

BOROUGH OF HIGHLAND PARK
REGULAR MEETING
OCTOBER 10, 2023 – 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.
 - Breast Cancer Awareness Month - October 2023
6. Approval of Minutes.
 - 6.a **MOTION** to approve minutes as distributed:
 - September 5, 2023 Regular Session

ROLL CALL VOTE

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 per speaker limited to items on this Agenda. Comments from members of the public attending the meeting in-person will be heard first, followed by members of the public attending the meeting via Zoom.)

12. Ordinances Requiring a Second Reading.

12.a **Ordinance No. 23-2076** An Ordinance Amending and Supplementing the Code of the Borough of Highland Park, Chapter 7 Traffic, Establishing "Schedule XXI, Mid-Block Pedestrian Crossings"

a. Public Hearing

b. **MOTION** to adopt/reject Ordinance 23-2076

ROLL CALL VOTE

13. Ordinances Requiring a First Reading.

13.a **Ordinance No. 23-2077** Bond Ordinance Providing for the Replacement of the Roof and Other Related Improvements to the Public Library, By and in the Borough of Highland Park, in the County of Middlesex, State of New Jersey; Appropriating \$400,000 Therefor and Authorizing the Issuance of \$380,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

MOTION to approve/reject Ordinance No. 23-2077, authorize publication as required by law, and set up public hearing for October 24, 2023.

ROLL CALL VOTE

14. Consent Agenda Items - Resolutions.

MOTION to adopt/reject

ROLL CALL VOTE

14.a *10-23-214 Resolution Authorizing a Professional Services Agreement with Gabel Associates for Energy Consulting Services Related to Establishing a Community Solar Program Utilizing the ACESplus Program

14.b *10-23-215 Resolution Authorizing Grant Application to NJDCA for Community Center Roof and Bathroom Renovations

14.c *10-23-216 Resolution to Award Bid for Improvements to Riverview Avenue, Washington Avenue, Exeter Street and Various Roads to Top Line Construction

14.d *10-23-217 Resolution to Amend Resolution 1-23-26 Approve Fresh Theater Arts as Production Company for 2023

14.e *10-23-218 Resolution Authorizing an Amendment to the Professional Services Agreement with Arcari + Iovino Architects PC for the Preparation of Architectural Design and Construction Documents to Replace the Flat Portion of the Library Roof

14.f *10-23-219 Resolution to Approve Taxi Operators

- 14.g *10-23-220 Resolution to Amend Annual Salary Resolution
- 14.h *10-23-221 Resolution to Establish NJ Direct 2030 as the Borough's Base Health Insurance Plan for Eligible Employees
- 14.i *10-23-222 Resolution Authorizing Maternity Leave of Absence to Councilwoman Stephany Kim-Chohan
- 14.j *10-23-223 Resolution to Rescind Capital Ordinance No. 23-2075 Providing for Improvements to the Library Roof in the Amount of \$215,000
- 14.k *10-23-224 Resolution to Approve Capital Budget Amendment No. 2 Regarding Improvements to Various Borough Buildings
- 14.l *10-23-225 Chapter 159 - LA-2023 Municipal Aid Program Grant

14.m *10-23-226 Resolution to Approve Bills List

15. Appointments.

16. Second Public Participation.

(3 minutes per speaker on any topic; subject to 9 PM conclusion prior to Work Session. Comments from members of the public attending the meeting in-person will be heard first, followed by members of the public attending the meeting via Zoom.)

17. Recess (5 minutes).

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

- 1. Abandoned/vacant properties ordinance amendment (Hale)
- 2. Tree removal fee revision (Hersh)
- 3. Apartment complex outreach (Hersh)

19. Executive Session (if necessary).

19.a 10-23-227 Resolution Authorizing Executive Session : Litigation - JSM v. Highland Park

MOTION adopt/reject.

ROLL CALL VOTE

20. MOTION to adjourn.

21. **Next Scheduled Meeting:** October 24, 2023 @ 7:00 PM

ORDINANCE NUMBER 23-2076

**BOROUGH OF HIGHLAND PARK
MIDDLESEX COUNTY, NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE
CODE OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 7 TRAFFIC,
ESTABLISHING “SCHEDULE XXI, MID-BLOCK PEDESTRIAN CROSSINGS”**

BE IT ORDAINED that the Borough Council of the Borough of Highland Park, County of Middlesex that Chapter 7 of the “Code of the Borough of Highland Park” is amended as follows, (additions are underlined; deletions are in [brackets]):

1. Add the following new subsection (15) under Chapter 7, Traffic:

§ 7-15 Mid-Block Pedestrian Crossings

The locations described in Schedule XXI are designated for Mid-Block Pedestrian Crossings.

2. Add the following new Schedule (XXI) to Chapter 7, Traffic:

Schedule XXI
Mid-Block Pedestrian Crossings

<u>Location</u>	<u>Description</u>
<u>River Rd (CR 622)</u>	<u>From a point just north of L'Ambiance Court and extending westerly to Johnson Park</u>

3. This ordinance shall take effect upon its passage and publication as provided for by law.

Introduced on first reading by title: September 19, 2023

ADOPTED:

ATTEST:

APPROVED:

Jennifer Santiago
Borough Clerk

Elsie Foster
Mayor

**BOROUGH OF HIGHLAND PARK
MIDDLESEX COUNTY, NEW JERSEY**

BOND ORDINANCE NUMBER 23-2077

**BOND ORDINANCE PROVIDING FOR THE REPLACEMENT
OF THE ROOF AND OTHER RELATED IMPROVEMENTS
TO THE PUBLIC LIBRARY, BY AND IN THE BOROUGH OF
HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY; APPROPRIATING \$400,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$380,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW
JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS
FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of
this bond ordinance are hereby authorized as general improvements or purposes to be
undertaken by the Borough of Highland Park, in the County of Middlesex, State of New
Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof,
there is hereby appropriated the amount of \$400,000, which amount includes the down
payment in the amount of \$20,000 (the "Down Payment") now available for said
improvements or purposes as required by the Local Bond Law, as amended and
supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"). Said Down Payment is
now available by virtue of a provision or provisions in a previously adopted budget or
temporary capital budget of the Borough.

SECTION 2. For the financing of said improvements or purposes
described in Section 3 hereof, and to meet the part of said \$400,000 appropriation not
provided for by application hereunder of said Down Payment, negotiable bonds of the

Borough are hereby authorized to be issued in a principal amount not exceeding \$380,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$380,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for various improvements to the Public Library, including the replacement of the roof, and any related improvements and renovations ancillary thereto. Such improvements or purposes shall include all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, labor, accessories, appurtenances and equipment necessary therefor or incidental thereto, all in accordance with the plans and specifications on file in the Office of the Clerk of the Borough and available for public inspection.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$380,000.

(c) The estimated cost of said improvements or purposes is \$400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment in the amount of \$20,000 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Middlesex make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by

the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Borough upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer of the Borough is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Borough is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes

pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond

Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$380,000, and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended of the interest on all tax-exempt bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer of the Borough is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. The Mayor, the Chief Financial Officer, the Administrator, and any other official/officer of the Borough are each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake the improvements or purposes set forth herein and to effectuate any transaction contemplated hereby.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: October 10, 2023

JENNIFER SANTIAGO,
Clerk of the Borough of Highland Park

ADOPTED ON SECOND READING
DATED: October 24, 2023

JENNIFER SANTIAGO,
Clerk of the Borough of Highland Park

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2023.

ELSIE FOSTER,
Mayor

**RESOLUTION NO. 10-23-214
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING THE AWARD OF AN ENERGY CONSULTING SERVICES
CONTRACT TO GABEL ASSOCIATES, INC. FOR SERVICES IN CONNECTION WITH THE
ESTABLISHMENT OF A COMMUNITY SOLAR PROGRAM**

WHEREAS, the New Jersey School Boards Association (hereinafter referred to as “NJSBA”), is the Lead Agency in accordance with the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq.(“EDECA”) and the regulations promulgated thereunder; and

WHEREAS, under EDECA, NJSBA is authorized to provide other energy-related services to its members; and

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

WHEREAS, NJSBA and the New Jersey Association of School Administrators (NJASA) has created, and is offering to schools districts and others, the ACESplus Program which is designed to assist participating members with the evaluation and implementation of certain energy related programs, including Renewable Energy Programs; and

WHEREAS, Resolution No. 9-16-254, approved on September 6, 2016, authorizes the Borough of Highland Park to participate in the Alliance for Competitive Energy Services (ACES) Cooperative Pricing and ACESplus Program; and

WHEREAS, Gabel Associates, Inc. is the energy consultant for the ACESplus Program and has submitted a proposal dated August 24, 2023 to provide services to the Borough of Highland Park for the development and management of a Community Solar Energy Program, which is attached hereto; and

WHEREAS, the Mayor and Borough Council believe it is in the best interest of the Borough to establish a Community Solar Program, particularly one that benefits low- and moderate-income residents; and

WHEREAS, Gabel Associate’s services will be paid by the future solar developer as selected through a competitive procurement process, meaning there will be no “out-of-pocket” costs to the Borough for these services.

