

BOROUGH OF HIGHLAND PARK
REGULAR MEETING
OCTOBER 24, 2023 – 7:00 PM

To attend the meeting electronically, please follow the instructions below:

By phone:
1-929-205-6099
Webinar: 920 9574 9666

By computer, smartphone or tablet:
<https://zoom.us/j/92095749666>

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.
6. Approval of Minutes.

6.a **MOTION** to approve minutes as distributed:

- September 19, 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. 23-2077** 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
 - a. Public Hearing
 - b. **MOTION** to adopt/reject Ordinance 23-2077

ROLL CALL VOTE

13. Ordinances Requiring a First Reading.
 - 13.a **Ordinance No. 23-2078** An Ordinance Concerning Monetary Mitigation for the Payment for Tree Replacement

MOTION to approve/reject Ordinance No. 23-2078, authorize publication as required by law, and set up public hearing for November 21, 2023. **ROLL CALL VOTE**
 - 13.b **Ordinance No. 23-2079** An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning New Construction on Non-Conforming Single- and Two-Family Residential Lots

MOTION to approve/reject Ordinance No. 23-2079, authorize publication as required by law, and set up public hearing for November 21, 2023. **ROLL CALL VOTE**
 - 13.c **Ordinance No. 23-2080** An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning Residential Density in Central Business District

MOTION to approve/reject Ordinance No. 23-2080, authorize publication as required by law, and set up public hearing for November 21, 2023. **ROLL CALL VOTE**

14. Consent Agenda Items - Resolutions.

MOTION to adopt/reject

ROLL CALL VOTE

- 14.a *10-23-228 Resolution to Accept 2022 Audit
- 14.b *10-23-229 Resolution to Approve Change Order No. 1 with Molba Carpentry, Inc. t/a Molba Construction for Highland Park Library Interior Renovation Bid
- 14.c *10-23-230 Resolution to Approve Change Order No. 2 with Molba Carpentry, Inc. t/a Molba Construction for Highland Park Library Interior Renovation Bid
- 14.d *10-23-231 Resolution to Approve Change Order No. 3 with Molba Carpentry, Inc. t/a Molba Construction for Highland Park Library Interior Renovation Bid
- 14.e *10-23-232 Resolution Authorizing Pay Estimate No. 3 to Molba Carpentry, Inc. t/a Molba Construction for the Highland Park Public Library Interior Renovations Project
- 14.f *10-23-233 Resolution to Approve 2024 Financial Software Maintenance Contract with Edmunds & Associates
- 14.g *10-24-234 Resolution to Authorize Execution of Agreement for 2024 Independence Day Celebration Fireworks Display with Garden State Fireworks, Inc.
- 14.h *10-23-235 Resolution Authorizing Supplemental Engineering Services with CME Associates Related to the NJDOT Permit Application to Create a Pedestrian Plaza on So. 3rd Ave
- 14.i *10-23-236 Resolution Authorizing Action on Performance Bond - Fox & Foxx Development LLC - 37 Cedar Avenue
- 14.j *10-23-237 Resolution to Amend Annual Salary Resolution
- 14.k *10-23-238 Resolution to Approve Bills List

15. Resolutions requiring a Separate Reading.

16. Appointments.

Human Relations Commission

Craig Hanoch

Pauline Devonish

NO CONFIRMATION NEEDED

Rent Control Board

Pauline Devonish, Alt. Owner-Occupied

Mayors Teen Advisory Committee

Jayla Hsiung

MOTION

ROLL CALL VOTE

- 17. 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.)
 - 18. Recess (5 minutes).
 - 19. Work Session Items: No formal action to be taken.
 - 1. Best Practices Checklist (TJ)
 - 20. Executive Session (if necessary).
 - 20.a 10-23-239 Resolution Authorizing Executive Session : Litigation - JSM v. Highland Park
Redevelopment Negotiations -
125 Raritan Avenue
- MOTION adopt/reject.**

ROLL CALL VOTE

- 21. MOTION to adjourn.
- 22. **Next Scheduled Meeting:** November 21, 2023 @ 7:30 PM

**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 24TH DAY OF OCTOBER, 2023.

**ELSIE FOSTER,
Mayor**

**ORDINANCE NO. 23-2078
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**AN ORDINANCE CONCERNING MONETARY MITIGATION FOR THE PAYMENT
FOR TREE REPLACEMENT**

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

1. SECTION 388-11.D of the “Code of the Borough of Highland Park 2010” which establishes the payments owed to the Tree Replacement Fund if monetary mitigation is to be made for replacement trees is hereby deleted in its entirety and replaced with the following NEW provisions:

D. Monetary Mitigation. All replacement trees shall be planted on site in accordance with the foregoing. Monetary mitigation shall be made as a payment to the Tree Replacement Fund for owner-occupied residential property at the rate of \$600.00 for each unplanted replacement tree and for residential properties that are not owner-occupied and for any other property held for investment and for all commercial properties in an amount equal to \$850.00 for each unplanted replacement tree. Monetary mitigation shall be required if:

- (1) The Applicant for any reason plants fewer than the number of required replacement trees within the required six months of removal; or
- (2) The Applicant determines that the site will not accommodate the total number of required replacement trees and makes a monetary mitigation payment for each replacement tree that will not be planted; or
- (3) A replacement tree dies within a year of planting and the Applicant determines not to plant a new replacement tree.

2. This Ordinance shall take effect upon its passage and publication as required by law.

Introduce at the meeting on October 24, 2023.

