the Borough (“**RFP**”) and certain accompanying information seeking to be designated as the Redeveloper of the Project Site (collectively, the “**Proposal**”); and

**WHEREAS**, the Borough and the Conditional Redeveloper desire to negotiate a redevelopment agreement to redevelop the Project Site based generally upon the Proposal as a starting point for negotiations, subject to the provisions herein, and further review by the Borough; and

**WHEREAS**, the Borough shall, during the Interim Period, as that term is defined herein, negotiate exclusively with the Conditional Redeveloper regarding the Proposal for the redevelopment of the Project Site; and

**WHEREAS**, the Borough requires that the Conditional Redeveloper pay the reasonable costs incurred by the Borough associated with the review of the Proposal, the drafting and negotiation of a redevelopment agreement and any other related agreements or documents, and all other reasonable costs and expenses related to this matter prior to the execution of any redevelopment agreement, should such an Agreement ultimately be executed, or the determination by the Borough that such a redevelopment agreement cannot be executed, should that result occur; and

**WHEREAS**, payment of such costs by the Conditional Redeveloper in no way assures any particular result,

**NOW, THEREFORE**, for and in consideration of the promises and of the mutual representations, covenants and agreements herein set forth, the parties hereto, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

1. **Conditional Designation.** Upon the complete execution of this Agreement, the Conditional Redeveloper shall be designated as the Conditional Redeveloper of the Project Site. The Borough and Conditional Redeveloper shall negotiate in good faith all the issues identified herein and execute a redevelopment agreement within the Interim Period set forth herein. In the event that the parties are unable to reach agreement on the terms of a redevelopment agreement before the expiration of the Interim Period, this Agreement may be terminated by either party and upon such termination the designation set forth herein shall be automatically terminated, subject to the provisions herein and Conditional Redeveloper shall cease to have any liability to pay any further Borough professional costs and fees that were incurred after termination of this Agreement.

2. **Interim Period.** The term “**Interim Period**” shall mean the period of 180 calendar days commencing on the date of the full execution of this Agreement; provided however, that the Parties may continue to negotiate with each other beyond the initial 180 calendar days of the Interim Period without the necessity for any formal amendment to this Agreement, and this Agreement will remain in effect during such ongoing negotiations provided that either party may, in its sole discretion, terminate this Agreement by written notice at any time after such 180 day period. Notwithstanding the foregoing, if at any time following the Interim Period it is reasonably determined by the Borough that a redevelopment agreement cannot be successfully negotiated and executed for any reason, the Borough may terminate this Agreement, subject to the provisions herein, upon 30 days written notice by Borough to Conditional Redeveloper and provided that Conditional Redeveloper is unable to cure the Borough’s reason for termination within said 30 day period, failing which the termination shall be deemed effective as of close of business on the thirtieth (30<sup>th</sup>) day following such written notice.

During the Interim Period, the Borough agrees to negotiate exclusively with the

Conditional Redeveloper toward the preparation and execution of a redevelopment agreement for the Project Site, which shall include all the project details, terms and conditions, schedules, and financial arrangements between the Borough and the Conditional Redeveloper with respect to the redevelopment of the Project Site. During the Interim Period, either party may cease negotiations and terminate this Agreement if the other party is not diligently negotiating in good faith or it is mutually determined by the parties that a redevelopment agreement cannot be successfully negotiated and executed for any reason. In the event that this Agreement is terminated, then neither party hereto shall be bound by any further obligations hereunder to the other, except as may exist under Paragraph 3 pertaining to the Payment of Interim Costs.

3. **Payment of Interim Costs.** The Conditional Redeveloper shall pay or reimburse the Borough, as applicable, all reasonable and documented professional fees and costs incurred by the Borough and as more thoroughly defined below in paragraph 3A which have been incurred by the Borough beginning on June 1, 2022 related to the selection of the Conditional Redeveloper for Tract A, and which shall continue to be incurred prior to the execution of any redevelopment agreement or the determination that such a redevelopment agreement cannot be executed, should that result occur.

A. **Definition of Interim Costs:** The term “**Interim Costs**” shall include, but not be limited to, all costs incurred by the Borough in connection with, related to or arising out of the designation of the Conditional Redeveloper as the Conditional Redeveloper of the Project Site, the drafting and negotiation of any redevelopment agreement and any other related agreements or documents, the review of any future revised proposal(s) submitted, and reasonable professional fees charged by any legal, engineering or financial consultant, contractor or vendor retained by the Borough in connection with same. The Conditional Redeveloper shall fully reimburse all Interim

Costs incurred by the Borough, even if a redevelopment agreement between the Borough and Conditional Redeveloper is not executed notwithstanding the Borough and Conditional Redeveloper's good faith, due diligent efforts to the contrary **except that** in no event shall the Conditional Redeveloper's obligation to pay or reimburse the Borough include fees, costs and expenses of any litigation or action instituted by Borough or the Conditional Redeveloper relating to any claim associated with the subject matter of the within Agreement and/or the Conditional Redeveloper's designation as Conditional Redeveloper. In the event of such litigation, the Borough and Conditional Redeveloper each shall be responsible for their own costs and expenses, inclusive of legal fees. In the event of any litigation or action instituted by a third party relating to any claim associated with the subject matter of the within Agreement and/or the Conditional Redeveloper's designation as Conditional Redeveloper, the Conditional Redeveloper shall either be obligated to pay or reimburse the Borough for all fees, costs and expenses in connection with the defense of said litigation or the Conditional Redeveloper may terminate the Agreement. The Conditional Redeveloper further agrees that in the event the Parties continue good faith negotiations following the expiration of the Interim Period, all Interim Costs incurred by the Borough following such expiration shall be included in the definition of Interim Costs and shall be reimbursed by the Conditional Redeveloper in the same manner as Interim Costs. Notwithstanding anything contained in this Paragraph 3A to the contrary.