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

1. The Mayor or Borough Administrator is authorized to execute the energy consulting services agreement, in substantially the form of the attached, with Gable Associates, Inc., to provide energy consulting services.
2. The NJSBA, via its professional energy consultant Gabel Associates, is hereby authorized to work with the Borough Administration to evaluate and implement a Community Solar Program for the Borough of Highland Park, as authorized by, and in accordance with the requirements

of, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., EDECA, the Clean Energy Act of 2018, and the Proposal.

3. This Resolution shall take effect immediately upon passage.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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



Proposal to Provide Energy Consulting Services to the Borough of Highland Park through the ACESplus Program

August 24, 2023

Introduction

[Gabel Associates, Inc.](#) (Gabel Associates or Gabel) appreciates the opportunity to provide this proposal to offer energy consulting services to the Borough of Highland Park (Highland Park or the Borough) for the development and management of a Community Solar Energy Program. New Jersey is currently in the process of implementing a permanent Community Solar Energy Program, an initiative that will benefit your residents, your Town, the State, and the environment. Community Solar allows residents to receive the benefits of solar energy which were previously unattainable for customers who rent or own homes that are not conducive to solar energy.

As part of the Community Solar Energy Program, low- and moderate-income (LMI) Highland Park residents will realize savings on their electric bills through the purchase of solar energy that is generated from a remote solar project that is located elsewhere within their electric utility's footprint.

Community Solar is an emerging opportunity in New Jersey that allows eligible residents to take advantage of the benefits of solar energy. As a result of the enactment of the Clean Energy Act (A3723) in May 2018, the New Jersey Board of Public Utilities (NJBPU) was mandated to create a Community Solar Energy Pilot Program (CSPP or Pilot Program). This pilot phase of the Community Solar Energy Program was conducted between 2018 and November 2021. Building on the success of the Pilot Program, the NJBPU is now in the process of finalizing the details of a permanent program.

Gabel Associates is not a solar company nor project developer, but instead provides objective, independent analysis that combines subject matter depth in solar energy, customer aggregation management, and economic analysis with extensive experience in the procurement of renewable energy projects for public entities. A multitude of clients rely on our firm to take on a project facilitator role to ensure that their projects and programs are developed successfully and efficiently.

Gabel Associates has a longstanding working relationship with Highland Park, having provided extensive, successful consulting support for past engagements. Throughout these endeavors, the firm has been committed to assisting the Borough in a professional and creative manner. This expertise, combined with our in-depth knowledge of Community Solar and the successful formation of residential aggregation programs, will allow the firm to provide comprehensive and grounded advice to Highland Park.

Gabel Associates saw significant success in both rounds of the highly competitive Pilot Program, partnering with several government clients to submit proposed Community Solar projects. Participation was awarded to three of our clients to develop a Community Solar Energy Program, with a focus on reducing energy costs for LMI residents. Specifically, the program Gabel designed for the Atlantic County Utilities Authority (ACUA) and the Pleasantville Housing Authority (PHA) consists of a two (2) megawatt (MW) solar array that will be installed on the closed portions of ACUA's landfill in Egg Harbor Township. The power generated will be sold to LMI PHA residents at a discounted price, resulting in approximately 20% savings to those residents. The NJBPU also recently awarded participation to the City of Hoboken and the Township



of Pittsgrove for Year 2 of the pilot program. For all awards, Gabel led the effort to strategically prepare and submit the applications on our clients' behalf. Each project was selected out of hundreds of applicants – specifically, over 250 applications were submitted for Year 1 of the CSPP and over 400 applications for Year 2.

Our personnel have been deeply involved in solar initiatives for over two decades and therefore we have an in-depth understanding of the complexities of Community Solar and New Jersey's solar market. Gabel Associates has been an active participant in the Community Solar Stakeholder Process, offering our expertise to influence the design of the Community Solar Energy Program to best serve municipalities and their LMI residents. This has been accomplished through frequent dialogue and collaboration with the NJBPU and the Governor's office.

Based on our extensive "real world" experience, Gabel Associates is uniquely qualified to aid in creating this Program for Highland Park. In addition to our past successes with the CSPP, the firm has over 30 years of refined energy experience including cutting-edge policy development and analysis on the local, state, and federal level; management of large energy aggregation programs; a deep understanding of utility tariffs, ratemaking, and regulatory issues; active participation in wholesale and retail energy markets; ongoing involvement in solar project development and policy formation; and; leading support for clean energy and environmental initiatives. This includes direct involvement in regulatory proceedings in New Jersey and throughout the country, and in hundreds of commercial transactions in the energy sector. Gabel Associates combines this extensive energy expertise with its on-the-ground project development activities to help formulate effective policy strategies and analysis. This includes development support for over 250 solar projects.

In addition, we have successfully assisted diverse public entities on complex energy issues, including hundreds of municipalities and counties, over four hundred public school districts, over twenty sewerage authorities, and many others. The firm possesses a strong and experienced team that is diligently focused on strategically advising public entities.

As further detailed in the Scope of Services outlined in this proposal, Gabel Associates will develop and manage a Community Solar Energy Program for Highland Park, allowing LMI customers to reduce their electricity costs through the use of solar energy generated at a remote site.

Please refer to **Attachment B** for a more detailed profile of Gabel Associates' capabilities and qualifications that directly relate to the work requested by Highland Park. For a full description of our services, please visit our website at www.gabelassociates.com.

Procurement through the ACESplus Program

Our consulting services for the Community Solar Energy Program can be directly procured through the ACESplus program. ACESplus is sponsored by the New Jersey School Boards Association (NJSBA) as the lead agency and the New Jersey Association of School Administrators (NJASA), which engaged Gabel through an open, competitive procurement process as provided by Local Public Contract Law. Our consulting services are provided through a long-standing cooperative purchasing program (CPS) created by these organizations, as approved by the New Jersey Department of Community Affairs (DCA). As a part of the CPS, Gabel's services are available for contracting with other local public entities throughout the State.



As Gabel has already been engaged as the ACES consultant, engaging Gabel to provide the services proposed below requires only the passage of a standardized resolution to join ACES and participate in ACESplus (and the signing of the associated agreement to join the ACES Cooperative Pricing System). More information on the ACESplus form of contracting can be found in the ACESplus Memo in **Attachment C**.

This proposal provides the following information for your consideration:

- 1) Scope of Services (page 4)
- 2) Fee Proposal (page 8)
- 3) General Terms and Conditions (page 9)

Attachment A: Fee Breakdown

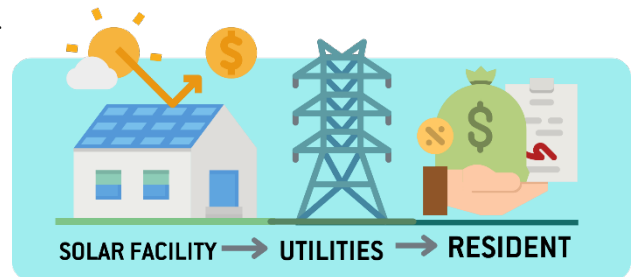
Attachment B: Gabel Associates' Qualifications

Attachment C: ACESplus Memo

1) Scope of Services

Community Solar is a policy initiative in New Jersey which allows customers that are unable to host a solar project (due to cost, space limitations, property ownership issues, etc.) to reap the benefits of solar energy, including lower costs on their electric bill. Under a Community Solar Energy Program, certain customers (known as ‘subscribers’) are joined together in an aggregated purchase of energy from a solar project to be developed remotely from the subscriber, but within their utility’s territory. Electricity generated from the solar project is credited to each subscriber’s bill – with associated savings as if the solar project was located at the subscriber’s site even though there is no physical connection between the project and the residence. Please refer to the illustration below which illustrates this relationship.

Community Solar has its policy basis in the goal of Governor Murphy and the legislature to provide the benefits of renewable energy to low- and moderate-income (LMI) residents who would be challenged to access them otherwise. As a result, requirements for a Community Solar Energy Program that targets LMI residents were included in the Clean Energy Act of May 2018.



To implement the provisions of the Clean Energy Act, the NJBPU began a pilot program for Community Solar in 2018 (CSPP). The pilot provided 75 MW and 150 MW respectively of available capacity for each of the two program years, with at least 40% of the annual capacity allocated to LMI customers. Each solar project was limited to 5 MW in size, which supports approximately 800 residential customers. The NJBPU is now in the process of designing and implementing the permanent Community Solar Energy Program (CSEP).

The purpose of this proposal is for Gabel to provide a comprehensive scope of services to develop, implement, and manage a Community Solar Energy Program (“the Program”) for Highland Park once the permanent program is established (expected by Q3 2023). The application process for participation in the Community Solar Energy Program will be “first come, first served”, but will also be ranked on the savings rate provided to subscribing customers if the program capacity is over-subscribed.

For the CSEP, the Borough would aggregate LMI customers through an auto-enroll program. This designated load would purchase solar power from an off-site facility on a long-term basis, which will be procured through a competitive process facilitated by Gabel Associates. Pursuant to the CSEP rules, the Borough will serve as the “Community Solar Subscriber Organization” (Subscriber Organization). Gabel Associates proposes to act as the Administrator of the Program on behalf of the Borough and manage all activities that apply to a Subscriber Organization. Customers would be enrolled in the Program on an “opt-out” basis, and as such, customers would receive up-front communications addressing their enrollment in the program and explanation that they may withdraw at any time, and through the Program’s design, as a customer withdraws, another customer would replace the withdrawn customer in the Program. All participating customers will have their electric rate reduced with savings of 20% or greater expected. Under the CSEP rules, the program size is limited to 5 MW (approximately 800 subscribers).