ADOPTED: _____, 2023

ATTEST:

APPROVED: _____, 2023

Jennifer Santiago
BOROUGH CLERK

Elsie Foster
MAYOR

**ORDINANCE NO. 23-2079
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX
COUNTY, NEW JERSEY AMENDING CHAPTER 230, LAND DEVELOPMENT
CONCERNING NEW CONSTRUCTION ON NON-CONFORMING
SINGLE- AND TWO-FAMILY RESIDENTIAL LOTS**

BE IT ORDAINED by the Borough Council of the Borough of Highland Park that the following amendments to Chapter 230 are hereby enacted (underlined material is new and is added; [bracketed] material is deleted):

SECTION 1. Section 230-149.3 of the "Code of the Borough of Highland Park" concerning the regulations pertaining to non-conforming uses, structures or lots is hereby amended as follows:

§ 230-149.3 Nonconforming uses, structures or lots.

(No changes)

- A. (No changes)
- B. Nonconforming lots. A permitted single- or two-family dwelling on a lot that is nonconforming with respect to lot area, lot width or lot depth may be constructed, altered or enlarged and an accessory structure on a lot that is nonconforming with respect to lot area, lot width or lot depth may be constructed, altered or enlarged without an appeal for variance relief, provided that all other provisions of this chapter are complied with.
- C. (No changes)
- D. (No changes)
- E. (No changes)

SECTION 2. Any article, section, paragraph, subsection, clause, or other provision of the BOROUGH Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect upon its passage and publication and filing with the County of Middlesex Planning Board, and as otherwise provided for by law.

Introduced at the meeting on: October 24, 2023

Adopted at the public hearing on: _____, 2023

ATTEST:

APPROVED: _____, 2023

Jennifer Santiago
Borough Clerk

Elsie Foster
Mayor

**ORDINANCE NO. 23-2080
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**AN ORDINANCE BY THE BOROUGH OF HIGHLAND PARK, MIDDLESEX
COUNTY, NEW JERSEY AMENDING CHAPTER 230, LAND DEVELOPMENT
CONCERNING RESIDENTIAL DENSITY IN CENTRAL BUSINESS DISTRICT**

BE IT ORDAINED by the Borough Council of the Borough of Highland Park that the following amendments to Chapter 230 are hereby enacted (underlined material is new and is added; [bracketed] material is deleted):

SECTION 1. Section 230-149 of the "Code of the Borough of Highland Park" concerning the Zoning Bulk Schedule Requirements attachment (Attachment 3) is hereby amended as follows:

- Page 3 entitled "230 Attachment 3:3"
 - REVISE Maximum dwelling units/building for CBD district from "33% gfa" to "—" to indicate that the maximum dwelling units/building requirement does not apply to the CBD district.

SECTION 2. Any article, section, paragraph, subsection, clause, or other provision of the BOROUGH Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect upon its passage and publication and filing with the County of Middlesex Planning Board, and as otherwise provided for by law.

Introduced at the meeting on: October 24, 2023

Adopted at the public hearing on: _____, 2023

ATTEST:

APPROVED: _____, 2023

Jennifer Santiago
Borough Clerk

Elsie Foster
Mayor

**RESOLUTION NO. 10-23-228
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highland Park, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution, and the required affidavit to said Board to show evidence of said compliance.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-229
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO APPROVE CHANGE ORDER NO. 1 FOR HIGHLAND PARK
PUBLIC LIBRARY INTERIOR RENOVATIONS TO MOLBA CARPENTRY, INC. T/A
MOLBA CONSTRUCTION**

WHEREAS, pursuant to Resolution No. 4-23-116, adopted April 18, 2023, the Borough Council authorized execution of a contract with Molba Carpentry, Inc. t/a Molba Construction for Highland Park Public Library Interior Renovations, in an amount not to exceed \$697,300.00; and

WHEREAS, the Architect, Arcari + Iovino Architects, P.C. has prepared the attached Change Order No. 1 to the said contract to allow for revisions to the circulation desk layout for an overall increase of \$4,960.80 in the contract amount and is less than 20% of the original contract; and

WHEREAS, Council has reviewed the proposed Change Order No. 1 for this contract and has approved the same subject to satisfaction of N.J.A.C. 5:30-11.9 relating to change orders;

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-831-001, in the amount of \$4,960.80, for a total contract amount of \$702,260.80, as reflected by the Certification of Funds Available by the Chief Financial Officer certification no. 2023-66.

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

1. Mayor Elsie Foster is hereby authorized and directed to execute Change Order No. 1, dated August 30, 2023, to the contract of Molba Carpentry, Inc. t/a Molba Construction upon satisfaction of N.J.A.C. 5:30-11.9 relating to the submission of a certification relating to the change orders to date, to the satisfaction of the Borough Attorney and Engineer; and
2. Certified copies of this resolution be forwarded to the Borough Administrator, Chief Financial Officer and Molba Carpentry, Inc. t/a Molba Construction.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

AIA® Document G701® – 2017

Change Order

PROJECT: <i>(Name and address)</i> Highland Park Public Library 31 North Fifth Avenue Highland Park, NJ 08904	CONTRACT INFORMATION: Contract For: General Construction Date:	CHANGE ORDER INFORMATION: Change Order Number: 001 Date: August 23, 2023
OWNER: <i>(Name and address)</i> Borough of Highland Park 221 South Fifth Avenue Highland Park, NJ 08904	ARCHITECT: <i>(Name and address)</i> Arcari + Iovino Architects, P.C. One Katherine Street Little Ferry, NJ 07643	CONTRACTOR: <i>(Name and address)</i> Molba Construction 392 Liberty Street Little Ferry, NJ 07643

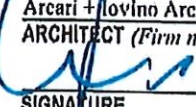
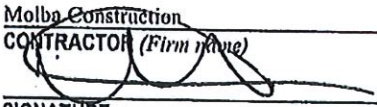
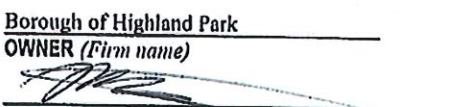
THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

