

BOROUGH OF HIGHLAND PARK
REGULAR MEETING
NOVEMBER 21, 2023 – 7:00 PM

A Regular Meeting of the Highland Park Mayor and Council was held on Tuesday, November 21, 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.

Ben from the Boys Scouts led the flag salute.

Roll Call.

Present: Mayor Foster, Councilwoman Canavera arrived at 7:14 PM, Councilman George, Councilman Hale, Council President Hersh, Councilman Postelnik
Borough Administrator Jover, Borough Attorney Schmierer; Borough Clerk Santiago.
Absent: Councilwoman Kim-Chohan

Agenda Questions by Council Members. - None

Honors and Awards.

Mayor Foster presented a proclamation to Eagle Scout Zachary Hale. Senator Diegan gave his congratulations to Eagle Scout Zachary Hale.

Approval of Minutes.

It was MOVED by Councilman Postelnik and seconded by Councilman Hale the following minutes, October 10, 2023 Regular and Executive Session and October 24, 2023 Regular and Executive Session were approved, as distributed, by the following roll call vote:

ROLL CALL Ayes: Councilpersons, George for the 10th abstained on the 24th, Hale, Hersh, Postelnik
Opposed: None.
Absent: Canavera, Kim-Chohan
Abstain: Councilman George minutes from the 24th

Mayor Foster reported she has been working with an Attorney for Leonard Kushner, a retired Police Officer that passed away in 2022. He was a generous man that left various sums of money to various departments of Highland Park Borough. He left money to the Highland Park Police Department to purchase three new vehicles, the Fire Department was able to get a brand new fire truck, First Aid Squad, a brand new ambulance and the Highland Park Community Food Pantry \$350,000.00 for people who are facing food insecurities and Highland Park Give a Hoot received \$250,000.00 for camps and scholarships and food distribution and to our local public library \$375,000.00. Mr. Kushner left additional funds to the Highland Park Public Schools. Some Borough based groups such as the Children with Autism and all the gifts were given in memory of his mother, Ida Kushner. All of these gifts will be noted and you'll see the name of Ida Kushner around the Borough and this is because he left this generous sum of money to the Borough. He wanted her to be remembered and to be cherished. Mayor Foster thanked Park Deli for helping to provide produce and dairy and many other things while we do not have a supermarket in place. They also are expanding the business into Papagallo's, which they purchased. She announced Quick Chek is leaving the Borough, Corporate has changed their model for bigger stores with gas stations and we cannot accommodate a gas station. Councilmember Hale and I are going to be working hard to get a replacement store. The Mayor mentioned that she met with the owners of the Borough's Supermarket space and they have signed all the paperwork and would be doing a press release on what supermarket is going to fill that space next week.

Council Reports.

Councilman George wished everyone a delightful Thanksgiving. He sent his regards to the family of Mary Denver that passed away, who was a volunteer. With regard to the Library there has been a request from the Kushner Estate for 375, which is the mark for the meeting room enhancements, including accessibility digital projection, carpeting and painted walls. It also will include a paved patio and programming space at the North 6 Avenue entrance. Also including improvement to the meeting room, kitchenette and restroom and improvements to the main public restrooms as funding allows in conjunction with the State Library Grant Program. We're looking at a target date of February 2024 for reopening the Library space, but it's very flexible at this time. In regards to public safety, the shared

service agreements for transferring Dispatch over to the Rutgers Dispatch Center is moving along. On the agenda tonight is funding for building renovations that are necessary for the dispatch lobby. He was happy to report that three of the four Dispatchers have been accepted at the Rutgers dispatch center. The fourth has been placed with another dispatch that they wanted to go to. He reported that the Public Safety Committee discussed the no parking change at the Irving School and made mentioned to commercial parking. He noted with the increased patrol in the Crowells Road area and the speeding has been reduced. SWACC has submitted its budget request for 2024, on the proposal is the reinstatement of the bike rodeo including a bike maintenance program. The Fire Department will be at the tree lighting event this Saturday and Santa will be driving by the Fire Department.