Please note that this scope is subject to final adoption by the NJBPU of its Community Solar rule or application guidelines that allow for an opt-out program and an acceptable and workable program structure.



Gabel Associates proposes to provide the following services to Highland Park for the full term of the Program:

Task 1: Management of the Solar RFP Process

A “competitive contracting” approach will be utilized to select a qualified solar developer and project location. The Borough will enter into a Master Performance Agreement (MPA) and/or other Program documents with the selected solar provider, in accordance with New Jersey law and DCA guidelines, which we believe will yield the greatest benefit to the Borough.

Gabel will prepare and administer a competitive contracting request for proposal (RFP) process to select a solar energy provider and associated solar project to provide low-cost solar power on a long-term basis to subscribers. It is anticipated that the MPA (and the Program) will have a term of fifteen (15) years.

Depending on the Borough’s request, the RFP can be structured in one (or both) of the following ways: (1) allow solar developers to propose sites for the Community Solar project that fall anywhere within PSE&G territory, or (2) propose a project at a site, or sites, designated by the Borough that may be suitable for a large-scale solar project.

With the first option, developers will propose viable sites on which the project could be located. With the second option, Gabel Associates would complete a feasibility study of the possible Borough site(s), including a review of potential site issues to identify acceptable and technically appropriate areas for a solar facility. At the conclusion of this study, a final determination would be made regarding the viability of a project on Borough property.

Once the above has been determined, Gabel would perform the following steps:

- ✓ Draft an RFP that will serve as a “performance specification” which identifies the technical, financial, performance, and contractual requirements that solar developers must adhere to in their proposals;
- ✓ Distribute the RFP to a wide range of active market participants and promote the participation of qualified bidders;
- ✓ Hold a pre-bid meeting for interested solar developers where Gabel can answer questions (and coordinate a site visit if the project will be located on Borough land);
- ✓ Help the Borough form an Evaluation Committee, which will include Gabel Associates, other professionals as appropriate, relevant staff, and other members as determined by the Borough;
- ✓ Review all contracting documents (especially the MPA) and provide comments to assure that the interests of the Borough and its residents are advanced and protected;
- ✓ Support the Evaluation Committee to assess the proposals from a technical, economic, and financial perspective. This evaluation will include both price and non-price factors to assure that the Borough executes an MPA with a solar developer that is financially and technically capable, as well as provides economic value;



- ✓ Prepare an evaluation matrix, including weighting factors, to serve as a basis for the decision of the Borough to designate a contract award. Based upon this comprehensive evaluation, and as required by DCA guidelines, Gabel Associates will prepare a draft recommendation report, finalize the report, and discuss the report with Borough staff;
- ✓ Assist the Borough in finalizing the contract award to the selected solar developer, and;
- ✓ Throughout the process, Gabel will meet with the Borough as needed, provide ongoing project updates, and make presentations at formal Council meetings when appropriate.

The chosen solar provider will act as a co-applicant on the Borough's CSEP application (as outlined in Task 2).

Task 2: Community Solar Energy Program Application Support

Once the Community Solar rulemaking is finalized, Gabel Associates will prepare a Community Solar Energy Program (CSEP) application for the Borough to submit to the NJBPU by their annual deadline. If the NJBPU does not designate the Borough as a Community Solar Project, then the following Tasks 3 through 5 will not move forward; and the Borough can apply in the following year's application process.

Task 3: Program Development, Start-Up, and Management

Gabel Associates will provide comprehensive program development, start-up, and management activities for the Program.

This task will include the development and implementation of a structure to identify eligible customers. Acting as the Administrator to support Highland Park as the Subscriber Organization, the firm will work with the Borough to identify a fair and transparent process through an opt-out structure to identify eligible LMI customers to participate in the Community Solar Energy Program. Gabel would also establish a waiting list of eligible customers. This would include setting eligibility criteria to ensure that an equitable framework for selecting customers is developed.

In addition, Gabel will support other elements of Program development and all required activities that relate to Subscriber Organizations in accordance with the final Community Solar rule. Such items would include, but are not limited to:

- ✓ Develop Program parameters, approach, and timeline in coordination with the Borough;
- ✓ Provide customer and constituent onboarding support, including the development of educational and marketing materials and attendance at Borough meetings, as requested;
- ✓ Develop a website (or create a page on the Borough's website) that is dedicated to the Program through which the public can obtain further information regarding the Program;
- ✓ Set up a toll-free phone number and e-mail address through which subscribers can request information, voice concerns, or cancel their subscription;



- ✓ Manage subscriber enrollment and collect and compile all applicable subscriber information, as well as monitor the Program on an ongoing basis;
- ✓ Interact with PSE&G and provide them with the list of initial subscribers in the Program, including all appropriate subscriber information;
- ✓ Establish a waiting list of accounts, consistent with eligibility requirements, in order to keep the Program fully subscribed;
- ✓ Set up a structure to monitor the solar project to ensure load matches production, and;
- ✓ Establish billing services.

Task 4: Client Representation (CR) Services

Once an MPA is executed, Gabel Associates will provide client representation (CR) services during solar project construction. Due to the firm's familiarity with project installation activities, the firm is able to serve as a client representative and advocate during the construction phase of energy projects to monitor construction progress toward a timely completion of the solar project. Gabel Associates would serve as a liaison with the developer and construction team - acting as the "eyes and ears" of the Borough to support effective project implementation based on our experience with industry practice.

CR services would include:

- ✓ Organize kick-off and pre-construction meetings;
- ✓ Coordinate ongoing status review meetings, typically twice a month during construction (or more frequently if needed), with relevant contractors and project participants;
- ✓ Provide written progress reports (as frequently as project activity dictates), and;
- ✓ Monitor the developer and its effort to achieve commercial operation of the project.

Please note that Gabel Associates is not responsible for project design or project management. Gabel Associates monitors and reports on the installation activities on behalf of the client, but it does not manage the construction project. The selected solar provider is solely responsible for project design and management and the project's time, cost, and quality. The engineers and/or other licensed professionals engaged by the solar provider who are engaged to prepare project drawings are solely responsible for the project design.

This task will be considered complete when the solar system is energized for commercial operation.

Task 5: Ongoing Program Support

Gabel Associates will provide ongoing support and community solar program management over the life of the Program and associated MPA (expected to be 15 years). This will include support for all required activities that relate to Subscriber Organizations in accordance with the final Community Solar rule.



Such support would include, but is not limited to:

- ✓ Provide ongoing administration of the Program and advice and consultation to the Borough;
- ✓ Provide ongoing customer and constituent support, including the development of educational and marketing materials, as well as attend town meetings, as requested. We will also provide ongoing outreach to sustain interest and adequate subscriber levels;
- ✓ Maintain a website (or a page on the Borough’s website) that is dedicated to the Program through which the public can obtain further information regarding the Program;
- ✓ Maintain a toll-free phone number and e-mail address through which subscribers can request information, identify concerns, and cancel or renew their subscription;
- ✓ Manage subscriber enrollment, and collect and compile all applicable subscriber information as well as monitor the Program on an ongoing basis;
- ✓ Interact with PSE&G and provide them with the list of subscribers to the Program with all appropriate subscriber information, as well as provide an updated list as dictated in the rule;
- ✓ Maintain a waiting list of accounts, consistent with eligibility requirements, to keep the Program fully subscribed;
- ✓ Manage billing services;
- ✓ Monitor the solar project to ensure load matches production, and;
- ✓ Provide overall management and support for the Program over its term.

In short, Gabel Associates will remain on-call and available to provide strategic support and advice related to the Program on an as-needed basis throughout the term of the project.

2) Fee Proposal

Gabel Associates proposes that all our fees be paid by the solar developer selected by the Borough through a competitive procurement process, as described in more detail below. This means that no out-of-pocket costs will be incurred by the Borough, and Gabel Associates will operate “at risk” until the MPA (and/or similar contract document) is executed.

All Gabel Associates’ fees and associated Payment Obligations associated with Tasks 1 through 5 will be identified in the RFP as project development costs and as such, will be paid by the awarded solar developer and incorporated into the MPA. The following provides the proposed fees for the Program as well as the payment milestones. A breakdown of each component can also be found in **Attachment A**.

- 1) A fixed fee of \$295,000 shall be paid in full by, and become a Payment Obligation of, the solar developer. This would include payment of \$150,000 upon MPA execution and \$145,000 upon NJBPU award. This would include payment for Tasks 1 through 3.



- 2) A fixed fee of \$4,000 per month shall be paid by, and become a Payment Obligation of, the solar developer for an estimated six (6) months for Task 4 (Client Representation Services for solar project construction) over the term of project construction, for a total of \$24,000. The Task 4 payment will be billed monthly, starting in the month when the pre-construction meeting is held, and with the last (sixth) payment due immediately after the solar system receives permission to operate.
- 3) A fixed fee of \$3,600 per month shall be paid by, and become a Payment Obligation of, the solar developer for Task 5 (Ongoing Program Support) over the term of the 15-year MPA. This equates to \$43,200 per year.

