

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

A Regular Meeting of the Highland Park Mayor and Council was held on Tuesday, October 24, 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 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 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, Canavera, Hale, Postelnik;
Borough Administrator Jover, Borough Attorney Schmierer; Borough Clerk Santiago.
Absent: Councilpersons: George, Hersh, Kim-Chohan

Agenda Questions by Council Members. - None

Honors and Awards.

Approval of Minutes.

It was MOVED by Councilman Postelnik and seconded by Councilwoman Canavera the following minutes, September 19, 2023 Regular Session were approved, as distributed, by the following roll call vote:

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

Council Reports.

Councilman Postelnik reiterated that we have grocery store transportation and online food shopping assistance available through the Department of Community Services. If you have questions or need more information please reach out to the staff at the Community Center at 732-819-0052. This past Sunday the Community Center had a great turn out for the Halloween Costume and Festival. There was a costume parade, music, bounce house, face painting and tons of families having a great time. Coming up we have the Veterans Day Parade on Saturday, November 11th at 11:00 am at the Dough Boy Monument. We will have a ceremony and then following will be the Parade. The Health Education Series continue this Wednesday, October 25th, it will be there for three more weeks from 1:30 pm to 2:30 pm at the Community Center. The program help promote and sustain older adults on living healthier, more independent lives. On October 25th at the Community Center, we're having the Day of The Dead Celebration for Hispanic Heritage Month and Indigenous Peoples, doors open at 5:00 pm and starts at 5:30 pm. It's going to feature a movie, an educational session, and craft activities for kids and refreshments. Winter Youth Basketball registration just opened, the deadline to register without a late fee is November 21st. You can register on the Borough's Rec website. To cover Councilwoman Kim-Chohan's portfolio of Finance. Tonight we will be voting on the 2022 audit. I'm happy to reiterate that there were no findings or recommendations, which means your audit was clean. There's a Rent Control

Board meeting on Wednesday, October 25th at 5:30 pm at Borough Hall. In Council President Hersh's portfolio is the I Power Ventures Application to build the power plant in Keb, which is in Woodbridge next to the already existing power plant has been withdrawn earlier this month. Highland Park was an early adopter of the resolution to oppose the second power plant in the environments justice section of Woodbridge. It was one of 14 municipalities that eventually opposed the plant and it had the support of our Board of Education, Sustainable Highland Park and our Board of Health. Highland Park is just about five miles away from where that power plant would have been built and would have suffered the increased air pollution, particularly matter that is so dangerous for the lungs of our young residents. We all would have suffered the consequence of the increase carbon emissions adding to the climate crisis for years to come.

Councilman Hale reported the 2023 Night Owl Market dates and times, featuring local artists, artisans and crafters. If you would like to be a vendor please visit mainstreethp.org/vendors. On Friday, October 27th the Farmers Market will have pumpkin painting with a free small pumpkin for kids, or you can purchase larger pumpkins from one of the farmers, there will be live music from the Mike Noordzy Trio at 3:30 pm, and free trick or treat totes filled with treats and local business coupons. On Saturday, October 28 at the Night Owl Craft Market from 4pm-8pm. On Tuesday, October 31 there will be downtown treat or treating from 2:30 pm-5:30 pm in all the residential areas after you hit the downtown businesses, there will be live music from Mike Noordzy and Sleaze Greaze at 3:30 pm, live music from Dennis McDoNoUgh! Aka "Bruce Frankenstein – The original Monster of Rock at 2:30 pm, as well as free trick or treat totes filled with treats and local business coupons, there will also be a Jack-O-Lantern contest, fill out the contest form at 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 pm – 5:30 pm. As I mentioned at our last meeting now is a difficult and troubling time for many people in our Jewish community. That still remains the case and likely will remain that way for some time. But I wanted to point just a few of the many ways that our community is organizing and responding to this crisis. Two weeks ago, local synagogues set a goal of sending 4 pallets of supplies to Israel; they ended up with 37 pallets. This Thursday night Pinos is hosting a Beer for Israel event at 8:00pm. A five dollar donation to the Jewish Federation Israel Aid Emergency Fund will get you a wrist band that will allow you to drink beer until the keg runs dry. If you are interested in a blue and white tree ribbon to put up until the almost 200 missing and kidnapped people are returned you can get them from the Highland Park Conservative Temple at www.hpct.cae.org. These are just a few of the amazing events that have been and will be held in Highland Park. And I want to thank all those involved in planning, organizing and donating to these program

Councilwoman Canavera thanked Councilman Postelnik for giving her report and indicated that due to a hospitalization she haven't been able to attend many meetings and Jason and the rest of the Council have been filling in for me so thank you. She also wanted to let everybody know that her prayers are with everybody who may have family over in Israel and indicated that her boss is there right now and she is praying for you all.