Councilman Postelnik gave a reminder that the Borough is offering grocery store transportation, online food shopping assistance through the Department of Community Services. For more information contact the Community Center at 732-819-0052. The Community Center programming highlights are we started our holiday season yesterday with the Thanksgiving Luncheon. On Tuesday, December 12th we'll be having a holiday lunch from 11:30am – 2:00pm and there will be entertainment by Gordon James. On Saturday, December 16th, we'll have a holiday party sponsored by the Lions Club starting at 11:30 am at the Community Center. On Tuesday, December 19th at 11:30am we'll have a winter wonderland dance performance at the Community Center. We will have a winter concert on Friday, December 29th starting at 11:00am also at the Community Center. Save the date for the Highland Park Youth Theater Company's production of Matilda Jr. the musical. The first showing is Thursday, January 11th at 6:30pm, the second will be on Sunday, January 14th at 3:00pm. We have registrations currently for youth basketball, open winter soccer, youth winter track, adult basketball, adult indoor soccer we'll also have registrations open for the Recreation Dance Theater review class and Jumping Jelly Beans for the little ones. You may have noticed around town more of those decals that the Arts Commission put together to add a little fun to our town. On behalf of Councilwoman Kim-Chohan the Rent Control Board meeting was held on Wednesday, October 25th. The Board voted to certify the annual rent increase for 2024 of 3.8% and will apply to leases as of January 1, 2024.

Councilman Hale thanked the Mayor and Council and Senator Diegan for the little ceremony we had at the beginning. He mentioned he was proud of his son but also wanted to mention Sheldon Friendreich who is the Highland Park Scout Master. The neighborhood NPP Program is closing out its second year. We've been able to provide about \$90,000.00 to about 20 businesses and residents along Woodbridge Avenue for design work, façade improvements and another of other projects. I want to thank Emma Von Thun, the Assistant to the Business Administrator for her leadership in this as well as the Stakeholder Committees that have been involved. He thanked everyone who came together to create the empty Shabbat table exhibit with 242 empty chairs to call attention to the 242 kidnapped people by terrorists. On Friday, November 24th the Farmers Market will have a walk up mobile vaccine clinic from 11am to 4:30pm. There will also be Christmas Trees for sale. On Saturday, November 25th will be the Night Owl Market from 4:00pm to 8:00pm. Our arts, craft and artisan gift market including food and the walk up vaccine clinic, Christmas Trees for sale and live music. There will also be a Gingerbread House contest. The Downtown Tree Lighting is 7:00pm to 8:00pm. There will be caroling from the Highland Park Community Chorus and an appearance from Santa Claus on the Highland Park Fire Departments fire truck. Sunday, November 26th is Small Business Sunday Arts & Crafts market from 12:00pm to 4:00pm. It's arts, crafts and artisan gift market including food, the walk up vaccine clinic, Christmas Trees for sale and live music. Thursday, December 7th is the Menorah Lighting and Sufganivot Party at 4:00pm to 5:30pm. We're calling all Highland Park Businesses, to tell us what small business weekend promotions, sales, and events you're doing on Friday, November 24th, Saturday, November 25th and Sunday, November 26th. We will share it on our website. Councilman Hale wished everyone a wonderful Thanksgiving.

Councilwoman Canavera wished everyone a Happy Thanksgiving. She thanked the Police Department and Sergeant that came out to assist one of her family members.

Council President Hersh reported it is small business weekend and asked everyone to shop local. He reminded everyone that recycling is cancelled this week and that Borough offices will be closed Thursday and Friday in observance of the Thanksgiving holiday. Today was bagged leaves collection. tomorrow is Business district and Southside garbage collection. He reminded everyone that bulk pick ups are by appointment only on Wednesdays, during April, May, June, September and October. To schedule an appointment call Public Works at 732-247-9379. He mentioned that he hopes the Tree Replacement item on the agenda for second reading . The Highland Park River Greenway is a concept that is a river trail that would connect Johnson and Donaldson Parks. We received a \$250,000.00 grant a few years ago and we are moving forward with the public exploration process. The community meeting is Wednesday, December 13, 2023 at 6:30 pm at the Community Center. The Borough is seeking snow removal volunteers in the community or for a fee, any shovelers charging a fee will negotiate directly with the requestor. The Borough is gathering a list of names to provide for residents who need assistance. Please call Janet Molina at the Community Center at 732-819-0052 or email her at jmolina@hpboro.com. The

Borough of Highland Park has achieved the silver level certification from Sustainable Jersey. This earned this year by earning a total of 420 points by exceeding benchmarks in 34 action items. We were at the League of Municipalities this year and we accepted the award, the plaque is hanging in the hallway of the Borough. He thanked the coordinators of the Veterans Day Parade. He thanked the Interfaith Rise for holding its 9th Annual Community Walk on November 12th, and also thanked Mayor Foster for speaking at the event. He sent his condolences to the family of Mary Denver. Another way to show our support is by passing resolutions that call on Governor Murphy to pass and sign into law S304 and A4536.