Payment by the solar developer to Gabel for #1 above will be due on the MPA execution date and the NJBPU award date, with payment due in full within fifteen (15) days of invoice receipt. The payment by the solar developer to Gabel for #2 will be billed monthly to the awarded solar developer (as described above) with payment due in full within fifteen (15) days of invoice receipt. Payment by the awarded solar developer to Gabel for #3 shall begin upon commercial operation of the project and continue on a monthly basis over the term of the MPA with payment due in full within fifteen (15) days of invoice receipt.

3) General Terms and Conditions

Liability

Gabel Associates is acting in a consulting capacity and any opinions, advice or analysis presented, or activities undertaken, by Gabel Associates are based on its professional judgment and do not constitute a guarantee. Gabel Associates is not an engineering firm and will not be responsible for any design, engineering, or construction activities. IN NO EVENT SHALL GABEL ASSOCIATES' AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS PROPOSAL, WHETHER ARISING OUT OF OR RELATED TO BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE, EXCEED THE TOTAL OF THE AMOUNTS PAID TO GABEL ASSOCIATES PURSUANT TO THIS PROPOSAL. NEITHER PARTY (OR ITS AFFILIATES, DIRECTORS, OFFICERS, AGENTS OR EMPLOYEES), UNDER ANY CIRCUMSTANCES, WILL BE LIABLE TO THE OTHER PARTY (OR ITS AFFILIATES, OWNERS, DIRECTORS, MANAGERS, OFFICERS, AGENTS OR EMPLOYEES) FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, SPECIAL, OR PUNITIVE DAMAGES, OR LOST OR IMPUTED PROFITS AND/OR SALES, OR FOR DAMAGES BASED UPON ANY TYPE OF MULTIPLE ARISING OUT OF THIS AGREEMENT OR ITS TERMINATION OR EXPIRATION, WHETHER LIABILITY IS ASSERTED IN CONTRACT OR TORT AND IRRESPECTIVE OF WHETHER ANY PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE. EACH PARTY HEREBY WAIVES ANY CLAIM THAT THESE EXCLUSIONS DEPRIVE IT OF ANY ADEQUATE REMEDY.

Confidentiality

In the course of its performance under this Agreement, each party may acquire certain confidential information from the other in regard to the nature of the services performed. All such confidential information shall not be disclosed or revealed by Gabel Associates or Highland Park, as applicable, to any other person or entity, nor shall any such information be utilized in any way in the performance of any work for any other person or entity, without prior written approval from the other Party or by order of a



government agency with jurisdiction. This confidentiality paragraph will survive termination of this Agreement.

Work Product

For avoidance of doubt, the results of the modeling associated with any services will be provided to and owned by Highland Park, however, the underlying tools, methodologies, datasets, and modeling systems will remain proprietary, confidential, and the property of Gabel Associates.

Termination

Either party may terminate this agreement upon the giving of not less than sixty (60) days' notice in writing (which may be via email). All Payment Obligations, and the confidentiality and liability provisions shall survive termination.

Please countersign below to indicate your agreement with this proposal.

We appreciate the opportunity to provide this proposal to the Borough. Please feel free to call me at the office at (732) 296-0770 or on my cell at (732) 672-7782 with any questions regarding this proposal.

Sincerely,

Steven Gabel
President

A handwritten signature in black ink that reads 'S Gabel'.

If this proposal is acceptable, and the Borough decides to utilize ACESplus, the Council would need to pass a resolution to join ACES and participate in the ACESplus program with New Jersey School Boards Association as the lead agency.

Countersign by official with authority to bind the Borough of Highland Park to the terms of this Proposal:



Signature

Date

Name

Title



Attachment A: Fee Breakdown

Gabel Associates proposes that all our fees be paid by the solar developer selected by the Borough through a competitive procurement process. **This means that no out-of-pocket costs will be incurred by the Borough, and Gabel Associates will operate “at risk” until the MPA is executed.**

Task	Service	Fee
Task 1*	Solar RFP Process (without a Borough Site Feasibility Study)	\$75,000
Task 2	Community Solar Application Support	\$14,000
Task 3	Program Development, Start-Up, and Management	\$206,000
	Total Payment at MPA Execution (\$150,00) and NJBPUP Award (\$145,000)	\$295,000

*In the event a Borough Site Feasibility Study is performed, the fee for this task would be \$85,000 (an additional \$10,000).

Task	Service	Fee
Task 4	Client Representation (CR) Services	\$4,000/month
	Total Paid Monthly Over 6-Month Project Construction	\$24,000

Task	Service	Fee
Task 5	Ongoing Program Support Over the MPA Term	\$3,600/month



Attachment B: Gabel Associates' Qualifications

Gabel Associates, Inc. (www.gabelassociates.com) is an energy, environmental, and public utility consulting firm with its principal office located in Highland Park, New Jersey. For over 30 years, Gabel Associates has provided quality energy consulting services and strategic insight to its clients. The firm provides its expertise to a wide variety of clients involved in virtually every sector of the energy industry throughout the United States, with a sharpened focus on the New Jersey landscape.

Gabel Associates provides advisory and project development services for renewable energy, energy efficiency, and other energy management initiatives -- from initial feasibility and plans of finance, to procurement and project facilitation during construction. The firm is an advisor and not a solar company, ESCO, or project developer, and is therefore able to provide objective, independent analysis to reduce costs through deep subject matter expertise in energy and sustainability, and extensive experience in the development of energy projects.

Gabel Associates lives in both the world of energy market transactions (having undertaken project development for over 300 generation projects -- including renewable -- and executed energy transactions for hundreds of thousands of accounts) and in the world of regulatory and policy analysis.

Gabel Associates' principals, Steven Gabel and Robert Chilton, both have over 40 years of energy industry experience. They are both steeped in project development and have federal and state utility regulatory and policy experience, having both served lengthy assignments in executive positions at the NJBPU, having both served as experts in numerous utility regulatory matters.

Unlike many other firms, Gabel Associates possesses specialized and complementary capabilities in a range of disciplines – economic, technical, regulatory, financial, and marketplace – all of which are crucial to providing successful energy advice. We use these skills to build a customized approach that aligns with the goals of each client.

Gabel Associates possesses refined expertise in a wide range of areas, including:

- Community solar program development and management;
- Renewable energy, combined heat and power (CHP), energy efficiency, storage, and traditional energy project feasibility and development;
- Electric vehicle (EV) analysis to accelerate market growth and the development of fleet electrification plans;
- Detailed economic, financial, technical, risk management, marketplace, and net benefits analysis;
- Regulatory, ratemaking and policy analysis, and expert testimony before state commissions, legislatures and executive branches;
- Long term forecasting and modeling of energy and environmental markets including the use of EnCompass, an established market simulation model;
- Energy, renewable energy certificate (REC) and carbon market activity and analysis;
- Environmental and greenhouse gas matters;
- Microgrid feasibility studies;
- Electricity and natural gas procurement activities, including Government Energy Aggregation (GEA);



- Tariff and utility bill analysis;
- Energy Master Plan activities that lead to significant savings on energy costs;
- Development of creative ownership and project structures and associated contract negotiation, and;
- Interconnection, operations analysis, refined risk management, and market rules of wholesale energy markets and regional transmission organizations (RTOs) including capacity, energy, and ancillary service markets.

The firm has extensive involvement in wholesale and retail energy markets including full time involvement in rules, tariff and policy setting at PJM, as well having helped clients undertake hundreds of transactions in retail and wholesale power markets. Our retail activities include procurement consulting to hundreds of public and private sector entities.

Gabel Associates is an industry leader in several areas including regulatory and environmental issues, renewable policy, electric vehicle analysis, energy procurement, and RTO rule development. The firm has been an active contributor in shaping the energy landscape. Through the years, we have proven our ability to work cooperatively and collaboratively with regulators and a diverse set of stakeholders on various issues. Key members of Gabel Associates' staff bring decades of deep and diversified experience in energy markets, renewable energy issues, and policy formation.

The following highlights some Gabel Associates' key areas of expertise that directly relate to the work requested by Highland Park.

- **Community Solar Expertise**

Firm personnel has been involved with community solar and energy aggregation for over two decades and have an in-depth understanding of the complexities of community solar.

Upon the establishment of the Community Solar Pilot Program (CSPP) per the Clean Energy Act of 2018, Gabel Associates has been deeply engrained in influencing the design of the program to best serve municipalities and public entities in providing savings to their most in-need residents. This includes active engagement in stakeholder processes and continuous discussions with the NJBPU on program design elements that can optimize participation. This involvement, combined with our dual understanding of solar development and practical application, has established Gabel Associates as a leading innovator on community solar issues in the State.

Building upon Gabel's established expertise, experience, and relationships in the New Jersey energy landscape, we have achieved ground-breaking changes in the program design which allow a Community Solar project to exclusively serve LMI customers -- above and beyond the NJBPU's 51% LMI participation requirement. Gabel designed a creative program structure which, through innovations like competitive contracting to select the best solar developer for the project and auto-enrolling LMI residents, will help residents cut their energy expenses by at least 20%.

Our unique program design has seen success in the form of three awards (out of hundreds of applicants) into the extremely competitive CSPP. Serving as the lead drafter of the applications, in Year 1 of the pilot program, a project managed by Gabel for the Atlantic County Utilities Authority (ACUA) earned the highest point valued award out of 252 applicants. This project, located on a landfill, will lower the energy costs of 300 of the lowest-income residents of Pleasantville, New Jersey. In Year 2 of the pilot program, two projects



managed by Gabel for the City of Hoboken and Pittsgrove Township were awarded participation out of 412 applicants to the program.

