

BOROUGH OF HIGHLAND PARK  
REGULAR MEETING  
OCTOBER 10, 2023 – 7:00 PM

A Regular Meeting of the Highland Park Mayor and Council was held on Tuesday, October 10, 2023, and was called to order by Mayor Foster at 7:00 PM. Annual Notice of this meeting was provided to The Home News Tribune, the Star Ledger and the Highland Park Planet on July 6, 2023 and was posted on the Borough website at [www.hpboro.com](http://www.hpboro.com) and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on January 4, 2023, and has remained continuously posted as required by law. In addition, notice of this meeting via Zoom was emailed to the Home News Tribune, The Star Ledger and the Highland Park Planet on May 12, 2023 and was posted on the Borough website at [www.hpboro.com](http://www.hpboro.com) and on the bulletin board at Borough Hall, 221 So. Fifth Avenue, Highland Park, NJ on May 12, 2023 and has remained continuously posted as required by law

**Pledge of Allegiance.**

Harry Glazer led the flag salute.

**Roll Call.**

Present: Mayor Foster, Councilpersons George, Hale, Hersh, Kim-Chohan, Postelnik; Borough Administrator Jover, Borough Attorney Schmierer; Borough Clerk Santiago.  
Absent: Councilwoman Canavera

**Agenda Questions by Council Members.** - None

**Honors and Awards.**

Mayor Foster asked for a moment of silence for Israel.

Mayor Foster presented a proclamation in recognition of Breast Cancer Awareness Month – October 2023.

**Approval of Minutes.**

It was MOVED by Councilman Hale and seconded by Councilman George the following minutes, September 5, 2023 Regular Session were approved, as distributed, by the following roll call vote:

ROLL CALL Ayes: Councilpersons George, Hale, Hersh, Kim-Chohan, Postelnik  
Opposed: None.  
Absent: Canavera  
Abstain: None.

**Council Reports.**

Councilwoman Kim-Chohan reported the Rent Control Board had their first meeting on September 27<sup>th</sup>. The next meeting is scheduled for October 25<sup>th</sup> at 5:30 pm in Council Chambers. They still have two alternative positions open, one is for Tenant and one is for Owner Occupied. The 2022 Municipal Audit results were received and it is a clean audit with no recommendations and she thanked the Finance department. Tonight on the Agenda is a Resolution authorizing her maternity leave of absence. While on family leave, the second chair of Finance, Councilman Postelnik will serve as Chair of Finance. She said her thoughts and prayers are with the people of Israel and our residents with relatives and close friends in Israel and she stands with them.

Councilman Hale thanked Main Street and Rebecca Hersh especially for all you do for Highland Park. At the farmer's market this Friday there will be an Apple Pie contest. If you have a great apple pie and want to compete for fabulous prizes go to the Main Street web site and sign up to enter. Submissions can be brought to the Farmers market between 1:30 and 2:30 on Friday. Also this weekend is the magnificent Town Wide Garage sale which takes place this Saturday and Sunday all over town. And No, it's not enough to only do the annual Town wide Garage Sale. We've also got GARAGE BANDS at the Garage Sale, downtown, at the Welkovits Pavilion, next to Main Street Highland Park (212 Raritan Avenue). Shop 'till you drop...and then rock 'till you drop: Zero for Conduct, Bog IMP, Heath Monger The Taco Time Machine Will Be Slingsing Tacos, and the Rae-on-Tour bookmobile will be slinging books. There will be Garage Sale vendors and some punk rock vendors at the market lot and all over town. Join us in Highland Park for another year of Halloween fun, featuring pumpkin painting, downtown trick-or-treating, free tote bags stuffed with treats and local business coupons, a jack-o-lantern contest, live music, and more! The pumpkin painting and live music from the Mike Noordzy at the Farmers Market on Friday 10/27 from 2:30-5:30; free trick-or-treat tote pick up a free trick-or-treat tote filled with sweets, treats, and business coupons. Totes can be picked up at the following locations and times: Friday Oct 27, 11am-5:30pm, during the Farmers Market at the pavilion at 212 Raritan Avenue; Saturday Oct 28, 4-8pm, during the Night Owl Market at the pavilion at 212 Raritan Avenue;