Borough Administrator Jover provided a quick report on the Borough's meter replacement project. As of the 30th of September we've gone past the halfway point in terms of the exchanges, which also means we still have probably close to 1,200 meters to go and we were really hoping to get this project done by the end of the year. Ms. Jover indicated that if you have not scheduled your replacement we now have fairly decent amount of inventory we'll be sending out a reminder letter from the Borough. You can call National metering services 1-888-448-0009. It's very important that we push this project to completion because if it extends too long there'll be some additional cost assigned to the Borough from the contractor so that means we need your help. She thanked the 1,800 who have already participated and noted to those that still need replacing that access to the basement would be necessary. She mentioned

we do have a supply of the Sabbath compliant meters so make sure if you're scheduling your appointment if you haven't already been put on the wait list that you make it clear you're interested in one of those models and before they replace your meter just confirm before they take it off that this is in fact a Sabbath compliant meter because once the old meter comes off you can't put it back on. Please call National metering Services if you have not done so already.

Borough Attorney's Report – no report.

Mayor's Report.

Mayor Foster reported that the Mayor's Teen Advisory Council's goal this year is to meet and speak with influential leaders in town and they were pleased to meet with our Borough Administrator Teri Jover and they spoke with Teri about the redevelopment project and efforts in town and what services Highland Park has in mind. Their next meeting is Monday November 3rd and they're arranging to meet with Kristina Nicosia, Superintendent of Highland Park Public Schools to discuss their thoughts, ideas and plans. She also had the opportunity to attend the senior luncheon at the Community Center. It was spirited as usual they enjoyed their meals and they were happy to engage. Some of the things she spoke about was the concern that most everyone has is Rite-Aid, as everyone is aware Rite-Aid filed for bankruptcy based on the opioid lawsuits that they are facing and I'm happy to report that our Rite-Aid here in Highland Park is staying in place. She gave a quick update on Stop-n-Shop indicting that they were still in Attorney review but they're engaged and that is a good thing. She spoke with Highland Pizza a week ago and he advised that they have changed your mind they're doing extensive inside renovations so they're remodeling the entire inside and once that's completed then they'll do an opening and hoped to see our beloved Highland Pizza back in place again. She indicated that the seniors were concerned with some garbage issues and while I was talking to them about the issues our DPW truck pulled up in front the senior housing building and were addressing the concern so they were quite pleased.

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.

Mary Forsberg, Denison Ave., said she was interested in having someone who's going to vote tonight speak on Ordinance which increases the density in the CBD. She asked to have the 33% CBD explained and what the future holds with the undisclosed number for the revision.

Councilmember Hale explained under the current existing zoning laws, a central business district buildings cannot have more than 33% of it containing residential housing. It means that all of the buildings on the first level are commercial or retail buildings. You can have an apartment on the second floor of the building but the total percentage of it could not be more than 33% and we're trying to change that. It doesn't change anything about height or restrictions. Mary Forsberg said you're now talking about four or five story buildings. Councilman Hale said not with the Ordinance.

Mary Forsberg asked what kind of density are you talking about? Why can't you put a number in there? Councilman Hale responded that all this says is eliminate the square footage requirement that is in our current ordinance. You can have apartments on the floors above the first, that what this does.

Mary Forsberg said the point of it is to significantly increase the density of residential property in the social business district. Councilman Hale replied I would not say significantly but the idea is that we

would like to increase density in central business district. That is the goal this Council has stated pretty clear and pretty loudly.

Borough Administrator Jover added the property owners of existing buildings want to make renovations adding in the retail establishment. They discovered this provision which would limit their ability to make their projects work. This is coming from small projects with existing property owners and smaller existing buildings that were limited in what their scope and potential were because of that provision.

Mary Forsberg brought up that the redevelopment and Tract C. Borough Administrator Jover said in the redevelopment plan there is no set residential density. There's no limitation that 33% GFA doesn't exist in the redevelopment plan. This is covered by the CBD zoning in the existing properties.

Councilman Hale assured her we're not discussing the redevelopment and Tract C. It's not relevant to the discussion.

Mary Forsberg ask why the Borough has gone forward with the closing of South 3rd. without checking to see how many residents really want the street closed.