Gabel Associates has also been at the forefront of energy aggregation activities. This includes the development and administration of eighteen (18) successfully awarded Government Energy Aggregation Programs on behalf of 25 municipalities (with more in development), and the management of aggregation programs for over 400 school districts, over 200 municipalities, as well as counties and sewerage authorities.

- **Renewable Energy**

Gabel Associates has been involved in the development activities of over 250 renewable projects throughout the region, including solar, landfill gas-to-energy, waste-to-energy, and on and offshore wind projects.

Gabel Associates provides complete project development services for solar energy -- from initial feasibility and plans of finance, to procurement and owner's representation during construction. We also conduct comprehensive supply/demand forecasts to understand market dynamics and pricing trends. We have successfully assisted numerous clients with the implementation of competitive procurement processes to select and contract with solar vendors.

A wide range of clients rely on our firm to serve as a trusted project facilitator to ensure that projects are developed successfully and efficiently. Based on a detailed process that draws upon our experience with a wide range of solar projects, we are experts at using the competitive market to get the most beneficial project built while also minimizing risk.

The firm blends its technical and procurement expertise with its unique economic forecasting and analysis capabilities. Our analysis allows clients to make informed decisions based on prudent reviews coupled with detailed forecasting and analysis of economic and risk factors. Our "real world" expertise and long-standing experience with the development of various types of projects and technologies strengthens our ability to provide strategic advice.

The firm supports all stages of the development process including:

- ✓ Feasibility studies / due diligence reports / site reviews
- ✓ Detailed economic, financial and technical analysis / back-model of vendor proposals
- ✓ Prudent modeling that analyzes wholesale market impacts
- ✓ Evaluation of various financing structures (PPA, self-own, lease, and hybrid approaches)
- ✓ Procurement activities including Request for proposal (RFP) drafting and proposal evaluation
- ✓ Interconnection/grid issues and RTO rule analysis
- ✓ Contract negotiation
- ✓ Client representation during construction
- ✓ Savings analysis
- ✓ Solar renewable energy certificate (SREC) sales

We also analyze the opportunity for solar projects that integrate a battery back-up energy/storage facility – representing a significant leap forward in the benefits that can be derived from this energy source.



- **RFP Administration / Proposal Evaluation / Contracting Support**

Gabel Associates uses competition to get the best arrangement for its clients. It has an extensive history of successfully facilitating renewable projects when they move into the execution phase, including RFP drafting, vendor proposal evaluation, and contract negotiation. When drafting bid documents, we ensure that RFP language is well-defined; clearly incorporates the expectations of the client; and reflects the requirements of the commercial marketplace. This approach helps to maximize participation and encourages developers to present proposals that are competitive and tailored to project goals. This includes a rigorous review of proposals from an economic and technical perspective.

Gabel Associates has assisted over 100 customers enter into PPAs and/or leases for renewable energy projects for various technologies including solar, wind, landfill gas-to-energy, waste-to-energy, and hydro. The firm excels in evaluating and designing these structures to carefully analyze and assess project risk and maximize benefits. We also have a clear understanding of the provisions that can adversely impact our clients, which gives us the ability to advocate for contract language that provides multi-layered protection. Due to our strong experience with PPA structures, we are highly qualified to assist clients with administrative matters in connection with these agreements.

- **Policy Analysis and Development**

Gabel Associates supports policy development, and related analysis, on both the national and state levels. The firm has been an important contributor in policy discussions related to renewable energy, industry restructuring, energy efficiency, and environmental issues. Through this exercise, we have mastered the ability to work with state regulators in a collaborative manner. This background provides a firm understanding of the direct relationship between federal, state, and local policy and utility ratemaking and cost recovery.

The following highlights some of the firm's important policy work:

- ✓ In the late 1990s the firm was influential in the development of New Jersey energy deregulation law (EDECA, enacted in 1999); its restructuring of energy taxes; and its development of energy aggregation policies. The firm has also been directly involved in the development of "utility default service" policy in New Jersey, Pennsylvania, and Illinois.
- ✓ The firm has helped shape New Jersey's Renewable Portfolio Standard (RPS), one of the most progressive renewable policies in the country, since its inception in 1999 under EDECA. The firm has conducted in-depth analysis of RPS implications for wind, solar, biomass, and other technologies. In addition to Steven Gabel's service on the Governor's Renewable Energy Task Force, which is the basis for New Jersey's RPS, the firm continues to serve on various committees that help determine the policy direction of the renewable energy market. Gabel Associates has also been instrumental in developing legislation surrounding renewable project development and renewable market regulation, including:
 - The Solar Energy Advancement and Fair Competition Act, which was signed into law in New Jersey in January 2010. This law placed the solar RPS obligations into law and substantially increased solar requirements. The firm provided analytical support for the bill including comprehensive analysis surrounding ratepayer and economic impacts.

- S-1925, which was signed into law in New Jersey in July 2012. This law accelerated the RPS solar requirements in an effort to absorb the significant oversupply of SRECs and help stabilize the market while reducing ratepayer cost exposure. Gabel Associates provided on-going analytical support throughout legislation development and also performed detailed ratepayer impact analysis which modeled cost implications.
 - The Clean Energy Act (A3723), which was signed into law in May 2018 and is focused on expanding clean energy initiatives in New Jersey.
 - ✓ Gabel supports Community Solar issues in New Jersey through deep engagement with the NJBPU and other stakeholders. This engagement includes testifying at hearings, submitting comments to the NJBPU, and holding presentations and meetings with NJBPU Staff. As part of its work, Gabel has forged relationships with community solar developers, environmental justice advocates, and public entities – allowing us to leverage unique perspectives and insights to create an approach to Community Solar that is beneficial to all.
 - ✓ The firm was a participant in New York’s Reforming the Energy Vision (REV) proceeding and helped to establish an interim compensation mechanism to facilitate solar development in New York state.
 - ✓ The firm played an active role in the development of the New Jersey Offshore Wind Economic Development Act that was signed into New Jersey law in August 2010 to promote the development of offshore wind projects.
 - ✓ Starting in the 1990s, Gabel Associates was a participant in the development of the PJM RTO and remains active at PJM today with participation in policy and tariff issues.
 - ✓ The firm is working to support policy development that strives to foster the growth of electric vehicle adoption through its management of ChargeVC New Jersey, a non-profit dedicated to advancing electric transportation policies in New Jersey. We were directly involved in the passage of New Jersey’s EV Law, which was signed into law in January 2020 and is considered one of the most robust EV laws in the nation.
- **Government Energy Aggregation**

Building on our long-standing energy procurement activities, Gabel Associates has pioneered the development and implementation of Government Energy Aggregations (GEA) in New Jersey. Through a GEA program, a municipality can reduce its residents’ energy bills by aggregating the residents into one bid and procuring a third-party supplier to provide energy at a cost below utility provided generation service. Procuring energy through a GEA provides residential customers with contract and term protections otherwise not afforded to them if they procured on their own.

In 2012, Gabel Associates was the first energy consulting firm to successfully implement a GEA program in New Jersey. The firm has built upon that success, with power supply and energy aggregation services contracts for a total of 25 municipalities (18 programs) and counting (including multi-municipality cooperatives and progressive renewable energy product offerings). In total, Gabel



Associates has run 41 successful rounds of municipal aggregations. To date, our in-state GEA programs are estimated to have achieved over \$75 million in savings on energy expenses for New Jersey residents.

The firm utilizes proven and comprehensive outreach and marketing techniques that fully and effectively disseminate information to targeted communities. We work diligently to understand the unique dynamics within each population to ensure that our marketing efforts are well received and easily assessed by all residents.

Gabel Associates also offers refined customer service and education to ensure that resident concerns are answered promptly and fully resolved. This includes the use of a designated Program Administrator (along with a team of trained representatives) that expeditiously responds to and logs all customer inquiries and public education concerns. Our team is committed to facilitating resident calls within 24 hours of receipt, with most answered within a few hours.

It is also important to note that Gabel Associates has been a pioneer in the development of enhanced renewable energy products for energy aggregation programs of all shapes and sizes in New Jersey, including for residential GEA programs as well as aggregations of hundreds of municipal and school district entities. Due to our extensive knowledge of the renewable energy market, which includes the development of hundreds of renewable energy projects, buying and selling of renewable energy for clients in New Jersey and the PJM footprint, and providing renewable energy certificate (REC) price forecasting services for clients, we are able to lend important insights on how to strategically structure products that achieve the dual goal of energy sustainability and cost savings.



Attachment C: ACESplus Memo

MEMORANDUM

Subject: ACESplus Contracting Vehicle

The purpose of this memo is to provide an overview of the ACESplus program, which can serve as a viable contracting vehicle between the Borough of Highland Park (Highland Park or the Borough) and Gabel Associates (Gabel) to support the Borough's participation in the Community Solar Energy Program. ACESplus is an established contracting method that is used by various public entities, such as school districts, municipalities, and authorities.

