

BOROUGH OF HIGHLAND PARK

REGULAR MEETING  
April 2, 2024 – 7:00 PM

A Regular Meeting of the Highland Park Mayor and Council was held on Tuesday, April 2, 2024, 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 January 5, 2024 and was posted on the Borough website at [www.hpboro.com](http://www.hpboro.com) and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ and has remained continuously posted as required by law.

**Pledge of Allegiance.**

Flag salute led by Mrs. Hale.

**Roll Call:**

Present: Mayor Foster, Councilpersons, Canavera, Hale, Hersh, Kim-Chohan, Borough Attorney Shah, Borough Clerk Santiago.

Absent: Councilman George, Councilman Postelnik, Borough Administrator Jover

**Approval of Minutes.**

It was MOVED by Council President Hersh and seconded by Councilwoman Canavera the following minutes, February 20, 2024 Regular meeting and March 5, 2024 Regular meeting were approved, as distributed, by the following roll call vote:

**Roll Call:** Ayes: Councilpersons Canavera, Hale, Hersh  
Opposed: None.  
Absent: Councilpersons George, Postelnik  
Abstain: Kim-Chohan

Borough Attorney Shah announced the Mayor runs the meeting, questions that you may have have to be directed to her and if she is not going to answer she will direct somebody else who will. Once the Mayor recognizes you that's when you can speak. She wanted to ensure that everyone understands that those are the ground rules if for whatever reason there is a disruption you will be called out of order in order to maintain some decor. She noted everyone will get the opportunity to speak. There is going to be two public portions the first portion is to comment on any ordinances and resolutions and the second public portion is where you can talk about anything you like. For both public participations we're going to have all the questions put on the record and we're going to close the public portion after the public portion is closed that's when the Mayor and anyone else that she wishes to respond to the questions. She noted that once the public portion is closed please do not um call out from the audience or phone to cut the person off who is speaking. .

**Council Reports.**

Councilwoman Kim-Chohan thanked the Council Members that have been filling in for Rent Control meeting and all of the Finance meetings, she noted she was happy to be back.

Councilman Hale reported Sunday May 5th is the Highland Park Street Fair and 5K, anyone who is interested in running in the 5K or anybody who is interested in volunteering to help with the 5K go to [mainstreet.org](http://mainstreet.org) to sign up as a volunteer or a runner. Main Street needs people to sponsor a variety of different things if you are able to sponsor or want to sponsor the 5K or if you want to be a vendor um the Street Fair those opportunities are still open. He noted that all of the money that comes from the 5K goes to the Highland Park PTO so it's a great opportunity to be able to. He welcomed back Councilwoman Kim-Chohan

Councilwoman Canavera reported Board of Heath is a co-sponsor in the Go clean and go green event being held in Edison at Yelencsics Park on Marin Ave. on April 14th. It is a free hand in demo of battery operated landscaping equipment. Commission for Universal Access will be meeting this coming Monday. They are meeting the Special Educational Parent Council to find ways to help all our children feel included in the community. The Community Food Pantry is open on the second and fourth Thursday from 9 am to 10:45 am and again at 6 pm to 7 pm. Saturday following Thursday from 9:30 am to 10 am. The Highland Park Gives a Hoot Food Pantry is every Tuesday at the Zone 6 Center from 10 am to 11 am. Both programs have seen an increase in families needing there services. The Human Relations Commission held, "The Gratitude Tree Project". It was a fun and meaningful event for all ages and you still have time to put up your leave or flower of gratitude. For more information email: [HighlandParkHRC@gmail.com](mailto:HighlandParkHRC@gmail.com). Mental health commission held its first meeting today. They are still looking for members anyone interested please email me at [tcanavera@hpboro.com](mailto:tcanavera@hpboro.com). On a personal note I would like to thank Sgt. Wenskoski and Officer Bibby. They responded to a call at my home when my grandson fell. They were very helpful in calming my daughter down and reassuring her that my grandson would be ok. And she thanked the EMS workers too. Lastly thank you to the police for holding the make a kite with a cop event. It was so much fun.