Ken Evans, senior at Rutgers ask if the bond ordinance approval with the library result in a tax increase for next year? Borough Administrator Jover we just starting on the 2024 budget, we haven't finished it. There will be future debt that we'll have to pay back that we have to budget for. It's all part of a big amount of money we have to fund. We may have a good year and some surplus or other thing where we don't have to raise taxes for that year's payment; but then circumstances could change. It's a tough question to answer either way.

Dylan Stewart, Rutgers student asked if the Council factored in the traffic in the area that will increase in residential space above the commercial buildings regarding ordinance 23-2080. Councilman Hale said they parking minimums that will still be a part of the central business and those will still apply.

Marion C., Rutgers student asked regarding the Ordinance for the library, how the Council came to a decision on what renovations to do for the library. Borough Administrator Jover answered we have roof issues over there. We need additional money to handle the additional work. There's also other renovations through a grant and through matching funds from the Borough. This is specific necessary improvements to address the water getting in.

Lois Lebbing, North 2nd Avenue said regarding Ord. 23-2079 the one with two family residential lots. You mentioned the lots were too small, they used to be 20/25 wide by 100 and now they're 50 wide by 100/150. Is that what was said? Councilman Hale replied we have non-conforming lots that are odd shaped and sizes. If you have that lot and you want to do something that would require a permit, you have to go to the Zoning Board to get a variance. This makes it easier for people to make improvements on their houses without that extra step of going to the Zoning Board to get a variance.

Lois Lebbing asked what the coverage is for the impervious on residential. Mayor Foster replied that we can review that and get back to her as to what the coverage should be.

Lois Lebbing wants to know what the Borough is doing to prevent the flooding. Borough Administer Jover added relating to the ordinance, the only thing that is being exempted from the Board visit are the lots that are non-conforming in size. You have to meet all the standards of our ordinance. We did an analysis when we did our master plan. This ordinance doesn't exacerbate impervious coverage issues.

Jessica Hunsdon, Montgomery Street, asked for clarification on Ordinance #20-2380. If higher density was wanted in the central business district and it was already included in the Redevelopment Plan then this ordinance does not apply? Mayor Foster answered it is for existing lots, for businesses and residents within the business district.

Jessica Hunsdon asked if this is a prerequisite to amendments to the Redevelopment plan? Borough Administrator Jover replied the ordinance amendment does not impact what's already in the Redevelopment Plan for downtown Tracts A – D.

Jessica Hunsdon asked is this ordinance proposal required to implement the Redevelopment Plan? Councilman Hale responded no.

Jessica Hunsdon asked what is the reason for this ordinance? Borough Administrator Jover answered there are standard in our Central Business districts that prohibit anything more than 33% of a buildings growth floor area to be residential. We have non-confirming buildings and we have people looking to make improvements to buildings to bring them into more conformance. They wanted to put residential on the second and third floors. This ordinance was an impediment to that. This is taking away the restriction on residential uses, limiting to 33%. It doesn't allow them on the ground floor. All the other standards in the central business district Zoning applies.

Jessica Hunsdon mentioned that Mayor Foster said we would be able to see plans for Tract C as soon as December. I wanted to know if that timeline is still expected. Mayor Foster replied that she is working to try to get those plans to keep the timeline, December is the goal.

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

Ordinances Requiring a Second 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 Therefor and Authorizing the Issuance of \$380,000 Bonds or Notes of the Borough of Highland Park

The Mayor asked for a motion to continue the public hearing of Bond Ordinance No. 23-2077 until the November 21, 2023 Council meeting.

Borough Attorney Schmierer explained this is a bond ordinance and under the Bond Ordinance Law of New Jersey it requires a 2/3 vote of the full majority membership of the Council. Tonight we have three members of Council here and we would be required to have four votes. The matter has to be carried and the public hearing will be heard on the 21st of November for final adoption.

On motion made by Councilwoman Canavera seconded by Councilman Postelnik, the public hearing for Ordinance No. 23-2077 as entitled above was continued until the November 21, 2023 Council meeting by the following roll vote, to wit:

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

Ordinances Requiring a First Reading.

Ordinance No. 23-2078 An Ordinance Concerning Monetary Mitigation for the Payment for Tree Replacement

The Clerk reported on Ordinance 23-2078 entitled An Ordinance Concerning Monetary Mitigation for the Payment for Tree Replacement has been duly introduced by the Public Works and Public Utilities Committee for consideration of passage on first reading by title.