The Alliance for Competitive Energy Services (ACES) is a Cooperative Pricing System that was formed by the New Jersey School Boards Association (NJSBA) in 1999 and approved by the New Jersey Department of Community Affairs (DCA). In addition to NJSBA as the lead agency, the co-sponsors of this collaborative partnership include the New Jersey Association of School Business Officials (NJASBO) and the New Jersey Association of School Administrators (NJASA).

The NJSBA engaged Gabel as the ACES Administrator through an open, competitive procurement process as provided by Local Public Contract Law, with the most recent procurement and award taking place in September 2018.

ACES has procured electricity and natural gas at discounted prices for New Jersey schools for over twenty years. The goal of the program is to help public entities save money on their energy expenses. In 2014, the ACESplus program was implemented within and as part of the overall ACES program to include sustainability measures (with the NJSBA and NJASA as the sponsors).

The DCA has established Cooperative Pricing Regulations set forth N.J.A.C. 5:34-7.1 et seq. Based on these Rules, ACES can accept, and has accepted, municipalities and counties as members of the ACES Cooperative Pricing System. Specifically, the Cooperative Pricing Regulations at N.J.A.C. 5:34-7.6 indicates that any contracting unit can join a Cooperative Pricing System and sets forth the step-by-step process of how a new contracting unit can join a purchasing system. Further, the Cooperative Pricing Regulations at N.J.A.C. 7:34-7.2 sets forth the definition of "contracting unit," which clearly includes municipal entities such as Highland Park. These regulations collectively make it clear that any municipality or county can join a Cooperative Pricing System.

Through the ACESplus program, Highland Park can easily engage the services of Gabel and avoid the hassle of costly procurement processes. We have been vetted and competitively procured to provide support on advanced clean energy projects, such as the one being contemplated by the Borough. In addition to school districts, various municipal entities have also taken advantage of the ACESplus platform, including Jersey City, Woodbridge Township, Pittsgrove Township, as well as the Willingboro Municipal Utilities Authority.

Any public entity (including municipalities) can access our services through the ACESplus program. To engage Gabel, the Borough would simply adopt a standardized resolution to: (1) join the ACES Cooperative



Pricing System (and sign the associated Agreement) and (2) participate in the ACESplus program. A sample resolution and a copy of the Cooperative Pricing System Agreement can be found in **Attachment C.1**.

In addition, **Attachment C.2** includes a legal memo that states municipalities can participate in the ACESplus program.

We appreciate the opportunity to work with the Borough and support its leadership role in Community Solar.

Please let us know if you have any questions or would like to discuss further.



Attachment C.1:

Sample Resolution to Join ACES and Participate in ACESplus and Associated Cooperative Pricing System Agreement

MODEL RESOLUTION

FOR INDIVIDUAL MUNICIPALITY PARTICIPATION IN ACES COOPERATIVE PRICING SYSTEM AND ACESPLUS PROGRAM

A Resolution Authorizing the Borough of Highland Park to Enter into A Cooperative Pricing Agreement for Energy and Energy Related Services with the Alliance for Competitive Energy Services ("ACES"), and Authorizing Participation in the ACESplus Program for Renewable Energy Consulting Services

RESOLUTION NUMBER: _____

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

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

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

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

WHEREAS, the Borough of Highland Park ("Participant"), desires to participate in the ACES Cooperative Pricing System; and

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



implementation of certain energy related programs, including Renewable Energy Programs; and

WHEREAS, Participant desires to participate in the ACESplus Program; and

WHEREAS, the NJSBA, as the Lead Agency, via its professional energy consultant, will work with the Participant to evaluate and implement a Community Solar Energy Program and provide related services all in accordance with the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-4.6 & 4.1), EDECA; and

NOW, THEREFORE, BE IT RESOLVED on the ___ of ___, 2023 by the Borough of Highland Park, as follows:

TITLE

This RESOLUTION shall be known and may be cited as the "ACES Cooperative Pricing and ACESplus Program Resolution of the Borough of Highland Park."

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-10(b), the [insert name of business administrator of municipality] is hereby authorized and directed to enter into the ACES Cooperative Pricing System Agreement.

[insert name of business administrator of municipality] is hereby authorized and directed to work with the Lead Agency, via its professional energy consultant, to support sustainability measures for the Participant under the ACESplus Program, as authorized by, and in accordance with the requirements of, the Local Public Contracts Law (N.J.S.A 40A:11-4.6 and 4.1), EDECA.

CONTRACTING UNIT

The New Jersey School Boards Association, through ACES and its professional energy consultant, shall be responsible for complying with the "Local Public Contracts Law," N.J.S.A. 40A:11-1.1 et seq. and all other applicable laws in connection with the preparation, bidding, negotiation, and execution of contracts in connection with the ACES Cooperative Pricing System and the ACESplus Program.



EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

BY: _____
Name and Title

ATTEST BY: _____
Name and Title



COOPERATIVE PRICING SYSTEM AGREEMENT

The ACES Cooperative Pricing System

This Agreement, made and entered into this ____ day of ____, 2023, by and between the New Jersey School Boards Association on behalf of the Alliance for Competitive Energy Services (ACES) and the Borough of Highland Park and other local government units located in the State of New Jersey who may in the future choose to participate in the ACES Cooperative Pricing System.

WITNESSETH

WHEREAS, The Electric Discount and Energy Competition Act, P.L. 1999, c. 23 authorizes the New Jersey School Boards Association ("NJSBA") to obtain electricity, natural gas and other energy-related services for individual local boards of education on an aggregated basis; and

WHEREAS, the NJSBA has formed the Alliance for Competitive Energy Services, (hereinafter referred to as "ACES,") an alliance composed of the NJSBA, the New Jersey Association of School Administrators, and the New Jersey Association of School Business Officials, initially for the express purpose of carrying out the NJSBA's statutory authorization to facilitate the economic, group purchase of electricity, natural gas and energy related services; and

WHEREAS, N.J.S.A. 40A:11-10(5)b specifically authorizes local government units (hereinafter referred to as "local units") to enter into a Cooperative Pricing Agreement with boards of education for the purchase of work, materials, and supplies; and

WHEREAS, ACES is conducting a voluntary Cooperative Pricing System within the State of New Jersey, utilizing the administrative purchasing services and facilities of ACES; and

WHEREAS, ACES offers local government units the opportunity to participate in its Cooperative Pricing System; and

WHEREAS, this Cooperative Pricing Agreement (hereinafter referred to as the "Agreement") is to effect substantial economies in the purchase of electricity and the provision of related services for local units across this State; and



WHEREAS, all parties to this Agreement have approved this Agreement by resolution, in accordance with N.J.S.A. 40A:11-10(5)c est seq. and regulations promulgated thereunder; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, IN CONSIDERATION OF the premises and of the covenants, terms, and conditions hereinafter set forth, it is mutually agreed as follows:

1. The work, materials, or supplies to be priced cooperatively include the purchase of electrical generation or natural gas for consumption by the local unit; any ancillary or administrative services related to the purchase of electrical generation or natural gas; and related energy services; and such other items or services as two or more participating local units in the system agree can be purchased on a cooperative basis.
2. The services and classes of services which may be designated by the participating local units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.
3. The NJSBA through ACES, on behalf of all participating contracting units, shall, upon approval of the System's registration and upon the anniversary of the System's registration publish a legal ad in such format as required by N.J.A.C. 5:34-7.12 in a newspaper normally used for such purposes by it, to include such information as:
 - a. ACES's full name and the fact that it may be soliciting competitive bids or informal quotations; and
 - b. ACES' address and telephone number; and
 - c. The names of the participating contracting units; and
 - d. The State Identification Code for the Cooperative Pricing System, and
 - e. The expiration date of the Agreement.



4. Each of the participating local units shall designate, in writing, to ACES, the services to be purchased and indicate therein the approximate quantities desired, the location for delivery and other requirements, to permit the preparation of specifications as provided by law.
5. The specifications shall be prepared and approved by ACES and no changes shall thereafter be made except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.
6. A single advertisement for bids or the solicitation of informal quotations for the work, materials or supplies to be purchased shall be prepared by ACES on behalf of all of the participating local units desiring to purchase electricity and some or all of the other services specified in this Agreement.
7. ACES shall receive bids or quotations on behalf of all participating local units. Following the receipt of bids, ACES shall review said bids and on behalf of all participating local units, either reject all or certain of the bids or make one award to the lowest responsible bidder or bidders for each separate service, except in the instance where competitive contracting procedures are utilized in which case the selection of a successful respondent will be based upon price and other factors. This award shall result in the opportunity for individual local units to enter into individual contracts with the successful bidder(s)/respondent(s) providing for the estimated aggregate quantities to be purchased during the term of the individual contracts.
8. Upon determining to accept the bid or proposal provided through this Agreement, each participating local unit shall:
 - a. Certify the funds available only for its own needs ordered;
 - b. Enter into a formal written contract directly with the successful bidder(s);
 - c. Issue purchase orders in its own name directly to successful bidder(s) against said contract;
 - d. Accept its own deliveries;
 - e. Be invoiced and receive statements from the successful bidder(s);
 - f. Make payment directly to the successful bidder(s) and

- g. Be individually responsible for any tax liability associated with the individual contract.
9. No participating local unit in the Cooperative Pricing System shall be responsible for payment for any services ordered or for performance generally by any other participating local unit. Each participating local unit shall, accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability.