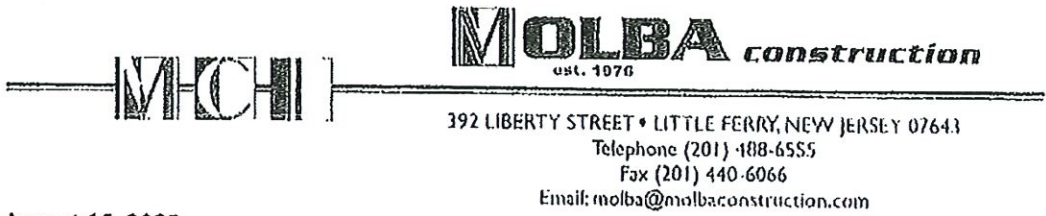
Revisions to the circulation desk layout (COR #2023-043-03). Add \$4,960.80

The original Contract Sum was	\$	697,300.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	697,300.00
The Contract Sum will be increased by this Change Order in the amount of	\$	4,960.80
The new Contract Sum including this Change Order will be	\$	702,260.80
The Contract Time will be unchanged by Zero (0) days.		
The new date of Substantial Completion will be		

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>Arcari + Iovino Architects, P.C.</u> ARCHITECT <i>(Firm name)</i>	<u>Molba Construction</u> CONTRACTOR <i>(Firm name)</i>	<u>Borough of Highland Park</u> OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
Anthony Iovino, President PRINTED NAME AND TITLE	Michelle Adelloso, VP PRINTED NAME AND TITLE	Highland Park Public Library Director PRINTED NAME AND TITLE
8/23/2023 DATE	8/23/23 DATE	8/30/23 DATE



August 16, 2023

Borough of Highland Park
221 South Fifth Avenue
Highland Park, NJ 08904
Attn: Mr. Ralph Justo

Change Order # 2023-043-03

**Re: Circulation area
Highland Park Library- Interior Renovation
31 North Fifth Avenue, Highland Park, NJ 08904**
The following is our scope of work and quotation as per provided Sketch SK 01:

Scope of work:

General Conditions:

- Supervision
- Final Clean up
- Dumpster
- Temporary Protection

Price.....\$ 250.00

Drywall:

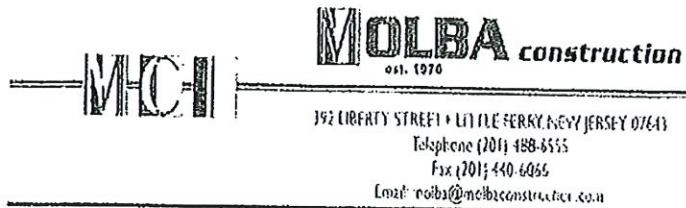
- Demolish existing Sheetrock wall at the bathroom door to accommodate new layout as per SK 01 circulation area was moved and modified due to RFI#2 response
- Furnish and install new framing to building new wall as per new layout
- Furnish and install new 5/8" gypsum boards
- Tape, spackle and paint

Price.....\$ 3,990.00

Sub Total:	\$ 4,240.00
Performance & Payment Bond:	\$ 84.80
Overhead & Profit:	\$ 636.00
Total Price:	\$ 4,960.80

Notes:

- Price is contingent upon scope review
- We assume no responsibility of existing conditions
- We assume no responsibility for code compliance of the existing condition
- All work to be done during normal working hours unless otherwise noted. Premium time and overtime will be provided at an additional charge
- Permit fees and utility company fees are not included
- Any additional/incurred cost for inspections, certifications and final sign-offs by the building and fire department are not included
- Building security, project watchman and fire watches have been excluded
- Hazardous material removal, treatment or remediation is not included



Highland Park Library

2023-043-03

Interior Renovation

31 North Fifth Ave, Highland Park, NJ 08904
Circulation area
8/16/023

MOLBA CONSTRUCTION IS HEREBY AUTHORIZED TO MAKE THIS FOLLOWING CHANGES IN THE WORK AT THE ABOVE CAPTIONED PROJECT, WHICH CHANGE IS TO BE EXECUTED ACCORDING TO THE SAME TERMS AND CONDITIONS AS THE BASE CONTRACT. STANDARD TERMS FOR TIME AND MATERIAL WORK, 10% FOR OVERHEAD AND 5% FOR PROFIT ON COSTS PERTINENT TO THIS ORDER.

Description of work: Drywall:
 •Demolish existing Sheetrock wall at the bathroom door to accommodate new layout
 •Frame new wall as per new layout, Sheetrock, tape and spackle and paint.

LABOR	No. of Men	Labor Type	Description	Hours Each	Total Hours	RATE	EXTENSION
	1	Laborer	Demol work		8	8	\$ 89.57
3	Carpenters	Drywall work		8	24	\$ 117.65	\$ 2,823.60
0				8	0	\$ -	\$ -
0				8	0	\$ -	\$ -
0				8	0	\$ -	\$ -
0				8	0	\$ -	\$ -
LABOR TOTAL							\$9,540.16
MATERIAL	ITEM			Size	Unit	Unit Price	EXTENSION
	Tracks, studs, Gyp board, compound, tape, Spackle etc.					\$ 250.00	\$ 250.00
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
MATERIAL TOTAL							\$250.00
EQUIPMENT/ SUBCONTRACTORS/ ADDITIONAL COST	ITEM			Unit	Unit Price	EXTENSION	
	Dumpster			0.25	\$ 800.00	\$ 200.00	
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
						\$ -	\$ -
SUBCONTRACTOR TOTAL							\$ 200.00
MARKUP	SUBTOTAL						\$3,990.16
	OVERHEAD & PROFIT(15%)						\$ -
	GRAND TOTAL						\$3,990.16

Molba Construction

ACCEPTANCE OF PROPOSAL: The above mentioned prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. The Owner/ Construction Manager/ Addressee hereto accept the terms and pricing set forth herein whether redressed or not by Owner/ Construction Manager / Addressee once Molba Construction commences work and/or provides services and/or Molba Construction and/or its materials in accordance with the proposal.