Tuesday Oct 31, 2:30pm-5:30pm, at the pavilion at 212 Raritan Ave, during the downtown trick-or-treating. Many businesses will have trick-or-treating on Tuesday 10/31 from 2:30-5:30 at their stores throughout the downtown so be sure to stroll up and down the Avenue to find them! There will also be treats being handed out at the pavilion next to 212 Raritan Avenue. JACK-O-LANTERN CONTEST: Fill out the contest form at [mainstreethp.org/jackolantern](http://mainstreethp.org/jackolantern) to enter the contest and learn more, or stop by to look at the entries and vote for your favorite from 2:30-5:30 on Tuesday 10/31. Hear spooky tunes at the pavilion next to 212 Raritan Ave on Tuesday 10/31 from 3:00 - 5:30 pm, courtesy of Mike Noordzy and Sleaze Greaze. After you hit the downtown businesses and hear the live music on Tuesday 10/31, don't forget to trick- or-treat at houses all over town! Tons of houses will be participating in trick-or-treating. This is a big one. He thanked Mayor Foster for her recent efforts to bring our community together in response to the horrific events going on in Israel. Not only did she convene meetings with our local rabbi's and shul leaders which led to a beautiful and meaningful prayer vigil on Monday but she coordinated with our police department on proactive responses. In addition, she personally went to various synagogues on Sunday when we were in shul for Simcha Torah holiday services to talk to people about the Borough's response. To reiterate this was on Sunday which is one of her few days of rest. It meant a lot to the Jewish community and we truly appreciate her efforts. Thank you Elsie. There are really no words to describe the situation in Israel right now. But please know that many in our community Jewish might physically be "okay" we might even say that we are "okay" we are not. We are scared for our friends and our families who live there. We are terrified for our sons and daughters who are being called into or back into IDF service. We are dreading the videos and pictures that will come of people being killed. We are waiting for the inevitable what about and false equivalences that will come. In short, we are not ok. But we will be and we will be in part because of efforts of people like Elsie who stand with us in this difficult time. That is what we need now and thanks Elsie for delivering.

Councilman George thanked Mayor Foster as well, the vigil was most appropriate. The psalms said were for hope, peace and safety in these terrible times. The library building renovation team has determined, on the advice of the Architect and a roofing contractor, to expand the repairs to the roofing system. The "doghouses," where the HVAC system enters the building from the roof installations have to be reconstructed to eliminate the source of continual leaking, along with modifications to some of the ducting. This will cost more than anticipated and add to the time line, so tonight you'll see an ordinance for bonding for the roof repairs along with a resolution cancelling the \$215,000 capital expenditure. However, finally the repairs will encompass the leaks at the doghouses which repairs have not been able to cure entirely. However, the temporary relocation is still doing very well with circulation and with electronic lending. Our residents are using both physical and electronic lending and staff is busy with fulfilling needs of our residents at the library. Trunk or Treat is being held again on Monday, October 30th at the Community Center thanks to the Highland Park Police, starting at 6:00 pm. Details can be found on the HPPD website or by emailing Detective O'Mara at [bomara@hpboro.com](mailto:bomara@hpboro.com). Chief Abrams advises that there have been more car break-ins over the weekend. Unfortunately most were because the cars were left unlocked. We ask you to remember to lock your vehicles, garages, sheds and doors for safety reasons. The Highland Park Police Department wants everyone to know that they will be starting to issue warnings for street sweeping days as the Borough is going to be increasing our street sweeping efforts. We'll be issuing warnings in the areas for street sweeping and I'll try to have the schedule and streets where street sweeping will be done posted on the Borough and Police Department websites. After a brief period of warnings, tickets will be issued so please note the street signs on the designated side streets. The Public Safety Committee met in its monthly meeting today, some items discussed were how to restrict turns off Woodbridge Avenue onto Route 27 heading east for tractor trailers, which can cause a major problem at times. We will try to reach out to Google to see if they can mark this on Google maps, and also look into the possibility of restricting that turn by Ordinance in partnership with the County and NJDOT. Public Safety also discussed improvements to our commercial on-street overnight parking, which will take some discussion before the topic is ready for consideration. Several locations have been approved by the County for no parking any time and we are discussing how much, if any, to expand any sort of parking solutions. Towing rate increase will be on a future agenda as the towers requested we come into line with the State's fee schedule.