Borough Administrator's Report.

Borough Administrator Jover gave a reminder that if you have your own home and you have a water meter that hasn't been exchanged, you should have or will get a letter from the bureau. Please schedule the appointment with National Metering Services at 1-888. We're trying to get as many appointments made by December 15th so we know we can close out the project within the window of the end of the year or soon after the New Year. She wished everyone a Happy Thanksgiving.

Borough Attorney's Report – no report.

Mayor's Report.

Mayor Foster concurred with Administrator Jover regarding the Water Replacement Program. Mayor Foster asked for a moment of silence for Mary Denver on her passing. She mentioned that was happy to see the nurses here and hoped that Assembly and Senate Bill to move forward to giving them the support that they need. She thanked them for all they do. She mentioned that we have steadily been receiving the Silver Awards from Sustainable Jersey for doing wonderful things. She mentioned even though Woodbridge is larger than Highland Park, we are small but we are mighty and Highland Park is making its mark. The Mayor strongly suggest that everyone shop local during the Holiday season to keep downtown going.

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.

Abby Stern Cardinal, Harper Street, said at the last meeting the Council spoke about buying new police cars and thinks the Kushner Grant is amazing. She asked that these new vehicles be electric. She mentioned she is excited by the Library potentially reopening in February. She requested that there be spaces for little kids and a multiple ages. Abby added with Quick Chek leaving the Borough the property could possibly help the schools.

Mayor Foster addressed the Kushner Grant. She said the Grant had specifics, the organizations that received it had to file 501C3's to receive the grant. We've been on the list for electric vehicles for five years now. We've reached out to other towns to do share services to get one or two because they're buying larger amounts. It's very challenging. Last year we were trying to get an electric garbage truck but we're still not there yet.

Councilman Hale added that they recently had a meeting with the Borough and the school administrators to talk about the need for the revamp.

Mayor Foster also said the Quick Chek space is too small, it doesn't fit their needs. We are in ongoing conversations monthly. You spoke about the library, Michael Bobish is right there. I think you should go talk to him about what their plans are, he can provide you more answers.

Daniel Stern Cardinal, Harper Street said he wanted to highlight the two zoning items on the agenda. He hopes everyone votes in favor of this.

Council President Hersh added that we take the electric vehicles seriously because the Governor announced that new made vehicle manufacturers will have to make zero emission vehicles by 2035 100% of any vehicle sales in NJ. That's why we are always looking for grants to create more public charging stations in town. He added that he believes Quick Chek is wrong and it will hurt downtown.

Sarah Keyleigh, Riverview Ave., thanked the Mayor and Council for giving the nurses strike the attention that it deserves and proceeded to update the nurse's situation.

Jessica Hundson, Montgomery Street thanked the Mayor and Council for passing this Resolution supporting the nurses.

Lois Lebbing, North 2nd Avenue, questioned where is the sign for a wheelchair to enter since the façade improvements were mentioned? Councilman Hale replied he will look into that.

Lois Lebbing added as the Council goes forward with the Community Development Block Grant programs, Housing Act of 1964, US Code 42 section 5301 general title 6 provision specifically bars discrimination in state or local government use of federal block grant funds. Please remember it has to be accessible. Councilman Hale responded he will definitely take a look at that and that we are committed to disabled access.

Mary Forsberg, 317 Dennison Street asked why we're hiring a professional Engineering Service for the roadway improvements on North 4th and Dennison St. and Harper St. Borough Administrator Jover replied the resolution to authorize the engineering services, there's design work. There's a road project that's in the order of \$800,000.00 for the construction. We have to do related engineering for all those roadways. They put together the bid specs that go out to the contractors. We agree with you that Dennison needs resurfacing. That's what will be happening but our engineer's do a complete detail on that work before it goes out. They also check for ADA accessibility at the corners updating it to the current standards. There's more that goes into it than just mill and pave. That is the final step in the resurfacing project.

Mayor Foster added that when a road has been torn up and has been sitting for a while, there's a lot of infrastructure underground that needs to be dealt with. She met with PSE&G and that was one of my questions.

Sam Friedman, 250 Lawrence thanked everyone for supporting the Safe Staffing Bill.