Date of Acceptance: _____ Signature: _____

Highland Park Library Interior Renovatlon – Change Order # 3
August 16, 2023
Page 2

Exclusions:

- All MEP work
- Asbestos or Hazardous material removal/abatement
- Engineered shop drawings
- Permit fees & Utility Company Fees
- All municipal delays, fees or fines
- LEED requirements

Molba Construction

ACCEPTANCE OF PROPOSAL: The above-mentioned prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. The Owner/ Construction Manager/ Addressee hereto accept the terms and pricing set forth herein whether endorsed or not by Owner/ Construction Manager / Addressee once Molba Construction commences work and/or provides services and/or Molba Construction orders the materials in accordance with the proposal

Date of Acceptance: _____ Signature: _____

**RESOLUTION NO. 10-23-230
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO APPROVE CHANGE ORDER NO. 2 FOR HIGHLAND PARK
PUBLIC LIBRARY INTERIOR RENOVATIONS TO MOLBA CARPENTRY, INC. T/A
MOLBA CONSTRUCTION**

WHEREAS, pursuant to Resolution No. 4-23-116, adopted April 18, 2023, the Borough Council authorized execution of a contract with Molba Carpentry, Inc. t/a Molba Construction for Highland Park Public Library Interior Renovations, in an amount not to exceed \$697,300.00; and

WHEREAS, by Resolution No. 10-23-229, adopted on October 24, 2023, the Borough Council authorized Change Order No. 1, in an amount not to exceed \$4,960.80, for a total contract amount of \$702,260.80; and

WHEREAS, the Architect, Arcari + Iovino Architects, P.C. has prepared the attached Change Order No. 2 to the said contract to furnish and install gypsum boards over existing wall damaged areas for an increase of \$15,000.00 in the contract amount and is less than 20% of the original contract, for a total contract amount of \$717,260.80; and

WHEREAS, Council has reviewed the proposed Change Order No. 2 for this contract and has approved the same subject to satisfaction of N.J.A.C. 5:30-11.9 relating to change orders;

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-831-001, in an amount not to exceed \$15,000.00, for a total contract amount of \$717,260.80, as reflected by the Certification of Funds Available by the Chief Financial Officer certification no. 2023-67.

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

1. Mayor Elsie Foster is hereby authorized and directed to execute Change Order No. 2, dated October 3, 2023, to the contract of Molba Carpentry, Inc. t/a Molba Construction upon satisfaction of N.J.A.C. 5:30-11.9 relating to the submission of a certification relating to the change orders to date, to the satisfaction of the Borough Attorney and Engineer; and
2. Certified copies of this resolution be forwarded to the Borough Administrator, Chief Financial Officer and Molba Carpentry, Inc. t/a Molba Construction.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

AIA® Document G701® - 2017

Change Order

PROJECT: (Name and address)
Highland Park Public Library
31 North Fifth Avenue
Highland Park, NJ 08904

CONTRACT INFORMATION:
Contract For: General Construction
Date:

CHANGE ORDER INFORMATION:
Change Order Number: 002
Date: September 20, 2023

OWNER: (Name and address)
Borough of Highland Park
221 South Fifth Avenue
Highland Park, NJ 08904

ARCHITECT: (Name and address)
Arcari + Iovino Architects, P.C.
One Katherine Street
Little Ferry, NJ 07643

CONTRACTOR: (Name and address)
Molba Construction
392 Liberty Street
Little Ferry, NJ 07643

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Furnish & install gypsum boards over existing wall at damaged areas (COR #2023-043-02R3). Add \$15,000.

The original Contract Sum was	\$ 697,300.00
The net change by previously authorized Change Orders	\$ 4,960.80
The Contract Sum prior to this Change Order was	\$ 702,260.80
The Contract Sum will be increased by this Change Order in the amount of	\$ 15,000.00
The new Contract Sum including this Change Order will be	\$ 717,260.80

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Arcari + Iovino Architects, P.C.
ARCHITECT (Firm name)

Molba Construction
CONTRACTOR (Firm name)

Borough of Highland Park
OWNER (Firm name)

SIGNATURE

SIGNATURE

SIGNATURE

Anthony Iovino, President
PRINTED NAME AND TITLE

Michelle Altamura, V. President
PRINTED NAME AND TITLE

Michael Bobish, HP Library Director
PRINTED NAME AND TITLE

9/20/2023
DATE

DATE

10/3/23
DATE



392 LIBERTY STREET • LITTLE FERRY, NEW JERSEY 07643

Telephone (201) 488-6555

Fax (201) 440-6066

Email: molba@molbaconstruction.com

September 19, 2023
 Borough of Highland Park
 221 South Fifth Avenue
 Highland Park, NJ 08904
 Attn: Mr. Ralph Justo

Change Order # 2023-043-02R3

**Re: F/I Gypsum boards over existing wall at damaged areas
 Highland Park Library- Interior Renovation
 31 North Fifth Avenue, Highland Park, NJ 08904**

The following is our scope of work and quotation as per RFI Response to RFI # 6:

Scope of work:

General Conditions:

- Supervision
- Final Clean up
- Dumpster
- Temporary Protection

Drywall:

- Furnish and install new 3/8" gypsum boards over existing exterior wall at damaged areas
- Furnish and install level 5 Skim coat at areas where gypsum boards cannot be installed

Total Price:

\$ 15,000.00

Notes:

- Price is contingent upon scope review
- We assume no responsibility of existing conditions
- We assume no responsibility for code compliance of the existing condition
- All work to be done during normal working hours unless otherwise noted. Premium time and overtime will be provided at an additional charge
- Permit fees and utility company fees are not included
- Any additional/incurred cost for inspections, certifications and final sign-offs by the building and fire department are not included
- Building security, project watchman and fire watches have been excluded
- Hazardous material removal, treatment or remediation is not included

Exclusions:

- All MEP work
- Asbestos or Hazardous material removal/abatement
- Engineered shop drawings
- Permit fees & Utility Company Fees
- All municipal delays, fees or fines
- LEED requirements

Molba Construction

ACCEPTANCE OF PROPOSAL: The above-mentioned prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. The Owner/ Construction Manager/ Addressee hereto accept the terms and pricing set forth herein whether endorsed or not by Owner/ Construction Manager / Addressee once Molba Construction commences work and/or provides services and/or Molba Construction orders the materials in accordance with the proposal

Date of Acceptance: _____ Signature: _____



392 LIBERTY STREET • LITTLE FERRY, NEW JERSEY 07643
 Telephone (201) 488-6555
 Fax (201) 440-6066
 Email: molba@molbaconstruction.com

September 19, 2023
 Borough of Highland Park
 221 South Fifth Avenue
 Highland Park, NJ 08904
 Attn: Mr. Ralph Justo

Change Order # 2023-043-02R3

**Re: F/I Gypsum boards over existing wall at damaged areas
 Highland Park Library- Interior Renovation
 31 North Fifth Avenue, Highland Park, NJ 08904**

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Scope of work:

General Conditions:

- Supervision
- Final Clean up
- Dumpster
- Temporary Protection

Drywall:

- Furnish and Install new 3/8" gypsum boards over existing exterior wall at damaged areas
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Total Price: \$ 15,000.00

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- We assume no responsibility of existing conditions
- We assume no responsibility for code compliance of the existing condition
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- Permit fees and utility company fees are not included
- Any additional/incurred cost for inspections, certifications and final sign-offs by the building and fire department are not included
- Building security, project watchman and fire watches have been excluded
- Hazardous material removal, treatment or remediation is not included

Exclusions:

- All MEP work
- Asbestos or Hazardous material removal/abatement
- Engineered shop drawings
- Permit fees & Utility Company Fees
- All municipal delays, fees or fines
- LEED requirements

Molba Construction

ACCEPTANCE OF PROPOSAL: The above-mentioned prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. The Owner/ Construction Manager/ Addressee hereto accept the terms and pricing set forth herein whether endorsed or not by Owner/ Construction Manager / Addressee once Molba Construction commences work and/or provides services and/or Molba Construction orders the materials in accordance with the proposal

Date of Acceptance: _____ Signature: _____

**RESOLUTION NO. 10-23-231
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO APPROVE CHANGE ORDER NO. 2 FOR HIGHLAND PARK PUBLIC
LIBRARY INTERIOR RENOVATIONS TO MOLBA CARPENTRY, INC. T/A MOLBA
CONSTRUCTION**

WHEREAS, pursuant to Resolution No. 4-23-116, adopted April 18, 2023, the Borough Council authorized execution of a contract with Molba Carpentry, Inc. t/a Molba Construction for Highland Park Public Library Interior Renovations, in an amount not to exceed \$697,300.00; and

WHEREAS, by Resolution No. 10-23-229, adopted on October 24, 2023, the Borough Council authorized Change Order No. 1, in an amount not to exceed \$4,960.80, for a total contract amount of \$702,260.80; and

WHEREAS, by Resolution No. 10-23-230, adopted on October 24, 2023, the Borough Council authorized Change Order No. 2 in an amount not to exceed \$15,000.00, for a total contract amount of \$717,260.80; and

WHEREAS, the Architect, Arcari + Iovino Architects, P.C. has prepared the attached Change Order No. 3 to the said contract to raise sprinkler piping for ceiling/soffit, for an increase of \$6,405.75 in the contract amount and is less than 20% of the original contract, for a total contract amount of \$723,665.55; and

WHEREAS, Council has reviewed the proposed Change Order No. 3 for this contract and has approved the same subject to satisfaction of N.J.A.C. 5:30-11.9 relating to change orders;

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-831-001, in an amount not to exceed \$6,405.75, for a total contract amount of \$723,666.55, as reflected by the Certification of Funds Available by the Chief Financial Officer certification no. 2023-68.

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

1. Mayor Elsie Foster is hereby authorized and directed to execute Change Order No. 3, dated October 3, 2023, to the contract of Molba Carpentry, Inc. t/a Molba Construction upon satisfaction of N.J.A.C. 5:30-11.9 relating to the submission of a certification relating to the change orders to date, to the satisfaction of the Borough Attorney and Engineer; and
2. Certified copies of this resolution be forwarded to the Borough Administrator, Chief Financial Officer and Molba Carpentry, Inc. t/a Molba Construction.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
 Highland Park Public Library
 31 North Fifth Avenue
 Highland Park, NJ 08904

CONTRACT INFORMATION:
 Contract For: General Construction
 Date:

CHANGE ORDER INFORMATION:
 Change Order Number: 003
 Date: September 20, 2023

OWNER: *(Name and address)*
 Borough of Highland Park
 221 South Fifth Avenue
 Highland Park, NJ 08904

ARCHITECT: *(Name and address)*
 Arcari + Iovino Architects, P.C.
 One Katherine Street
 Little Ferry, NJ 07643

CONTRACTOR: *(Name and address)*
 Molba Construction
 392 Liberty Street
 Little Ferry, NJ 07643

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)


Raise sprinkler piping for ceiling/soffit (COR #2023-043-04R2). Add \$6,405.75

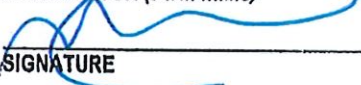
The original Contract Sum was	\$ 697,300.00
The net change by previously authorized Change Orders	\$ 19,960.80
The Contract Sum prior to this Change Order was	\$ 717,260.80
The Contract Sum will be increased by this Change Order in the amount of	\$ 6,405.75
The new Contract Sum including this Change Order will be	\$ 723,666.55