The provisions of paragraphs 7, 8 and 9 above shall be quoted or referenced and sufficiently described in all specifications so that each bidder shall be on notice as to the respective responsibilities and liabilities of the participating contracting units.
10. No participating local unit in the Cooperative Pricing System shall issue a purchase order or issue a contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids / proposals which it has itself received.
11. ACES reserves the right to exclude any item or service from within said System if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or practicable.
12. ACES shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.
13. This Agreement shall become effective upon signing, subject to the review and approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date unless any party to this Agreement shall give written notice of its intention to terminate its participation by at least thirty (30) days prior to the expiration of the first year or any of the succeeding four years.
14. Additional local units may from time to time, execute this Agreement by means of a Rider attached hereto, which addition shall not invalidate this Agreement with respect to the other signatories. ACES is authorized to execute the Rider(s) on behalf of the members of the Cooperative Pricing System.



15. All records and documents maintained or utilized pursuant to the terms of this Agreement shall be identified by the code number assigned to the System by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.

16. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

FOR THE ALLIANCE FOR COMPETITIVE ENERGY SERVICES NEW JERSEY SCHOOL BOARDS ASSOCIATION:

BY: _____
Name and Title

BY: _____
Name and Title

ATTEST

FOR THE PARTICIPATING LOCAL UNIT:

BY: _____
Name and Title

BY: _____
Name and Title

ATTEST



Attachment C.2:
Legal Memo on Municipality Participation in ACESplus



NEW YORK
NEW JERSEY

GLENPOINTE CENTRE WEST
500 FRANK W BARR BOULEVARD, SUITE 31
TEANECK, NEW JERSEY 07666

RYAN J. SCERBO, ESQ.
RSCERBO@DECOTIISLAW.COM
201.907.5264

TELEPHONE: (201) 928-1100
TELEFAX: (201) 928-0588
WWW.DECOTIISLAW.COM

June 7, 2016

VIA EMAIL AND 1ST CLASS MAIL

Steven Gabel President
Gabel Associates 417 Denison Street
Highland Park, NJ 08904

Re: Municipal Contract with Gabel Associates

Dear Mr. Gabel:

You have asked our firm to advise to whether or not a New Jersey municipality can enter into a contract with Gabel Associates through the Alliance for Competitive Energy Services.

A New Jersey municipality can contract with Gabel Associates for the performance of energy consulting services as follows:

- The New Jersey School Boards Association (NJSBA) operates a cooperative purchasing system (known as the Alliance for Competitive Energy Services or ACES) that offers certain energy related consulting services focusing on energy efficiency, renewable energy and other energy and sustainability related initiatives (this part of the program is known as ACES Plus). (ACES also provides energy commodity purchasing for a large number of school districts in the state.)
- Gabel Associates is the designated consultant for this program, having been selected through a competitive procurement process under public contract law.
- Gabel's services can be contracted through the NJSBA and its ACES Plus program.

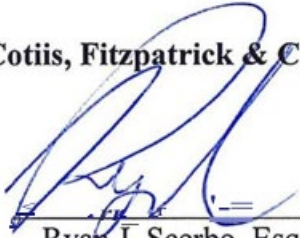


- To get started the municipality would only need to pass a resolution indicating that it would like to take advantage of the NJSBA's ACES Plus program. A form resolution can be obtained from NJSBA.
- NJSBA would add the municipality as a new member to ACES and file with DCA.

If you have any questions, please feel free to contact me directly.

Very truly yours,

DeCotiis, Fitzpatrick & Cole, LLP

By: 
Ryan J. Scerbo, Esq.

**RESOLUTION NO. 10-23-215
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING GRANT APPLICATION TO NJDCA FOR
COMMUNITY CENTER ROOF AND BATHROOM RENOVATIONS**

WHEREAS, the Borough of Highland Park desires to apply for a grant from the New Jersey Department of Community Affairs (DCA) for approximately \$330,000 to carry out capital improvements in the Community Center including roof replacement and bathroom renovations; and

WHEREAS, the 2024 New Jersey state budget has earmarked \$330,000 for this purpose; and

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

1. The Borough of Highland Park does hereby authorize the application for such a grant and recognizes and accepts that DCA may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Highland Park and the New Jersey Department of Community Affairs.
2. That the Mayor and Borough Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-216
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING BID AWARD TO TOP LINE CONSTRUCTION CORP. FOR IMPROVEMENTS TO RIVERVIEW AVENUE, WASHINGTON AVENUE, EXETER STREET AND VARIOUS ROADS

WHEREAS, pursuant to a duly advertised Notice to Bidders, on September 28, 2023 the Borough of Highland Park received five (5) bids for a Contract for “Improvements To Riverview Avenue, Washington Avenue, Exeter Street And Various Roads” As Follows:

Bidder	Top Line Construction Corp.	DLS Contracting Inc.	Z Brothers Concrete Contractors Inc.	D’Avellino Construction Inc.	Seacost Construction Inc.
Total Bid Price	\$738,868.15	\$756,462.50	\$761,224.61	\$811,028.00	\$1,089,208.21

WHEREAS, Top Line Construction Corp. has submitted the bid that is lowest in price; and

WHEREAS, upon recommendation of the Borough Engineer and review of the bid submitted by Top Line Construction Corp. by the Borough Attorney, the Borough desires to award the contract for the Project to Top Line Construction Corp.; and

WHEREAS, funds are available for this purpose in Capital Fund Account No. C04-55-832-001 in the amount of \$193,290.10 and Grant Fund in the amount of \$545,578.05 awarded by the NJDOT LA-2023 Municipal Program grant, for a total amount not to exceed \$738,868.15, as reflected by the Certification of Funds by the Chief Financial Officer No. 2023-63.

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

1. The Council hereby awards a contract to Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876 for the 2021 Roadway Improvements Project for the not to exceed contract amount of \$738,868.15, subject to the approval of the New Jersey Department of Transportation as may be required.
2. The Mayor and Clerk are hereby authorized and directed to execute an Agreement consistent herewith.
3. At this time all bid security/bid bonds of bidders except the three lowest bidders shall be returned to those bidders. Within three days (not including Sundays or holidays) of the execution of the agreement and submission of an acceptable performance bond by the successful bidder herein identified, the bid security/bid bonds of the remaining unsuccessful bidders shall be returned.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, County of Middlesex, New Jersey, do hereby certify the above to be a true copy of a Resolution adopted the Borough Council of said Borough at its meeting on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-217
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO AMEND CONTRACT WITH FRESH THEATER ARTS FOR
CALENDAR YEAR 2023**

WHEREAS, the Highland Park Recreation Department offers opportunities for kids and teens to participate in full-length theater productions; and

WHEREAS, the Recreation Department solicited three competitive quotes from production companies and Fresh Theater Arts was the only company interested in a production of this scale; and

WHEREAS, by Resolution No. 1-23-26 the Borough authorized a contract with Fresh Theater Arts in the amount of \$15,000; and

WHEREAS, the Recreation Department added additional theatrical programs to its offerings for 2023 that require an additional \$17,879.00 to cover those costs; and

WHEREAS, funds are available for this purpose in the Recreation Trust Account Number R-19-56-850-001 in the amount not to exceed \$17,879.00, as reflected by the Certification of Funds by the Chief Financial Officer No. 2023-64.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that

1. The Borough Administrator is hereby authorized to enter into a contract with Fresh Theater Arts, 232 South 4th Avenue, Highland Park NJ 08904 for the additional production services in the amount of \$17,879.00.
2. That certified copies of this Resolution be forwarded to the Finance Department and the Recreation Department.

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 October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-218
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCARI + IOVINO ARCHITECTS PC FOR THE PREPARATION OF ARCHITECTURAL DESIGN AND CONSTRUCTION DOCUMENTS TO REPLACE THE FLAT PORTION OF THE LIBRARY ROOF

WHEREAS, in order to address the persistent leaks experienced at the library, on August 8, 2023 the Borough Council passed Resolution No. 10-23-183, authorizing a professional services agreement with Arcari + Iovino Architects PC to design preliminary plans for the replacement of the 3,000 sf flat roof section of the library roof and to prepare related construction documents; and

WHEREAS, after further investigation, Arcari + Iovino have identified the need to engage the services of a mechanical engineering consultant to assist with the redesign of the rooftop ductwork in conjunction with the roof replacement; and

WHEREAS, the Arcari + Iovino submitted a proposal dated September 27, 2023 outlining the additional work for a cost of \$6,500; and

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

WHEREAS, Anthony Iovino is a registered architect (License #21AI01172000) and Professional Planner in New Jersey qualified to complete this scope of work; and

WHEREAS, funds for this purpose are available in Current Fund Account No. 3-01-26-310-232 for an amount of \$6,500 for a total amount not to exceed \$14,500.00, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2023-65.

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

1. The contract with Arcari + Iovino Architects PC, One Katherine Street, Little Ferry, NJ 07643, is hereby amended for an additional \$6,500 for a total amount not to exceed \$14,500.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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



Celebrating our 30th year!
1992 – 2022

One Katherine Street
Little Ferry, NJ 07643

201.641.0600

www.aiarchs.com

Edward Arcari, AIA, PP
Anthony Iovino, AIA, PP



September 27, 2023

Teri Jover, Borough Administrator
Borough of Highland Park
221 S. Fifth Avenue
Highland Park, NJ 08904

RE: Additional Services Proposal
New Library Roof

Dear Ms. Jover,

I am writing to request additional services fee for the engagement of a Mechanical Engineering Consultant. Their services are required as noted in the 9/26/2023 project update letter I issued. The discovery that the rooftop ductwork needs to be reconfigured requires us to enlist these services.