B. **Deposit of Project Funds:** Concurrently with the full execution of this Agreement, Conditional Redeveloper shall pay \$25,000.00 ("**Project Funds**") to the Borough to be maintained in a separate, non-interest bearing escrow account by the Borough and to be drawn down upon by the Borough to cover Interim Costs. The Borough shall provide Conditional Redeveloper with detailed invoices setting forth the work, time expended, and costs incurred by

the Borough which have been drawn down from the Project Funds. Within 15 days of the receipt by Conditional Redeveloper of written notice from the Borough that the amount of Project Funds has decreased to \$5,000.00 or less, Conditional Redeveloper shall promptly replenish the Project Funds to the amount of \$15,000.00. If at any time the Interim Costs exceed the amount of the Project Funds, on hand, the Borough shall provide Conditional Redeveloper payment notice and billing to support its requests for additional funds and within 15 days of receipt of the same the Conditional Redeveloper agrees to remit payment to the Borough.

C. **Termination:** Subject to the terms herein, in the event that a redevelopment agreement is not ultimately executed, and this Agreement is terminated, the Borough shall draw down upon the Project Funds in order to pay all invoices for Interim Costs incurred up to the termination. Within 30 days from the date of termination, the Borough shall return all remaining Project Funds to the Conditional Redeveloper. In the event that a redevelopment agreement is ultimately executed, the Project Funds shall remain on deposit with the Borough to cover any additional Interim Costs incurred by the Borough and to cover any costs incurred by the Borough pursuant to the redevelopment agreement, which redevelopment agreement shall contain a provision providing for the payment of such costs.

4. **Scope.** The Parties have had preliminary discussions regarding the scope of the project to be covered by the redevelopment agreement. The Parties agree that the description set forth in the Proposal shall provide the basis for the commencement of the negotiations for the redevelopment agreement, subject to the provisions herein. The Parties further agree that the Parties are not bound by the description of the project set forth in the Proposal, nor does the Proposal contain an exhaustive list of all terms, conditions and obligations to be included in a redevelopment agreement. The continuing negotiations shall address several issues to refine the

description set forth in the Proposal and determine where amendments to the Redevelopment Plan may arise.

5. **Entire Agreement.** This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.

6. **Controlling Law.** New Jersey law shall govern the within Agreement.

**[Remainder of page left intentionally blank.]**



**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed, all as of the date first above written.

**TANTUM FIDELCO HP LLC**

Attest:

\_\_\_\_\_

By:

\_\_\_\_\_

Debra Tantleff  
Principal

**BOROUGH OF HIGHLAND PARK**

Attest:

\_\_\_\_\_

By:

\_\_\_\_\_

Teri Jover  
Borough Administrator

**[Signature Page for Interim Cost Agreement]**

STATE OF NEW JERSEY )  
 ) ss:  
COUNTY OF MIDDLESEX )

I CERTIFY that on \_\_\_\_\_, 2022, \_\_\_\_\_ personally came before me, and this person acknowledged under oath, to my satisfaction, that this person, Debra Tantleff is the Principal of Tantum-Fidelco, which is the company named in this document; and signed and delivered this document as his/her act and deed on behalf of the said company.

\_\_\_\_\_

Signed and sworn to before me

on \_\_\_\_\_, 2022.

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

STATE OF NEW JERSEY )  
 ) ss:  
COUNTY OF MIDDLESEX )

I CERTIFY that on \_\_\_\_\_, 2022, Jennifer Santiago, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Clerk of the Borough of Highland Park, named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper Borough of Highland Park official who is Teri Jover, Borough Administrator;
- (c) this document was signed and delivered by the Borough of Highland Park as its voluntary act duly authorized by a proper resolution of the Borough of Highland Park; and
- (d) this person signed this proof to attest to the truth of these facts.

\_\_\_\_\_

Signed and sworn to before me  
on \_\_\_\_\_, 2022.

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

**BOROUGH OF HIGHLAND PARK**  
**11-22-268**

**BE IT RESOLVED** by the Borough Council of the Borough of Highland Park that transfers of 2022 budget appropriation balances shall be made as follows:

<b>Budget Transfer #2</b>			
Description	From	To	
Communications OE	10,000.00		
Information Technology OE	10,000.00		
Board of Adjustments OE	5,000.00		
Group Insurance	40,000.00		
Legal OE		40,000.00	
Social Security		25,000.00	
	65,000.00	65,000.00	

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 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. 11-22-269**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Borough Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from the closed session at close of tonight’s open session.
2. The general nature of the subject matter to be discussed is as follows:  
  
Litigation: Cappell v. Highland Park
3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

ADOPTED: November 22, 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 22<sup>nd</sup> day of November 2022.

\_\_\_\_\_  
Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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