Councilman Postelnik gave a quick reminder that the Borough offers grocery store transportation and online food shopping assistance, available through the Department of Community Services. For more information, please reach out to the staff at the Community Center at 732-819-0052. He thank the Historical Commission for their successful event at Pino's two weeks ago. He thanked the Highland Park Chinese Association, who put together the Mid-Autumn Festival. He also thanked the Human Relations and Art Commissions who helped sponsor it. The Community Center will have a Flu Clinic this morning. More clinics will be announced. There is a blood drive later in the day as well. There is a Health Education Series starting. The first of six starts Wednesday, October 11<sup>th</sup> from 1:30 pm to 2:30 pm. The program will help promote and support and sustain older adults on living healthier independent lives. On October 15<sup>th</sup> at 2:00 pm the Genesis Brass Quintet concert will be at the Community Center, the concert is free and open to all. On Sunday, October 22, 2023 from 1:00 pm to 4:00 pm there will be a Halloween Costume Parade and Festival at the Community Center. On Tuesday, October 24<sup>th</sup> at 12:00 pm there will be a senior luncheon provided by Zia Lisa and entertainment by Flavian, who will be

putting on a mind reading game show. The Arts Commission is sponsoring a scarecrow contest, so keep an eye out and about town for some creative scarecrows.

Council President Hersh reported we are going to introduce and vote on a resolution to implement a community solar program. It allows residents the benefits of solar energy, which was previously unattainable for customers who rent or own homes. The firm that is being considered is at no cost to the Borough and will manage the solar RFP process to select a solar energy provider. One hundred percent of this program is available to all utility payers in NJ. It is an opt-in. If you have any questions, please reach out and there will be more information forth coming. Council President Hersh went over the revised garbage collection schedule due to the observance of Columbus Day and the Borough being closed. On behalf of Councilwoman Canavera he reported the Human Relations Commission has organized an event honoring Hispanic Heritage Month and Indigenous Heritage Month on Wednesday, October 25<sup>th</sup> at the Community Center. This is a free event but registration is required for more information email [highlandparkgrc@gmail.com](mailto:highlandparkgrc@gmail.com). The Board of Health wants to give a reminder that Covid vaccines are available and everyone six months or older is eligible. The vaccines are still covered at no cost for most people through their private health insurance, Medicaid or Medicare plans, or you can go to [vaccines.gov](https://vaccines.gov) to search for participating health centers or retail pharmacies that participate in the Bridge Access Program. To get more information to get vaccinated in New Jersey go to [covid19.nj.gov/pages/vaccine](https://covid19.nj.gov/pages/vaccine). He echoed his colleagues on the moving and emotional vigil for Israel yesterday, gave deep thanks to Mayor Foster for her leadership during this entire process, he also thanked the Highland Park Police Department. After speaking to members of the force, he got a sense of security that we're being looked after. The Department of Public Works was also on hand yesterday to assist with the flag raising. We all come together as a community.

Councilmember Hale added that News 12 our local station is doing a profile of Highland Park, Friday morning of several businesses. It's a series for many towns in our area, they will be traveling to many of our businesses and filming them. It's an opportunity for the businesses to shine and for Highland Park to shine. Thank you to Rebecca Hersh for getting that together.

Mayor Foster added that she is an avid watcher of News12 and they do this on a weekly basis for various towns. When they do it they always like to see people come out to the businesses so if you're up at 6:00 AM, there will be a list at Main Street Highland Park of all the businesses that they'll be visiting. Come out and show your support.