Council President Hersh reported asked everyone to join the Highland Park Environmental Commission tomorrow at 800 pm on Zoom for a regular meeting and to hear updates about our River Trail concept proposal for commercial leaf blower ordinance, community solar and more it's a robust and open discussion and a lot of knowledgeable folks on the Environmental Commission. Please come on Wednesday April 10th at 7:30 p.m. on Zoom join the Shade Tree Advisory Committee for their regular meeting as we discuss upcoming Spring Tree plantings, Rain Garden maintenance and more. He echoed the sentiments of Councilwoman Canavera's sentiments regarding the Gratitude Tree, as well as the kite coloring with cops which was also a fun event. He noted that he missed the last Council meeting because he was away for work at a National conference with a lot of Community Economic Development corporations there and it's always eye opening to hear what other towns are doing to bolster their downtowns to improve their economic development prospects and the strategies that they employ. He said that he was really proud of just what we're doing in Highland Park I just wanted to make that clear, we are forward thinking and progressive and we're doing all the necessary steps to make sure that remains strong and becomes even stronger post pandemic. He is really happy to see that SuperFresh sign going up and welcomed back Councilwoman Kim-Chohan.

**Administrator.** – No report.

**Borough Attorney's Report** – No report.

**Mayor's Report.**

Mayor Foster reported she too was super excited to see the sign going up at SuperFresh and excited to have our very own supermarket in Highland Park. She attended the kit decorating with the Police Department there were so many little ones there they were all so excited and it was a great time and maybe someday soon they'll be able to fly their kites. The Gratitude tree was also great, don't forget to put your get your notes of gratitude wherever you see the signs for the Gratitude Tree. She indicated that she was at the Bartle school last month for their Women's History Month event and they were just spectacular, the singing, the poetry reading, the dancing, it was amazing and I just want to thank all those students from Bartle school who invited me to come to be a part to see their performance again Kudos they were just amazing.

**Public Participation.**

Mayor Foster opened the floor for public participation.

Lois Lebbing, North 2<sup>nd</sup> Avenue, said this was based on last meeting and she wanted to make a correction there is no leads that she could find in her first edition of this current development plan. It discusses at the way back green buildings, VLC, and energy star. It was in this 2005 somewhere that has redevelopment plan it has leads mentioned many times on page 17 and described what was to be and to her that is more important that it is in the front. After the energy explanation for building construction then you have accessibility which to me is then lost in the sauce so if any of those can be moved to the front.

Mary Forsberg, Denison said Hannah and herself have spent a little bit of time looking into the issue of SuperFresh and its relationship to Highland Park, New Brunswick and some other places and today read a letter that Hannah sent to all of you and only two Council people and the Mayor responded. The person that Borough is working with about SuperFresh has a history of not being a great long-term tenant. There is a problem in New York State where he has been found guilty of cheating on taxes and dealing inappropriately with his employees. She said she curious how much of that went into applying for DL Urban Renewal thing in May. in June after the store closed in May and then got approval for DL Urban Renewal in August so you've known a long time about him and you know that he's going to be the supermarket guy and I'm very curious why or if you did do any due diligence about him. How appropriate was it to actually have him be the person bringing our Supermarket to town and would like to hear something from the other people who never bothered to respond to Hannah's letter.

There being no one further, on motion made by Councilwoman Canavera seconded by Councilman Hale to close public participation, and carried by affirmative voice vote of all Councilpersons present.

Mayor Foster indicated that she would follow-up with Ms. Lebbing, in regards to the phone call from Ms. Forsberg she asked Special Counsel Baumann, Esq. to address those. She noted that the supermarket in New Brunswick was called Fresh Grocers, the other supermarket in Tano Mall is called Fresh Grocers.