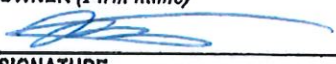
The Contract Time will be unchanged by Zero (0) days.
 The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Arcari + Iovino Architects, P.C.
 ARCHITECT *(Firm name)*

 SIGNATURE
 Anthony Iovino, President
 PRINTED NAME AND TITLE
 9/20/2023
 DATE

Molba Construction
 CONTRACTOR *(Firm name)*

 SIGNATURE
 Michelle Altamura, V. President
 PRINTED NAME AND TITLE
 09/20/23
 DATE

Borough of Highland Park
 OWNER *(Firm name)*

 SIGNATURE
 Michael Bobish, HP Library Director
 PRINTED NAME AND TITLE
 10/13/23
 DATE

Exclusions:

- All MEP work
- Asbestos or Hazardous material removal/abatement
- Engineered shop drawings
- Permit fees & Utility Company Fees
- All municipal delays, fees or fines
- LEED requirements

Molba Construction

ACCEPTANCE OF PROPOSAL: The above-mentioned prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. The Owner/ Construction Manager/ Addressee hereto accept the terms and pricing set forth herein whether endorsed or not by Owner/ Construction Manager / Addressee once Molba Construction commences work and/or provides services and/or Molba Construction orders the materials in accordance with the proposal

Date of Acceptance: _____ Signature: _____

**RESOLUTION NO. 10-23-232
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO APPROVE PAY ESTIMATE #2 TO MOLBA CAPENTRY, INC. T/A
MOLBA CONSTRUCTION FOR HIGHLAND PARK PUBLIC LIBRARY-INTERIOR
RENOVATIONS PROJECT**

WHEREAS, pursuant to Resolution No. 4-23-116, adopted by the Borough Council on April 18, 2023, a contract was awarded to Molba Carpentry, Inc. t/a Molba Construction of Little Ferry, NJ, for the Highland Park Public Library Interior renovations; and

WHEREAS, it appears from Pay Estimate No. 3 certified by Arcari + Iovino Architects PC, that certain work under said contract has been completed and approved and there is due to Molba Carpentry, Inc. t/a Molba Construction. the sum of \$168,986.31 in accordance with said Pay Estimate for work performed through September 30, 2023; and

WHEREAS, funds for this purpose are available in Capital Fund Account No. C-04-55-831-001 in an amount not to exceed \$168,986.31, as reflected by the Certification of Funds Available by Chief Financial Officer Certification No. 2023-69.

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 Chief Financial Officer be and is hereby authorized and directed to pay Molba Carpentry, Inc. t/a Molba Construction the sum of \$168,986.31, as certified by the Architects certification of Pay Estimate No. 3, subject to the Clerk’s receipt of the Certified Payroll and Project Manning Reports; and
2. Certified copies of this resolution be forwarded to Chief Financial Officer and the Arcari + Iovino Architects PC.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-233
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO APPROVE 2024 FINANCIAL SOFTWARE
MAINTENANCE CONTRACT WITH EDMUNDS & ASSOCIATES**

WHEREAS the Highland Park Finance Department is in need of a maintenance contract for the financial software and hardware for 2024; and

WHEREAS, the Borough may purchase said maintenance contract from Edmunds & Associates, 301A Tilton Road, Northfield, NJ 08225 for an amount not to exceed \$13,399.79; and

WHEREAS, funds for this purpose are available in the Current Fund Account No. 3-01-20-130-235 in the amount of \$13,399.79, as reflected by the certification of funds by the Chief Financial Officer, No. 2023-70.

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 Chief Financial Officer is hereby authorized and directed to execute said maintenance contract for the financial software and hardware from Edmunds & Associates, 301A Tilton Road, Northfield, NJ 08225, for a total amount not to exceed \$13,399.79.
2. Certified copies of this resolution be forwarded to the Finance 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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-24-234
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION TO AUTHORIZE EXECUTION OF AGREEMENT FOR
INDEPENDENCE DAY CELEBRATION FIREWORKS DISPLAY WITH
GARDEN STATE FIREWORKS**

WHEREAS, the Borough of Highland Park desires to participate in a joint fireworks display with the City of New Brunswick on Wednesday, July 3, 2024 with a rain date of Sunday, July 7, 2024; and

WHEREAS, proposals from fireworks companies were solicited by the Department of Community Services and the results were as follows:

- Garden State Fireworks, \$17,000, available on all dates
- International Fireworks Mfg. Co., no quote provided, unavailable on all dates
- D&M Fireworks, LLC \$18,000, available on rain date only

WHEREAS, the Borough of Highland Park and the City of New Brunswick will equally share in the costs of this event and the City of New Brunswick will reimburse the Borough for its portion of the costs; and

WHEREAS, funds for this purpose are available in Account No. R-19-56-850-001 in an amount not to exceed \$17,000.00, with a reimbursement amount from the City of New Brunswick in the amount of \$8,500.00, and will be provided for in the 2024 Municipal Budget as adopted, as reflected by the certification of funds by the Chief Financial Officer no. 2023-71.