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 to Finance Part of the Cost Thereof

The Clerk reported that Ordinance No 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

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.

Lois Lebbing, North 2nd Avenue, asked how long the warranty was on the roof. Councilman George said it's generally for a full warrant for is 3-6 years and on the roof generally around 10 years. It will be monitored closely and mentioned that this was for the full replacement.

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 Councilwoman Canavera, Ordinance No. 23-2077 entitled as above, was duly adopted by the following roll call vote, to wit:

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

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

The Clerk reported that Ordinance No 23-2078 entitled, An Ordinance Concerning Monetary Mitigation for the Payment for Tree Replacement

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.

Lois Lebbing, North 2nd Avenue, stated she did not hear mentioned in the ordinance that it exempts owner occupied home when the tree is dead, dying or unsafe. Please remind homeowners that the fines excludes them.

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 Council President Hersh seconded by Councilman George Ordinance No. 23-2078 entitled as above, was duly adopted by the following roll call vote, to wit:

ROLL CALL: Ayes: Councilpersons Canavera, George, Hale, Hersh, Postelnik
Opposed: None.
Absent: 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 of Non-Conforming Single- and Two-Family Residential Lots

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 Mayor asked for a motion to continue the public hearing of Ordinance No. 23-2079 and Ordinance No. 23-2080 until the December 5, 2023 Council meeting.

On motion made by Councilman George seconded by Councilman Postelnik the public hearing on Ordinance 23-2079 and Ordinance No. 23-2080 entitled as above, was continued until the December 5, 2023 meeting by the following roll call vote, to wit:

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

Consent Agenda Items - Resolutions.

Resolution Nos. 11-23-240 through 11-23-255 were duly adopted on a motion made by Councilman George seconded by Council President Hersh and carried by the following roll call vote, to wit:

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

Resolution 11-23-240

WHEREAS, the Borough of Highland Park’s Neighborhood Preservation Program (NPP) earmarked more than \$50,000 in its Year II Implementation Plan (IP) for grants for property and business owners along Woodbridge Avenue, funded through NPP and the Community Development Block Grant (CDBG) program administered by Middlesex County; and

WHEREAS, B&B Auto Repair (175 Woodbridge Avenue) has made significant improvements to the façade of their building and has applied for a grant of \$10,000 through the NPP’s Commercial Façade Rehabilitation Grant program; and

WHEREAS, funds are available for this purpose in Grant Account No. G-02-41-768-200 in an amount not to exceed \$10,000, as reflected by the Certification of Funds Available by Chief Financial Officer Certification no. 2023-73.

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

1. The application from B&B Auto Repair (175 Woodbridge Avenue) be approved for funding under the NPP Commercial Façade Rehabilitation Grant program in the amount of \$10,000.
2. Certified copies of this Resolution be forwarded to the applicant, Finance Department, and NPP Coordinator.

Resolution 11-23-241

WHEREAS, the mission articulated in the Highland Park Community Forestry Management Plan is to strive to achieve an urban forest that is safe, healthy, diverse and aesthetically pleasing that also sustains and enhances valuable ecosystem services and biodiversity; and

WHEREAS, the annual tree planting program is an essential part of achieving that mission; and

WHEREAS, the Borough was awarded a grant from the NJ Urban and Community Forestry Program within the NJ Department of Environmental Protection to carry out tree planting and maintenance projects within the Borough in 2024.

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 Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the Borough's 2024 Tree Planting Program.
2. Bids will be received at a date and time to be determined by the Borough Clerk and the Borough Administrator, said bids to be in accordance with specifications prepared by the Borough Administrator in consultation with the Department of Public Works and the Shade Tree Advisory Committee.

Resolution 11-23-242

WHEREAS, the Fire Department wishes to purchase new turnout gear to ensure they are properly protected against combined threats of COVID-19 and the strain of emergency fire requests; and

WHEREAS, the New Jersey Department of Community Affairs (NJCA) has appropriated funds from the American Rescue Plan for this purpose; and

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute and submit, on behalf of the Fire Department, the grant application to NJCA.
2. The Mayor and the Borough Clerk are hereby authorized to sign the grant agreement upon acceptance on behalf of the Borough of Highland Park and that their signature constitutes acceptance of the terms and conditions and approves the execution of the grant agreement.
3. Certified copies of this resolution be forwarded to the applicant, Finance Department, and Assistant to the Borough Administrator.