#### **Borough Administrator's Report.**

Borough Administrator Jover reported that some of the residents may have gotten a letter from the NJ Department of Transportation if they happen to live near Route 27 between 8<sup>th</sup> and the Edison border. They have an information center that was initiated on October 2<sup>nd</sup> that runs through October 16<sup>th</sup>. It is a website where you can go to watch a short video that gives you a good background on what they're thinking about in calming traffic and the road diet. It's also an opportunity for our residents to give their comments or you can email the NJ Department of Transportation. The video, is on our website, [www.route27highlandpark.com](http://www.route27highlandpark.com). The website will give you the proposed improvement and the timeline. There will be other opportunities to comment as the project takes more shape with more specific engineering.

#### **Borough Attorney's Report** – no report.

#### **Mayor's Report.**

Mayor Foster said she doesn't have an announcement date to make yet for the Stop & Shop property, but does want everyone to know that they're in constant contact and follow up with them to see how the progress is going. We has asked when are they going to give us an opening date and when we can announce it, as well as who it is that's going into that property. She mentioned she is still waiting for that information and as soon as she gets it she will let everyone know. She spoke to Highland Park Pizza and they're still in their construction phase so it's overdue and she is hoping that they get through that very quickly and will have an opening date soon. Also Chief Abrams went to the Arrive Safely Program last week and it just so happened that today I had someone call me about an emotionally disturbed person. I'm really happy to know that he went to the program. She asked the Chief to come up and share a little of what he went over in the program and how we are doing in Highland Park.

Chief Abrams responded that last week the Attorney General's office put together a program for seven counties in the central region that are all participating in called Arrive Together Program. It is a program that gives Police Officers and Police Departments better access to mental health screens. We started this in May with Edison, Woodbridge and New Brunswick. This gives us access to a screener four days a week for eight hours a day. They are paired with a Police Officer who wears plain clothes and drives in a marked car. That officer and screener go to any call in those four towns. We are able to send an officer and a screener at the actual time when the person was in crisis. It's been very successful and we have not had to use any kind of force. Having the ability to be there and working close with a screener has been

very beneficial. I was able to meet with other Chiefs in other towns and other counties also prosecutors in other counties to go over things that they're doing. There was a lot of information sharing, policy sharing, directive sharing and how do you get around this. We left feeling pretty good about the program. Various counties asked how we do things because they like our procedure as a small town. Luckily the other towns work with us to make it happen. It's a great program that the State funds. It seems like we're getting more funding for next year.

Mayor Foster added that the Governor made a pledge that he wants to see this program in every town in the State. They just need to remember that we were forefront and keep the funding going. I think that Highland Park residents can take pride whenever the Borough staff or departments demonstrate leadership in their field. I'm pleased to note that the Highland Park Public Library is one of the 29 nationwide libraries selected to participate in the Yiddish Book Center Story of Exile Reading Group for the public library initiative. The book discussions will be held on October 23<sup>rd</sup> at 6:30 pm at the Highland Park Community Center, November 13<sup>th</sup> at 6:30 pm, the Highland Park Conservative Temple, January 22<sup>nd</sup>, for more information please go to our Highland Park Public Library website.

**Public Participation.**

Mayor Foster opened the meeting for public discussion and called upon all those wishing to speak to identify themselves. The total time for this session is 21 minutes; three minutes maximum per speaker. Comments are limited to items on the agenda. If you want to speak on an item that is not listed, there will be an opportunity to do so later in the meeting.

Lois Lebbing, North Second Avenue had two questions, is there a rain date for the Town wide Yard Sale, why don't we determine a rain date ahead of time like the following weekend and a little check on that list where you sign up, a little column that says yes or no so those who can have a porch sale or a garage sale, can still attend there. Then on your secret session on the location of JSM's litigation that will be discussed, would that be Buck Woods? Councilman Hale replied that we can take a rain date into consideration. There is no rain date at this point. It's rain or shine. Borough Attorney Schmierer responded that the location of JSM's litigation would be Buck Woods.

There being no one further, Mayor Foster closed public participation.