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

1. The Mayor is hereby authorized and directed to sign the contract agreement with Garden State Fireworks, The Santore Brothers, PO Box 403, Millington, NJ 07946-0403, for the Independence Day Celebration Fireworks Display to be held on Wednesday, July 3, 2024 with a rain date of Sunday, July 7, 2024.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

PROGRAM

FIREWORKS SPECTACULAR

Highland Park Borough

July 3, 2024 \$17,000.00

Submitted By:
Garden State Fireworks, Inc.
The Santore Brothers

Arrayal

Highland Park Borough
July 3, 2024 \$17,000.00

Opening:

6	3"	Announcement Salutes with Silver Tails
<u>50</u>	2.5"	Assorted Multi-Break Special Effect Shells (Pre-Boxed)
<u>30</u>	3"	Assorted Star Shell Mines (1500 assorted effects)
<u>20</u>	3"	Titanium Thunder
<u>8</u>	4"	Bumper Harvest Shell
<u>2</u>	5"	Spangle Chrysanthemum
<u>2</u>	5"	Shell of Shells Chrysanthemum

Body:

<u>240</u>	3"	Assorted Chrysanthemum Peony & Reports
<u>36</u>	4"	Santore Bros. Special (Multi-break & Custom designer Chrysanthemum
<u>54</u>	4"	Assorted Chrysanthemum, Rings and Palm Trees
<u>24</u>	5"	Assorted Chrysanthemum
<u>12</u>	5"	Special Effects Pastel Color Shells
<u>12</u>	5"	Large Spreading & Special Breaking Multi-Effect Shells

Brocade Tableau:

<u>100</u>	1"-2"	Slow duration Twinkling Brocade
<u>30</u>	3"	Slow duration Twinkling Brocade
<u>12</u>	4"	Slow duration Twinkling Brocade
<u>4</u>	5"	Slow duration Twinkling Brocade

Crossetti Tableau:

<u>72</u>	1"-2"	Assorted Fancy Crossetti
<u>20</u>	3"	Assorted Fancy Crossetti
<u>12</u>	4"	Assorted Fancy Crossetti
<u>4</u>	5"	Assorted Fancy Crossetti

Strobe Tableau:

<u>100</u>	1"-2"	Assorted Fancy Strobe Shells
<u>30</u>	3"-5"	Extra Large Strobe Pot (4,750 Assorted Color Flash Effects.)

Grand Finale:

<u>200</u>	1"-2"	Assorted Color Star Shells
<u>70</u>	2.5"	Assorted Colors and Report Shells
<u>30</u>	3"	Assorted Colors and Report Shells
<u>60</u>	3"	Assorted Color and lightning Flashes 3,500 crackling effects
<u>60</u>	3"	Assorted Color Strobing Stars 3,500 bright flashes
<u>30</u>	3"	Fancy Gold Spider
<u>60</u>	3"	Titanium Report
<u>12</u>	4"	Assorted Chrysanthemum and Peony
<u>4</u>	5"	Glittering Silver Color Changing Red, White and Blue
<u>4</u>	5"	Color Changing Chrysanthemum
<u>4</u>	5"	Silver Rain Chrysanthemum

Total Shells Pieces, Shots & Effects

14,664

Total Program Value \$17,000.00

THIS AGREEMENT is made on this **30 day of September 2023**, between GARDEN STATE FIREWORKS, INC., hereinafter known and designated as The Party of the First Part; **Highland Park Borough** hereinafter known as the designated Party of the Second Part.

WITNESSETH: For and in consideration of all mutual covenants and agreements hereinafter entered into, the Party and Parties hereinafter agree as follow:

- 1 The Party of the First Part agrees to furnish to the Party of the Second Part **on Donalson Park Grounds on July 3, 2024 in** a location to be designated by the Party of the Second Part and approved by the Party of the First Part, an exhibition of fireworks.
- 2 The Party of the First Part agrees to pay all expenses for the freight and cartage for the said display, all necessary labor and equipment, and experienced Pyrotechnic Operators to discharge the said display.
- 3 The Party of the First Part and The Party of the Second Part agree to a postponement of the said display in the event of inclement weather **July 7, 2024** additional cost of FIFTEEN PERCENT of the total contract amount. **Postponements will be allow prior 10:00AM the day of the event;** and may be scheduled only within **the period terminating January 1, 2025** after the original scheduled date of the display, thereafter the display will be considered to be cancelled. In the vents of cancellation the Party of the Second Part agrees to additional payment of FIFTY PERCENT to bring the total of payments to ONE HUNDRED PERCENT of the total contract amount.
4. The Party of the First Part agrees to supply to the Party of the Second Part, insurance coverage in the amount of **FIVE MILLION DOLLARS** for public liability and/or property damage. The Party of the First Part agrees to hold harmless the Party of the Second Part. The Party of the Second Part agrees to hold harmless the Party of the First Part of all and any claims, legal fees incurred outside the operations or the control of the Party of the First Part.
5. The Party of the Second Part agrees to furnish ample security or police protection and barricades to prevent any persons from coming into the safety zone area designated for discharging said fireworks display. With the exception of conditions stated in paragraph 4 above, the Party of the Second Part also agrees to assume sole responsibility for spectator safety, including seating, lighting, and ground surfaces, and agrees to conduct an inspection of the site approximately 24 hours in advance of the display to ensure a safe spectator environment.
6. The Party of the Second Part agrees to produce any and all permits which may be required by municipal authorities for the discharging of the said fireworks display at their own expense.
7. The Party of the Second Part agrees that any and all publicity, media coverage, announcements, and advertising shall name GARDEN STATE FIREWORKS, INC. as the primary contractor for the said display.
8. Upon signing of this document, a deposit of FIFTY PERCENT of the total contract price shall be paid to the party of the First Part.
9. Upon delivery of the said display, the full balance for the contract amount shall be paid to the Pyrotechnic Operator in a sealed envelope before of immediately following the discharging of the display.
10. Total amount **\$17,000.00** *United* State dollars **(excluding permit fees)**

WITNESS:

GARDEN STATE FIREWORKS, INC.