Resolution 11-23-243

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

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

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

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

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Highland Park Municipal Alliance grant for fiscal year FY2025 in the amount of:
GCADA GRANT FUND \$ 9,664.00
Cash Match \$2,416.00
In-Kind \$7,248.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 11-23-244

WHEREAS, the Borough of Highland Park was awarded a 2024 NJDOT Municipal Aid Grant in the amount of \$609,980.00 for roadway improvements to No. Fourth Avenue, Denison Street, and Harper Street; and

WHEREAS, the Borough has need for engineering services in relation to these upcoming roadway projects, in accordance with the proposal received from Bruce Koch, CME Associates, dated November 7, 2023, attached to the original of 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, N.J., 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 the Capital Fund Account No. C-04-55-821-001 in an amount not to exceed \$134,285.00, as reflected by the certification of funds by the Chief Financial Officer No. 2023-74.

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. The Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough an Agreement for professional services with CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859, a copy of which is attached to the original of this original,
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 11-23-245

WHEREAS, the Borough of Highland Park was awarded a Safe Routes to School Program grant in the amount of \$216,000 from the New Jersey Department of Transportation (NJDOT) for infrastructure and intersection improvements and ADA compliance; and

WHEREAS, the Borough of Highland Park was awarded engineering design assistance from the NJDOT for the 2016 Safe Routes to School grant; and

WHEREAS, the Borough of Highland Park selected the consulting firm NV5 to provide the engineering and design assistance for this project according to the NJDOT's specified consultant selection process; and

WHEREAS, the Federal Highway Administration (FHWA) authorized funding for these engineering services up to an amount of \$106,556.74 and the Borough of Highland Park and the NJDOT Division of Local Aid and the Borough entered into Federal Aid Agreement No. 2019-DT-DLA-529 accordingly; and

WHEREAS, on September 19, 2023, the FHWA authorized additional funding in the amount of \$89,753.05 for the final design costs associated with the 2016 Safe Routes to School Project, bringing total covered design costs for to \$196,309.79.

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 shall be and is hereby authorized to execute Modification No. 1 of Federal Aid Agreement 2019-DT-DLA-529 with the State of New Jersey, Department of Transportation, Division of Local Aid and Economic Development.
2. The Borough Clerk shall send three original signed and sealed copies of the attached agreement modification for execution by the NJDOT.
3. Modification No. 1 of the Federal Aid Agreement with NJDOT shall not be binding on either party until it is executed by the Commissioner of Transportation or the Commissioner's designee.

Resolution 11-23-246

WHEREAS, the Borough of Highland Park was awarded a Safe Routes to School Program grant in the amount of \$250,000 from the New Jersey Department of Transportation (NJDOT) for infrastructure and intersection improvements and ADA compliance; and

WHEREAS, the Borough of Highland Park was awarded engineering design assistance from the NJDOT for the 2018 Safe Routes to School grant; and

WHEREAS, the Borough of Highland Park selected the consulting firm NV5 to provide the engineering and design assistance for this project according to the NJDOT's specified consultant selection process; and

WHEREAS, the Federal Highway Administration (FHWA) authorized funding for these engineering services up to an amount of \$178,320.76 and the Borough of Highland Park and the NJDOT Division of Local Aid and the Borough entered into Federal Aid Agreement No. 2022-DT-DLA-101 accordingly; and

WHEREAS, on September 19, 2023, the FHWA authorized additional funding in the amount of \$129,485.97 for the final design costs associated with the 2018 Safe Routes to School Project, bringing total covered design costs for to \$307,806.73.

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 shall be and is hereby authorized to execute Modification No. 1 of Federal Aid Agreement 2022-DT-DLA-101 with the State of New Jersey, Department of Transportation, Division of Local Aid and Economic Development.
2. The Borough Clerk shall send three original signed and sealed copies of the attached agreement modification for execution by the NJDOT.
3. Modification No. 1 of the Federal Aid Agreement with NJDOT shall not be binding on either party until it is executed by the Commissioner of Transportation or the Commissioner's designee.