On a motion made by Councilwoman Canavera, seconded by Councilman Postelnik, the ordinance entitled as above was approved on introduction, authorized publication as required by law and set public hearing for November 21, 2023, by the following roll call vote, to wit:

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

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

The Clerk reported on Ordinance 23-2079 entitled 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 has been duly introduced by the Economic Development and Planning for consideration of passage on first reading by title.

On a motion made by Councilman Hale, seconded by Councilwoman Canavera, the ordinance entitled as above was approved on introduction, authorized publication as required by law and set public hearing for November 21, 2023, by the following roll call vote, to wit:

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

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

The Clerk reported on Ordinance 23-2080 entitled An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning Residential Density in Central Business District has been duly introduced by the Economic Development and Planning for consideration of passage on first reading by title.

On a motion made by Councilman Hale, seconded by Councilman Postelnik, the ordinance entitled as above was approved on introduction, authorized publication as required by law and set public hearing for November 21, 2023, by the following roll call vote, to wit:

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

Consent Agenda Items - Resolutions.

Resolution Nos. 10-23-228 through 10-23-238 were duly adopted on a motion made by Councilwoman Canavera seconded by Councilman Hale and carried by the following roll call vote, to wit:

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

Resolution 10-23-228

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.

Resolution 10-23-229

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.

Resolution 10-23-230

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.

Resolution 10-23-231

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.

Resolution 10-23-232

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.

Resolution 10-23-233

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.

Resolution 10-24-234

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.

Resolution 10-23-235

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.

Resolution 10-23-236

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 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.

Resolution 10-23-237

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.

Resolution 10-23-238

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.

APPOINTMENTS:

On motion made by Councilman Postelnik and seconded by Councilwoman Canavera, Craig Hanoch and Pauline Devonish were appointed to the Highland Park Human Relations Commission. Pauline Devonish was appointed to the Highland Park Rent Control Board, Alt. Owner-Occupied. Jayla Hsiung was appointed to the Highland Park Mayor’s Teen Advisory Committee carried by the following roll call vote, to wit:

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

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.)

Rabbi Malomet, represented the grieving community and thanked Mayor Foster for coming to his Synagogue to be with them and comfort them, the day after the Hamas Massacre. Mayor Foster also presided at the visual the Monday afterward as well. He wanted to thank all the people that have stood with them during this difficult time.

Michael Gordan, thanked the Mayor who he met that past Sunday at the Synagogue for the support she gave. He asked for a strong statement supporting of Israel and condemning Hamas. There’s hate in this community, but we have to be stronger than the hate. He thinks having public displays of support for Israel our neighbors and our friends will stand up. He thanked the Council for their support.

Rebecca Cyas, 53 Brookdale Ct., stated she is a professor at the Rutgers Music Faculty, and affiliated faculty member in the Department of Jewish studies and she lectured and published widely on anti-Semitism and is also an orthodox Jew. She engaged in extensive social justice advocacy in support of residents of our town from vulnerable communities. She said some residents may ask the Council to issue a statement condemning Israel. She asked them urgently not to do so. The current Israel government has an obligation to protect its citizens from this kind of terror. She thanked Mayor Foster

and the Council Members that stood with Israel and the local Jewish community. If the Council plans to make any statement on the war between Israel and Hamas she trust it will be done with a moral clarity that stares at the truth.

Mr. Kovak, 206 North 3rd Avenue, I have heard that there are people in this town that were planning to come here and demand that a Palestinian flag be posted in town. You must not fly barbarisms flags of Islamic fanaticism and genocide.

There being no one, Mayor Foster closed public participation.

Work Session Items: No formal action to be taken.

1. Best Practices Checklist

Borough Administrator Jover said each year towns have to fill out what's called the best practices checklist. It's something that the NJ Department of Community Affairs puts out there. It covers a wide range of questions and topics around Finance and Administration. They won't give you your full state aid allocation if you don't fill it out and if you don't score a certain amount of points on the checklist

Executive Session (if necessary).

Resolution 10-23-239

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.

Resolution Ns. 10-23-239 was duly adopted on a motion made by Councilwoman Canavera and seconded by Councilman Postelnik, and carried by the following roll call vote, to wit:

ROLL CALL: Ayes: Councilpersons Canavera, Hale, Postelnik

Opposed: None.

Absent: George, Hersh, Kim-Chohan

Abstain: None.

There being no further business, on motion made by Councilman Postelnik, seconded by Councilman Hale and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:06 PM to go into executive session.

Respectfully submitted,

Jennifer Santiago

Borough Clerk