WITNESS

BY _____
August N. Santore – Vice President

Highland Park Borough

**RESOLUTION NO. 10-23-235
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING SUPPLEMENTAL ENGINEERING SERVICES WITH CME ASSOCIATES RELATED TO THE NJDOT PERMIT APPLICATION TO CREATE A PEDESTRIAN PLAZA ON SO. 3RD AVE

WHEREAS, by Resolution 6-22-155, adopted on June 14, 2022, the Borough Council authorized professional services with CME Associates for engineering services related to the NJDOT Permit Application for permanent closure of South 3rd Avenue; and

WHEREAS, the Mayor and Borough Council believe that the creation and enhancement of additional, permanent public gathering space is an essential part of the redevelopment of downtown Highland Park; and

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

WHEREAS, the creation of a permanent public gathering space on So. 3rd Avenue requires approval from the NJ Department of Transportation; and

WHEREAS, the Borough of Highland Park has a need for additional engineering services related to the NJDOT Permit Application for Permanent Closure of So. 3rd Avenue as described in the proposal from CME Associates dated October 13, 2023, attached to this Resolution; 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, CME Associates, Parlin, NJ, is a firm of licensed engineers of the state of New Jersey with extensive experience in providing these services; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation of said consulting engineer; and

WHEREAS, funds for this purpose are available in Capital Account No. C-04-55-821-001 in an amount not to exceed \$15,000.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2023-72.

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 authorized and directed to execute on behalf of the Borough the additional Engineering Services related to the NJDOT Permit Application for Permanent Closure of So. 3rd Avenue as described in the attached proposal from CME Associates with CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859.
2. Notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on October 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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



GENERAL ENGINEERING AUTHORIZATION FOR PROFESSIONAL SERVICES

OWNER: Borough of Highland Park

PROJECT: Resolution of NJDOT Comments for the Permanent Closure of South 3rd Avenue at Raritan Avenue (NJ Route 27)

CME FILE NO.: PHP00547.01

DATE OF REQUEST: October 13, 2023

As you are aware, during the COVID-19 pandemic the Borough had a temporary closure of South 3rd Avenue between NJ Route 27 (Raritan Avenue) and the driveway at 15 South Third Avenue (Yellow Brick Road daycare) in place. Further, the Borough has been pursuing a permanent closure of this portion of the roadway which impacts access to NJ Route 27. The permanent closure required an application to be filed with the NJDOT to obtain a Street Intersection Permit from the NJDOT's Major Access Permits Bureau. The NJDOT has provided additional comments relative to the Permit Application which are beyond our original authorization. This RFA will address the supplemental work required to respond and resubmit this application to the NJDOT.

It should be noted that our original authorization included addressing one (1) round of review comments from the NJDOT which has been exceeded and ongoing coordination efforts have been necessary to keep the application process moving forward as the NJDOT continues to provide additional unforeseen comments from their subject matter experts for our review and resolution.

The supplemental tasks required for this project based on our review of the latest comments received from the NJDOT on Sept. 15, 2023 will include the following:

- Preparation of a Lighting Analysis for the Existing Conditions at the Intersection of NJ Route 27 and N. 3rd Ave./S. 3rd Ave. as per NJDOT Comment Letter dated September 15, 2023;
- Preparation of the Electrical Plans as per the latest NJDOT CADD Sample Plans as per NJDOT Comment Letter dated September 15, 2023;
- Resolution of the latest NJDOT comments received within 90 days of the issuance of the letter;
- Resubmit comment response package to the NJDOT.



Ms. Teri Jover, Borough Administrator and Redevelopment Director
Borough of Highland Park
Re: Resolution of NJDOT Comments for the Permanent Closure of South 3rd Avenue
at Raritan Avenue (NJ Route 27)

October 13, 2023
Our File No. PHP00547.01

Page 2

We respectfully request authorization for these services so that we may proceed with the performance of the above tasks.

Estimate of Engineering Services: \$12,926.00

Approved:

Borough of Highland Park

Date

James C. Watson

CME Associates

10/13/2023

Date

**RESOLUTION NO. 10-23-236
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING ACTION ON PERFORMANCE BOND - FOX & FOXX
DEVELOPMENT LLC - 37 CEDAR AVENUE**

WHEREAS, on January 4, 2023, Fox & Foxx Development, LLC, posted with the Borough of Highland Park Performance Bond No. 55502, issued by The Service Insurance Company Inc. in the amount of \$14, 169.60 and a Cash Bond in the amount of \$1,574.40, for a total amount of \$15,744.00, in connection with Zoning Board application Z2021-01 a for C Variances for property known as 37 Cedar Avenue, Block 8, Lot 29, in the Borough of Highland Park; and

WHEREAS, the developer for the referenced project has requested that the release of performance bonds; and

WHEREAS, the Borough Engineer has conducted a site inspection of this project and filed report dated October 12, 2023 recommending the release of Performance Bond No. 55502, issued by The Service Insurance Company Inc. in the amount of \$14, 169.60 and a Cash Bond in the amount of \$1,574.40, for a total amount of \$15,744.00.

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 Performance Bond posted by Fox & Foxx Development, LLC in the amount of \$14,169.60 and Cash Bond in the amount of \$1,574.40, for 37 Cedar Avenue, shall be and is hereby released subject to the following:
 - Posting of a 2-year Maintenance Bond in the amount of \$1,968.00.
 - Payment of any outstanding engineering inspection fees.
 - Payment of any outstanding Borough fees.

2. Certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official and Fox & Foxx Development, LLC.

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION 10-23-237
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:

Ryan Masker, Part Time Fire Fighter, \$22.23 Hourly, Effective 10/23/2023

Michael Smiegocki, Part Time Fire Fighter, \$22.23 Hourly, Effective 10/23/2023

Andrew McSherry, Part Time Fire Fighter, \$22.23 Hourly, Effective 10/23/2023

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-238
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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 10-23-239
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
 Redevelopment Negotiations - 125 Raritan Avenue

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 24, 2023.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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