Resolution 11-23-247

WHEREAS, on January 28, 2016, Highland Cliffs LLC, hereto posted with the Borough of Highland Park a Performance Nond No. FP0022695, issued by First Indemnity of American Insurance Company in the amount of \$1,108,004.40 and a cash bond in the amount of \$123,111.60, for a total amount of \$1,231,116.00, in connection with a final major site plan and final major subdivision application on the property known as 2 South Adelaide Avenue, Block 1, Lot 1.01, in the Borough of Highland Park; and

WHEREAS, on October 5, 2018, by Resolution No. 10-18-269, the Borough Council authorized reduction of Performance Bond No. FP0022695, issued by First Indemnity of American Insurance Company from \$1,108,004.40 to \$409,471.18; and

WHEREAS on September 19, 2023, by Resolution 9-23-201, the Borough Council denied release of Performance Bond No. FP0022695, issued by First Indemnity of American Insurance Company in the amount of \$409,471.18, cash bond in the amount of \$123,111.60; and

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

WHEREAS, the Borough Engineer has conducted a site inspection of this project and filed report dated November 1, 2023 recommending the release of Performance Bond No. FP0022695, issued by First Indemnity of American Insurance Company in the amount of \$409,471.18 and a cash performance bond in the amount of \$123,111.60.

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 Highland Cliffs LLC in the amount of \$409,471.18 and cash bond in the amount of \$123,111.60, shall be and is hereby released subject to the following:
 - Posting of a 2-year Maintenance Bond in the amount of \$184,667.70.
 - 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 Highland Cliffs LLC.

Resolution 11-23-248

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:

Nicholas Hubbard, Part Time Fire Fighter, \$22.23 Hourly, Effective 11/01/2023

Joseph Oriti, Library Asst., \$37,397.00 Salary, Effective 11/01/2023

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 11-23-249

WHEREAS, there exists various outstanding checks on the books of the Claim Fund of the Borough of Highland Park, and

WHEREAS, it has been determined that these checks are at least one year old and should be canceled,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following outstanding checks in the Claims Fund in the amount of \$448.42 be cancelled to Current Fund Surplus:

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>PAYEE</u>	<u>CHECK AMOUNT</u>
13378	3/1/2022	Gannett NJ Newspapers	\$ 5.59
14640	11/1/2022	Bon Gabytite	272.00
15012	12/20/2022	Tacbook USA	170.83
TOTAL			<u>\$448.42</u>

Resolution 11-23-250

WHEREAS, by Resolution 2-23-59, adopted on February 21, 2023, the Borough Council authorized a professional services agreement with Arthur Thibault, Esq., of Apruzzese, McDermott, Mastro & Murphy, P.C. to serve as Labor Attorney for an amount not to exceed \$35,000.00; and

WHEREAS, additional labor attorney services are required and it is necessary to increase said contract by \$18,000.00

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, Arthur Thibault, Esq., is an Attorney at Law of the State of New Jersey with extensive experience in labor relations matters and has heretofore been appointed as Labor Consultant for 2023; and

WHEREAS, funds for this purpose are available in Current Fund Account No. 3-01-20-155-234 for an additional amount not to exceed \$18,000.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification No. 2023-76.

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 to increase the professional services contract with Arthur Thibault, Esq., of Apruzzese, McDermott, Mastro & Murphy, P.C. for Labor Attorney services in an amount not to exceed \$18,000.00 for a total contract amount of \$53,000.00

2. A certified copy of this Resolution shall be forwarded to the Chief Financial Officer and the Borough Administrator.
3. Notice of this contract award shall 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 11-23-251

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized and directed to execute the Memorandum of Understanding between the Borough of Highland Park Office of Emergency Management and Middlesex County Office of Emergency Management, Department of Public Safety and Health for utilization of specialized equipment for a period expiring December 31, 2024 attached to the original of this resolution.

Resolution 11-23-252

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. 4 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 \$82,652.98 in accordance with said Pay Estimate #4 for work performed through October 31, 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 \$82,652.98, as reflected by the Certification of Funds Available by Chief Financial Officer Certification No. 2023-75.

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 \$82,652.98, as certified by the Architects certification of Pay Estimate No. 4, 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 11-23-253

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License No. 1207-44-007-006, currently inactive, issued to Surdas, LLC for premises located at 76 Raritan Avenue, Highland Park, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

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

1. Does hereby approve, effective November 21, 2023, the Place-to-Place transfer of the aforesaid Plenary Retail Distribution License to Surdas, LLC for premises located at 76 Avenue, Highland Park, NJ; and
2. The said Borough Council does hereby direct the Borough Clerk to endorse the License Certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to "Surdas, LLC for premises located at 76 Raritan Avenue, Highland Park, NJ effective November 21, 2023."