**Ordinances Requiring a Second Reading.**

**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"

The Clerk reported that Ordinance No 23-2076 entitled, An Ordinance Amending and Supplementing the Code of the Borough of Highland Park, Chapter 7 Traffic, Establishing "Schedule XXI, Mid-Block Pedestrian Crossings" was duly advertised for consideration of passage on final reading by title and affidavits of publication are on file. The ordinance was also posted and made available for public inspection as required by law.

Mayor Foster declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

Amy Denholtz Lendowski, 2 Cleveland Avenue, spoke in favor of the Ordinance.

No one further appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman George seconded by Councilman Postelnik, Ordinance No. 23-2076 entitled as above, was duly adopted by the following roll call vote, to wit:

ROLL CALL: Ayes: Councilpersons George, Hale, Hersh, Kim-Chohan, Postelnik  
Opposed: None.  
Absent: Canavera.  
Abstain: None.

**Ordinances Requiring a First Reading.**

**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 Therefore and Authorizing the Issuance of \$380,000 Bonds or Notes of the

Borough to Finance Part of the Cost Thereof

The Clerk reported on Ordinance 23-2077 entitled 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 has been duly introduced by the Finance Committee for consideration of passage on first reading by title and the Supplemental Debt Statement prepared by the Finance Director was filed in the Clerk’s Office on October 6, 2023.

On a motion made by Councilman George, seconded by Councilwoman Kim-Chohan, the ordinance entitled as above was approved on introduction, authorized publication as required by law and set public hearing for October 24, 2023, by the following roll call vote, to wit:

ROLL CALL: Ayes: Councilpersons George, Hale, Hersh, Kim-Chohan, Postelnik  
Opposed: None.  
Absent: Canavera  
Abstain: None.

**Consent Agenda Items - Resolutions.**

Resolution Nos. 10-23-214 through 10-23-226 were duly adopted on a motion made by Council President Hersh seconded by Councilman Hale and carried by the following roll call vote, to wit:

ROLL CALL Ayes: Councilpersons George, Hale, Hersh, Kim-Chohan, Postelnik  
Opposed: None.  
Absent: Canavera  
Abstain: None.

**Resolution 10-23-214**

**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.

**Resolution 10-23-215**

**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.

**Resolution 10-23-216**

**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. |
|------------------------|-----------------------------|----------------------|--------------------------------------|------------------------------|---------------------------|
| <b>Total Bid Price</b> | <b>\$738,868.15</b>         | <b>\$756,462.50</b>  | <b>\$761,224.61</b>                  | <b>\$811,028.00</b>          | <b>\$1,089,208.21</b>     |

**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. C-04-55-832-001 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 Improvements to Riverview Avenue, Washington Avenue, Exeter Street and Various Roads, 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.

**Resolution 10-23-217**

**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 4<sup>th</sup> 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.

**Resolution 10-23-218**

**WHEREAS**, in order to address the persistent leaks experienced at the library, on August 8, 2023 the Borough Council passed Resolution No. 8-23-183, 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.

**Resolution 10-23-219**

**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.

**Resolution 10-23-220**

**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.

**Resolution 10-23-221**

**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.

**Resolution 10-23-222**

**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.

**Resolution 10-23-223**

**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.

**Resolution 10-23-224**

**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: |                |             |
|                     |  | <u>1st</u>     | <u>2nd</u>     | <u>AYES</u> |
| NAYS                |  | <u>ABSENT</u>  | <u>ABSTAIN</u> |             |
| Matt hew            |  |                | X              | X           |
| Hale                |  |                |                |             |
| Matthew Hersh       |  |                | X              | X           |
| Tara Canavera       |  |                |                |             |
| x                   |  |                |                |             |
| Stephany Kim-Chohan |  |                |                | X           |