I reached out to OMDEX engineers who designed the HVAC modifications for the library's interior work that is ongoing. They understand the need to expedite this portion of the work and are prepared to provide their design within 3 weeks from the authorization to proceed. Our office would need a week or so from that point to coordinate and compose the bid documents. We will also be designing the new 'doghouse' structures where the ductwork enters the building.

Our fee for these additional services is Six Thousand Five Hundred Dollars (\$6,500). We will need your written authorization to proceed with these services.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Iovino', is placed above the typed name.

Anthony Iovino, AIA, PP, LEED
Arcari + Iovino Architects, P.C.

**RESOLUTION NO. 10-23-219
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

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

WHEREAS, Jason Carpenter (2023) and Michael Valor (2024) 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; 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, County of Middlesex, State of New Jersey, that:

1. John Carpenter and Michael Valor are qualified and that public necessity and convenience would be served by the issuance of said Licenses.
2. The Borough Clerk be and is hereby authorized and directed to issue an Operator Licenses to the aforesaid applicants.

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 October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION 10-23-220
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the annual Salary Resolution No. 01-23-20, which was adopted on January 21, 2023, showing the names, titles and salaries of the officers and employees of the Borough of Highland Park, is amended as follows:

- Trey Wilson, Police Officer, \$52,841.00 Salary, Effective 9/15/2023
- William Lajtos, Crossing Guard, \$20.14 Hourly, Effective 9/26/2023
- Sonia Monroy, Clerk Typist, \$43,832.00 Salary, Effective 10/02/2023
- Thomas Acs, Library Asst., \$37,397.00 Salary, Effective 10/02/2023
- Eric Schneider, Full Time Fire Fighter, \$47,500.00 Salary Effective 10/09/2023
- Troy Armstrong, Part Time Fire Fighter, \$22.23 Hourly, Effective 10/16/2023

BE IT FURTHER RESOLVED that the Chief Financial Officer 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.

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 October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-221
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO ESTABLISH NJ DIRECT2030 AS THE
BASE HEALTH INSURANCE PLAN FOR ELIGIBLE EMPLOYEES**

WHEREAS, the Borough of Highland Park participates in the State Health Benefits Program (SHBP) and provides medical and prescription insurance benefits to eligible employees through the SHBP; and

WHEREAS, the cost of providing benefits to its eligible employees rose by more than 20 percent in 2023 and is expected to rise again by more than 7 percent in 2024; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough, its employees, and the taxpayers to make a change to the base health insurance plan offered to all employees; and

WHEREAS, the PBA, SOA and DPW unions have agreed to change the base health insurance plan the Borough offers to employees, with a buy-up option available; and

WHEREAS, the Borough is in negotiations with the Teamsters union to similarly change the base health insurance plan, with a buy-up option available to its members; and

WHEREAS, the Borough has determined to modify its personnel policy on health insurance benefits to be consistent with the agreements it has reached with its union employees, which shall apply to all non-union employees eligible for medical and prescription insurance coverage from the Borough.

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

1. Effective January 1, 2024, the Borough is changing its base health insurance plan to the NJ Direct2030 Plan from the NJ Direct15 Plan.
2. Employees may elect to buy up to the NJ Direct15 Plan or any other more expensive SHBP plan, but those employees will have to pay for the full difference in premiums between the NJ Direct2030 and the plan selected, in addition to the employee contributions required by P.L. 2011, Ch. 78.
3. The Borough Administrator is hereby directed and empowered to update the Borough's Personnel Policies and Procedures Handbook, Section 201, to reflect the change in the base health insurance plan as provided for in this Resolution.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-222
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION GRANTING MATERNITY LEAVE OF ABSENCE TO
COUNCILWOMAN STEPHANY KIM-CHOHAN**

WHEREAS, Councilwoman Stephany Kim-Chohan is pregnant and anticipates the delivery of her child the fall 2023; and

WHEREAS, the remaining members of the Borough Council wish to provide to Councilwoman Stephany Kim-Chohan a leave of absence from her duties as a member of the Borough of Highland Park Council; and

WHEREAS, *N.J.S.A.* 40A:16-3(g) and Section 9 of the Borough Council’s Rules of Order dated January 3, 2023, permits the Council to excuse a fellow Councilperson from attendance at Council meetings and a Councilwoman’s duties during a leave of absence.

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

1. Councilwoman Stephany Kim-Chohan is hereby granted a leave of absence from her duties as a member of the Borough of Highland Park Council from October 11, 2023, until February 29, 2024, with the Council’s best wishes for a safe and joyous delivery of Councilwoman Stephany Kim-Chohan’s first child.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, County of Middlesex, State of New Jersey do hereby certify the above to be a true copy of a Resolution adopted by the Borough Council of said Borough at its regular meeting held on the October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-223
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO RESCIND CAPITAL ORDINANCE NO. 23-2075 REGARDING
IMPROVEMENTS TO THE LIBRARY ROOF IN THE AMOUNT OF \$215,000**

WHEREAS, Capital Ordinance No. 23-2075 provided for improvements to the library roof to address persistent leaks in the amount of \$215,000; and

WHEREAS, Capital Ordinance No. 23-2075 was introduced on September 5, 2023 with public hearing and adoption on September 19, 2023; and

WHEREAS, subsequent to adoption of Capital Ordinance No. 23-2075, the Borough’s consulting architect identified additional professional engineering and design services and construction work needed in order to address the persistent leaks in the building; and

WHEREAS, the cost of the additional design and construction work exceeds the \$215,000 appropriation in Capital Ordinance No. 23-2075; and

WHEREAS, the Chief Financial Officer and Borough Auditor have recommended that the Borough rescind Capital Ordinance No. 23-2075 and pass a new bond ordinance to cover the full costs of the improvements.

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

1. Capital Ordinance No. 23-2075 is hereby rescinded.
2. The Borough Clerk shall provide a copy of this resolution shall be provided to the Chief Financial Officer.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

Resolution #10-23-224

BOROUGH OF HIGHLAND PARK
CAPITAL BUDGET AMENDMENT NO. 2

WHEREAS, the local capital budget for the year 2023 was adopted on the 2nd of May, 2023 and amended on September 5, 2023; and;

WHEREAS, it is desired to again amend said 2023 capital budget section.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highland Park, County of Middlesex, that the following amendment to the adopted section of the Budget be made:

	MOTION		RECORDED VOTE:				
	1st _2nd_		AYES NAYS ABSENT ABSTAIN				
Matthew Hale							
Matthew Hersh							
Tara Canavera							
Stephany Kim-Chohan							
Philip George							
Jason Postelnik							

CAPITAL BUDGET (Current Year Action)

2023

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SOURCES FOR CURRENT YEAR - 2023					6 TO BE FUNDED IN FUTURE YEARS
				5a 2023 BUDGET APPROPRIATIONS	5b CAPITAL IMPROVEMENT FUND	5c CAPITAL SURPLUS	5d GRANTS IN AID AND OTHER FUNDS	5e DEBT AUTHORIZED	
Improvements to Various Borough Buildings	ADM-1	1,050,000.00			20,000.00			380,000.00	650,000.00
TOTALS - ALL PROJECTS		14,085,000.00			105,000.00		500,000.00	3,495,000.00	9,985,000.00

Resolution #10-23-224

BOROUGH OF HIGHLAND PARK
CAPITAL BUDGET AMENDMENT NO. 2 (CONTINUED)

6 YEAR CAPITAL PROGRAM - 2023 - 2028

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT TITLE	2 ESTIMATED TOTAL COST	BUDGET APPROPRIATIONS		4 CAPITAL IMPROVE- MENT FUND	5 CAPITAL SURPLUS	6 GRANTS-IN- AID AND OTHER FUNDS	BONDS AND NOTES			
		3a CURRENT YEAR 2023	3b FUTURE YEARS				7a GENERAL	7b SELF LIQUIDATING	7c ASSESSMENT	7d SCHOOL
Improvements to Various Borough Buildings	1,050,000.00			52,500.00			997,500.00			
TOTALS - ALL PROJECTS	14,085,000.00			229,250.00		500,000.00	4,355,750.00	9,000,000.00		

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 10th day of October, 2023.

CERTIFIED BY ME

Jennifer Santiago, Municipal Clerk

For acknowledgement of receipt of the Capital Budget
Amendment.

TRENTON, NEW JERSEY

APPROVED _____, 2023

Director, Local Government Services

**RESOLUTION NO. 10-23-225
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
LA-2023 NJDOT MUNICIPAL AID PROGRAM**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$557,505.00, which is now available from the LA-2023 NJDOT Municipal Aid Program.

BE IT FURTHER RESOLVED that the like sum of \$557,505.00 is hereby appropriated under the caption of LA-2023 NJDOT Municipal Aid Program.

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 October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-226
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

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 10/10/2023 can be found in the Bills List Journal Book No. 43.

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 October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-227
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

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:

Executive Session: Litigation - JSM 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.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on October 10, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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