Resolution 11-23-254

WHEREAS, a one-patient increase in a nurse's workload increased the likelihood of an in-patient death within 30 days of admission by 7 percent, and

WHEREAS, mortality risk decreases by 9 percent for ICU patients and 16 percent for surgery patients with the increase of one FTE (fulltime) RN per patient day; and

WHEREAS, nurse staffing shortages are a factor in one out of every four unexpected hospital deaths or injuries caused by errors; and

WHEREAS, a 2021 study published in the American Journal of Infection Control found that each additional sepsis patient per nurse was associated with 19% higher odds of in-hospital mortality; and

WHEREAS, a study of New York hospitals in 2021 showed significant decreases in patient deaths would occur if patient care was limited to a ratio of 4 patients to 1 Nurse: 4,370 deaths would have been avoided in New York just among Medicare patients during the two-year study; and

WHEREAS, the staffing crisis and resulting nurses strike at Robert Wood Johnson University Hospital could have dire consequences on the delivery of care.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey urge the NJ legislature and Governor Murphy to pass and sign into law S.304/A.4536 to mandate safe staffing levels in every hospital.

Resolution 11-23-255

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that all claims presented prior to this meeting as shown on a detailed list prepared by the Borough Treasurer, and which have been submitted and approved in accordance with Highland Park Ordinance No. 1004, shall be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk shall include in the minutes of this meeting a statement as to all such claims approved as shown in a Bills List Journal in accordance with said Ordinance.

The bills approved for payment at this meeting, Bills List 11/21/2023 can be found in the Bills List Journal Book No. 43.

Resolutions requiring a Separate Reading.

Resolution 11-23-256

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that transfers of 2023 budget appropriation balances shall be made as follows:

Budget Transfer #1			
Description	From	To	
Admin OE	5,000.00		
Communications OE	3,000.00		
Finance S&W	5,000.00		
Planning Board OE	5,000.00		
Board of Adjustments OE	5,000.00		
Fire S&W	17,000.00		
Recreation S&W	5,000.00		
Teen Center S&W	13,000.00		
Police S&W	20,000.00		
Telephones	2,000.00		
Borough Clerk OE		3,000.00	
Communications S&W		2,700.00	
Central Services		2,000.00	
Police OE		15,000.00	
Motorpool S&W		1,500.00	
Dept on Aging S&W		9,000.00	
Other Insurance		41,800.00	
Buildings & Grounds OE		5,000.00	
	80,000.00	80,000.00	
		0.00	

Resolution No. 11-23-256 was duly adopted on a motion made by Councilman Postelnik and seconded by Councilman George, and carried by the following roll call vote, to wit:

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

Resolution No. 11-23-257 Resolution Authorizing Agreement with Let’s Think Wireless (LTW) to Purchase and Install Updated CCTV and Audio Systems at the Police Department as part of the Transfer of 911 Emergency Communications Services to the Rutgers Dispatch Center.

Resolution No. 11-23-257 was duly adopted on a motion made by Councilman George and seconded by Councilman Hale, and carried by the following roll call vote, to wit:

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

Appointments.

On motion made by Councilman George and seconded by Councilman Hale Harry Glazer was appointed to the Mayor’s Teen Advisory Committee.

ROLL CALL Ayes: Councilpersons Canavera, George, Hale, Hersh, Postelnik
 Opposed: None.
 Absent: Councilwoman 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.)

Mayor Foster opened the floor for public discussion

Lois Lebbing, North 2nd Ave., spoke about accessibility, this April there was a planning board meeting in pertaining to development on Buck Woods site, the plan shows to me a small opening for the garage vehicles to enter the garage underground parking so she asked a question how high is that opening how high how what is the height and the answer from the audience by an expert was the answer was 11 feet high I just want to make that clear.

Mary Forsberg, Denison Street, asked when the improvements were supposed to be done on North Fourth and Dennison Street and Harper. Ms. Jover said that this is authorizing the Engineering work, it would then go to the State for review because we are using State Aid for part of the funding, then the specifications, and if we push hard we are hoping summer or fall of next year.

Mary Forsberg said the Kushner request is very impressive and it is very nice that somebody is that generous to Highland Park, and asked how that would impact the budget. She also said that she worked in Trenton for 25 years and when a bill was introduced it was required that a statement for what the bill does and a fiscal analysis be done for every single bill that costs money and local governments are not required to do that but it would be very useful. Mayor Foster indicated that each Council member has a portfolio and there are three Council members assigned to each portfolio and if there is something they need approved once it goes through Committee, then the entire Council meets at our work session and discuss before it is placed on an agenda for action.