Philip George  
Jason Postelnik

X  
X

CAPITAL BUDGET (Current Year Action)  
2023

| 1<br>PROJECT<br>TITLE                     | 2<br>PRO<br>JEC<br>T<br>NU<br>MB<br>ER | 3<br>ESTI<br>MAT<br>ED<br>TOT<br>AL<br>COST | 4<br>AM<br>OUN<br>TS<br>RES<br>ERV<br>ED<br>IN<br>PRIO<br>R<br>YEA<br>RS | PLANNED FUNDING SOURCES FOR<br>CURRENT YEAR - 2023 |  |                                      |   |                                  | 6<br>TO<br>BE<br>FUN<br>DED<br>IN<br>FUT<br>URE<br>YEA<br>RS |
|---|--|---|--|--|--|--------------------------------------|---|----------------------------------|--|
|   |  |   |  | 5a 2023<br>BUDGE<br>T<br>APPRO<br>PRIATI<br>ONS    | 5b<br>CAPIT<br>AL<br>IMPRO<br>VEME<br>NT<br>FUND | 5c<br>CAPI<br>TAL<br>SUR<br>PLU<br>S | 5d<br>GRAN<br>TS IN<br>AID<br>AND<br>OTHE<br>R<br>FUND<br>S | 5e<br>DEBT<br>AUTH<br>ORIZ<br>ED |  |
| Improvements to Various Borough Buildings | AD-1                                   | 1,050,000.00                                |  |  | 20,000.00  |                                      |   | 380,000.00                       | 650,000.00   |
|   |  |   |  |  |  |                                      |   |                                  |  |
| TOTALS - ALL PROJECTS                     |  | 14,085,000.00                               |  |  | 105,000.00                                       |                                      | 50,000.00   | 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<br>PROJE<br>CT<br>TITLE                 | 2<br>ESTIM<br>ATED<br>TOTA<br>L<br>COST | BUDGET<br>APPROPRIA<br>TIONS              |                               | 4<br>CAPI<br>TAL<br>IMP<br>ROV<br>E-<br>MEN<br>T<br>FUN<br>D | 5<br>CAPITA<br>L<br>SURPL<br>US | 6<br>GRAN<br>TS-IN-<br>AID<br>AND<br>OTHE<br>R<br>FUND<br>S | BONDS AND NOTES       |                                   |                          |                  |
|---|---|---|-------------------------------|--|---------------------------------|---|-----------------------|-----------------------------------|--------------------------|------------------|
|   |   | 3a<br>CUR<br>REN<br>T<br>YEA<br>R<br>2023 | 3b<br>FUT<br>URE<br>YEA<br>RS |  |                                 |   | 7a<br>GEN<br>ERA<br>L | 7b<br>SELF<br>LIQUI<br>DATIN<br>G | 7c<br>ASSE<br>SSME<br>NT | 7d<br>SCH<br>OOL |
| 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   |                                 | 50,000.00   | 4,355,750.00          | 9,000.00                          |                          |                  |

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.

CERTI  
FIED BY  
ME

Jennifer Santiago, Municipal Clerk  
For acknowledgement of receipt of the Capital Budget Amendment.

October  
10, 2023

TRENTON, NEW JERSEY

APPROVED \_\_\_\_\_,

2023

Director, Local Government Services

**Resolution 10-23-225**

**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.

**Resolution 10-23-226**

**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.

**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.)*

Mayor Foster opened the floor for public discussion, there being no one, Mayor Foster closed public participation.

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

1. Abandoned/vacant properties ordinance amendment.

Councilman Hale gave a brief update on this. The idea of an abandoned property ordinance is really an attempt to encourage people to go out and get new tenants. We want to push them without making it as punitive as it is. There's back and forth on how much the different costs would be, and how much the different structures would be. The basic outline is if you have a property that is identified as abandoned you would have to register it as being abandoned and then in the first year there is a fee schedule and then it increases on a yearly basis. The debate comes from how it increases, particularly with Main Street about what is the appropriate level of that. We're bringing it to the Economic Development Committee shortly to hammer out the details. The process is that you have a building that's abandoned, you register it, you get an F, if you don't get a tenant for a particular time a certain amount of a fine will be implemented in the first year, and it goes up every year after that. Some of the details that are in question are what happens if the bank owns the building instead of a landlord? Can you attach a lien to a particular bank? We think it's possible but whether or not we should leads to will that hurt lending? We're trying to get advice about that as well. The idea is to get people to get tenants, it's not to get the Borough money. It's not an idea to be punitive toward landlords but give incentives and push to get tenants in buildings.