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

Recess (5 minutes). - None

Work Session Items: No formal action to be taken.

Signage and façade ordinance (C. Cosenza)

Chris Cosenza, Planner said the signage ordinance this is really through the Neighborhood Preservation program and in year two of that program and during the facade grant program that has been running with all the other stakeholders it was found that during that process that the Borough received a lot of phone calls about the sign ordinance how it functions, how it works and frankly the ordinance just confuse people even further. At one of our various multiple stakeholder meetings we talked about the sign ordinance that we could rewrite it, we are not stuck with that law because it is a local ordinance and if fact was my understanding also that Main Street Highland Park has had issues with really trying to navigate the ordinance when it comes to applying for funding and whatnot and it's actually through the NPP program approved by the State that we'd have some money switch from one project to another which is common in these year-to-year projects where we have State approved a small deviation from the plan to set aside money to do assignments for Woodbridge Avenue, The beauty of this program is that as part of this project we're actually modifying the sign ordinance for the entire town so it's a benefit the entire community. There's really no cost to the Borough which is great ordinance changes are can be costly and for a sign ordinance it can be very costly they can range up to six figures for more complex projects so this particular project is really like a three-phase approach. The first phase is really analyzing the existing ordinance, second phase is writing the new ordinance and third phase is public participation and approval process introduction planning or consistency the master plan and of course adoption just like any other land developments so we're gearing up well and we are almost finishing up the first two phases. He indicated he was in the middle of writing the new ordinance so they're in phase one when I did the research found that the ordinance is all sorts of confusing, and I met with the Zoning Official, the Construction Official and several members of Main Street Highland Park, we all had a very productive meeting and try to meet one more time with my draft ordinance which I hope to send 80% version to the Borough soon. We will meet one more time to discuss the mechanics of the new ordinance. He said the whole goal is to consolidate, remove a lot redundancy and streamline it so it is much more user friendly and put it in one spot and include some best management practices which is based on model ordinances you see thought out the country after Reed v. Gilbert which is a First Amendment case regarding signed ordinances specifically signed content or content regulation specifically as well as other model ordinances from American Planning Association and signage industry standard. The primary benefit or purpose of this project is to consolidate, simplify for the end user and for the front user and to really update certain standards mainly the dimensional standards because from what he understand from your

Construction Code Official, Zoning Official and Main Street Highland Park it is quite restrictive. We're looking to add flexibility both in terms of the dimensional standards as well as the process to a review. That's basically it we're in the middle of the process and it should be done soon I understand we're shooting for introduction probably January.

Ms. Jover said we wanted to touch base with you in part because this is through the NPP program we wanted to get the bulk of the work done in this grant year and use the majority of Chris's time this year through the grant and then next year we'll figure out how we cover it either through the grant. It makes it really difficult for professionals to guide people as well as people to help themselves and I think at previous meetings Main Street reps have come and been really appreciative of the fact that we are taking on this initiative because they're trying to work with the businesses on helping themselves look better, they have facade monies to go towards signage but it's really hard to the way it's currently written to get results we want in a timely way.

Mayor Foster said so now we will have one standardized facade regulations that's going to hit all the compliances and whatever we got to do so but it's for the entire town we just tapped into this and do for everyone at one shot.

Councilman Hale said it is a great opportunity to use the NPP funds to support this but the other thing that he thinks it's so convoluted and so crazy that the design Committee of Main Street and the Zoning board and all the people who have different input into this will sometimes look at the same documents and read something completely different and so there's conflict between the Zoning board or the Planning board or the Zoning official or Code or the MSHP Design committee right and so by streamlining it putting it all in one place saying this is what our ordinance is ideally those sort of you know debates and conflicts will be set aside and we'll have this is our signs ordinance, this is what you can understand.

Mayor Foster said it is going to benefit especially with the development that we are hoping to come in plan and feels it will be a huge benefit to our town and thanked Chris Cosenza.

Ms. Jover said that when the draft is done and we will offer a simple summary of the key changes. Mayor Foster indicated that they are looking forward to seeing the change because it has been discombobulated for a long time and thanked everyone one for their hard work.

Executive Session (if necessary). - None

There being no further business, on motion made by Councilman George seconded by Councilman Hale and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:49 PM.

Respectfully submitted,

Jennifer Santiago
Borough Clerk