Business Administrator Jover added she knows that Main Street is debating it and she's curious how much discretion we have administratively to take into consideration factors that maybe an ordinance normally couldn't take; such as why the place has been vacant and reasonableness of the effort to address that. I think we are leaning to have some administration discretion. We have to recognize there may be reasons that may be beyond the control of a property owner that might account for the vacancy. We need to think about that as we move this forward. On the flip side we're not looking for everybody reaching out to question it. All the vacant properties we have in town are officially registered. We don't have the

process to register in this ordinance. We do have a pre-existing ordinance. I think a lot of our attention has been applied to the commercial properties downtown. There is an ordinance now and it's been focused on residential properties and it came about in the foreclosure crisis, we do have a registry. We have a process, we're looking at some legal changes that have happened on abandoned properties. We want to be consistent and that's why Main Street's involvement is so important. Looking at the commercial district will help in how we might address those vacancies and the abandoned properties.

Mayor Foster asked what kind of time frame are we looking at to get something in place? We have a number of properties that have been allowed to just sit there and they're really eyesores. I have been asked constantly what are we going to do with those properties? We need something sooner than later.

Borough Attorney Schmierer stated we have a draft ordinance and that's what I think Main Street is looking at, it also picks up the commercial.

Councilman Hale said it is essential that we have a full discussion with Main Street and a full discussion with property and business owners represented by Main Street, so that they are onboard with this 100%. I think there's a debate within Main Street about which way to go so we need to sort that out. I would hope to do this by the end of the year, they have a copy of what we have drafted already so at their next board meeting they can share and look at it.

Councilman Postelnik wanted to be clear on what is covered by the ordinance and asked if it was going to be broad enough to encompass any property that's just vacant and unoccupied or is it more abandoned properties that there has to be certain criteria indicative of abandonment or disrepair and it would be limited to those properties? He wanted to know how the ordinance has a definition of vacant properties and of abandoned properties. Councilman Hale explained that the abandoned properties are the ones that no one is even pretending to take, a vacant property is no one is intending to get a tenant in.

Councilman Postelnik asked if they both are going to be subject to the registration requirements and the annual fee requirements as drafted and does it have similar fees for both types? Borough Administrator Jover replied just to be clear a 6 month vacancy period has to be in place before you'd be eligible for any.

Council President Hersh added that the Economic Development Committee approves and endorses this.

Councilwoman Kim-Chohan said she thinks the procedure is it goes to the Committee, and the Committee sends it to a work session.

Councilman George stated his understanding is that Main Street is still in a work session.

Council President Hersh asked if Councilman Hale could characterize the substance of their concerns. Councilman Hale responded this is a situation of where's the line that will be detriment for people wanting to come to Highland Park. Will it make it more difficult for people, invest in businesses? I don't think there's a specific dollar figure.

Mayor Foster added so Main Street has to send you over information. Councilman Hale replied he's gotten good comments from Main Street and they've been very much of a partner in this. They're not quite ready to bring it to us yet.

Mayor Foster said that we don't need to see it until it is polished up and presentable, then we'll have less questions.

## 2. Tree removal fee revision.

Council President Hersh stated that the Shade Tree Advisory Commission is very in tuned about how we handle our tree replacement program and how we do our tree maintenance. One of the things that is really important to our tree replacement program is our tree replacement fund. The municipal code now requires payment into the replacement fund when a property owner does not plant the required number of replacements trees. With inflation and general increase of costs, the Shade Tree recommends that the amount presently required by our ordinance of \$400.00 per tree is too low to keep our fund solvent. When we applied for the stewardship grant our budget used \$650.00 as the cost per tree. They're recommending continuing with a two tier distinction between owner occupied and investment properties already in our ordinance. They're proposing to ask homeowners to pay \$600.00 per tree, which is a little under the \$650.00 target. I asked people who own the property for investment or business to pay \$850.00 for tree per tree, which is over the \$650.00 target. The cost is \$850.00, when it is a commercial expense the cost is a business expense. The Public Works Committee feels that this is reasonable. I wanted to put it before the Council, it's pretty straightforward.

Borough Administrator Jover clarified that these are for trees on private property, not Borough trees. This would be a certain caliber. If it's a dead tree or a hazardous tree we don't assess the fee so there are some exemptions built into our procedures. The option is either pay into the fund at these new proposed rates or replace on site. The majority of people do replace them, and thinks these numbers are probably consistent with our actual costs.

Councilman Hale asked if there was an easier way to distinguish between investment properties and regular properties. How do you know it's someone's investment property versus if it's owner occupied? Borough Administrator Jover added we should look at the definition. Councilman George said he thought it stated owner occupied in the definition.

Councilwoman Kim Chohan asked if this is only for people that do not replace them because there is a fee, just to apply is \$50.00. That only assesses because we usually have to send someone out to take a look. The fee does go into the fund or is that just for the Borough? Borough Administrator Jover replied that it goes into coding.

Mayor Foster stated that if you take down a healthy tree there is a fee.

Borough Administrator Jover stated that she believes education would be appropriate because people do remove trees. Tree Companies are not good at informing customers that they need a permit for this because they don't want to lose the business.

Mayor Foster added because of the constant storms that we're having, insurance companies are saying if there's huge tree over your house they are advising you to remove the tree. If it falls on your house, they don't want to pay the insurance money. It's cheaper to pay for the tree to be removed for safety reasons then for them to pay out. Council Vice President stated he thinks this will a big help.

Borough Administrator asked if this is something we can introduce at the next meeting. Mayor Foster replied yes.

### 3. Apartment complex outreach.

Council President Hersh reported that he's been meeting with Sustainable Highland Park. He wanted them to come in and speak with the Administration Department to talk about some of the actions that we can organize. The more things that we do, the more actions we meet, the more points we get, the more grant opportunities we can do as we will see at the League of Municipalities conference in a couple of weeks. One of the areas is public information, Tina Winehouse, the Chair of Sustainable Highland Park is interested in getting out to some of our apartment complexes and just communicating news of the Borough. Things like community solar, rent control and other things that meet those Sustainable Jersey actions that they can do. This is really an effort from Sustainable Highland Park to have a routine presence in our apartment complexes.

Borough Administrator Jover said she thought it was a creative idea, to reach our apartment complex residents. A good number of residents live in complexes and talking to them about how they will reach their tenants would benefit their residents with no cost to them. While we're talking we can find out if they have a bulletin board so we can put Borough things on there or an email address. Tina is very good at probing those conversations and we'll participate with her in the initial conversations but also focusing on the sustainability aspects. The communications will benefit from those relationships, like things we can do to expand sustainable practices to apartment complexes like community solar is meant to do, make some of these best practices available to everybody.

Council President Hersh stated that one of the problems we always have is consistent access into the apartment complexes. We think that could really open that door.

Mayor Foster added we put together the CERT Team, how can we tap into what we have there to have more access to other apartments?

Borough Administrator said what we really want to build is a rapport with the management company.

Councilwoman Kim Chohan asked what are the requirements to get points?

Borough Administrator Jover replied the Outreach Program that we are proposing would qualify for points for sure. There's no action but for example to say here's how you would get a composting program going. These are all things we could get points for, in fact be models for Sustainable Jersey towns elsewhere about creative ways to do this. We're not the only community that has a lot of rentals in it so I think it's a little exploratory. We're going to have conversations and see where it goes.

Council President Hersh said it’s also a good opportunity for the Council to get information out there and be really intentional about it. There will be more to come.

**Executive Session (if necessary).**

**Resolution 10-23-227**

**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.

Resolution Nos. 10-23-227 was duly adopted on a motion made by Council President Hersh and seconded by Councilman Hale, and carried by the following roll call vote, to wit:

ROLL CALL Ayes: Councilpersons George, Hale, Hersh, Kim-Chohan, Postelnik  
 Opposed: None.  
 Absent: Canavera  
 Abstain: Kim-Chohan

There being no further business, on motion made by Councilman Postelnik, seconded by Councilman George and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:24 PM to go into executive session.

Respectfully submitted,

Jennifer Santiago  
Borough Clerk