Mr. Baumann, Esq., Special Counsel, said it was his my understanding is that they do not own the store in New Brunswick, he owns five locations in New Jersey Lindon, Hopelawn, Middlesex, Belleville and Roselle he's been in business about 30 years he has approximately 459 employees. His various grocery stores he's investing \$6 million he did have an issue with the State of New York he wasn't found guilty, he settled with them without admitting liability but he did settle for 4 million dollars or so. Mr. Lee came to us through the landlord so not unlike perhaps our other Redevelopment projects where we own the property and go create RFP's or RFQ's process and we have much more to say about who will ultimately develop that property or say in this property which is privately owned was limited. A PILOT was offered to help the property owner attract someone who was wiling to invest in a grocery store that was frankly outdated and needed substantial improvements. They struck a deal with Mr. Lee and they did an reliance on our consideration of the PILOT,

his application was filed in February, not August of last year and at this point it's up for adoption but we do have a limited ability to make decisions about who that land or find with their tenant, our role is simply that we offered to entice a tenant by providing PILOT.

**Ordinances Requiring a Second Reading.**

**Ordinance No. 24-2083** Ordinance Approving the Application for a Long-Term Tax Exemption and Authorizing the Execution of a Financial Agreement with DL Urban Renewal (Grocery Store)

Mayor Foster indicated that there would be no action taken on the above ordinance and asked for a motion to continue public hearing and adoption of Ordinance 24-2083.

On motion made by Councilman Hale, seconded by Councilwoman Canavera, the public hearing and adoption of ordinance entitled as above be continued to the April 16, 2024 Council meeting, by the following roll call vote, to wit:

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

**Consent Agenda Items - Resolutions.**

Resolution Nos. 4-24-115 through 4-24-120 were duly adopted on a motion made by Council President Hersh seconded by Councilwoman Canavera and carried by the following roll call vote:

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

**Resolution 4-24-115**

**WHEREAS** the Highland Park Clerk’s Office is in need of a maintenance contract for the peak agenda software and hardware for 2024; and

**WHEREAS**, the Borough may purchase said maintenance contract from Granicus, Dept. CH-Box 19634, Palatine, IL 60055-9634 for an \$8,747.25; and

**WHEREAS**, funds for this purpose are available in the 2024 Temporary Budget Current Fund Account No. 4-01-20-120-235, in an amount not to exceed \$9,534.50, 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. 2024-47.

**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 Borough Administrator is hereby authorized and directed to execute said maintenance contract for the peak agenda software and hardware from Granicus, Dept. CH-Box 19634, Palatine, IL 60055-9634, for a total amount not to exceed \$9,534.50.
2. Certified copies of this resolution be forwarded to the Finance Department.

**Resolution 4-24-116**

**WHEREAS**, the Tax Collector of this municipality has previously issued a tax sale certificate to (Christina T C/F CE1/FIRSTTRUST) which certificates dated 12/19/24 covering premises commonly known and referred to as:

Block	Lot	Qualifier	Certificate
1903	10	C0503	23-00044
3407	22		23-00077

**WHEREAS**, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplace the original tax sale certificate and have duly filed the a affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

**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 Tax Collector is hereby authorized and directed upon receipt of the Loss Affidavit and the payment \$100 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser.
2. That a copy of this resolution and the loss affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate be stamped or otherwise have imprinted upon it the word “ Duplicate” as required by law.

**Resolution 4-24-117**

**WHEREAS**, the New Jersey Office of the Attorney General developed the Blue Cares program in 2019 to assist individuals suffering from with substance use disorder/addiction by working with community partners to treat and prevent drug addiction; and

**WHEREAS**, Blue Cares provides a 24-hour hotline number for individuals or family members in need of information, guidance, and recovery support that is staffed by certified peer recovery coaches that can assist with referrals to treatment; and

**WHEREAS**, the Blue Cares program is facing a financial challenge and the Middlesex County Commissioner Director, in a letter dated March 4, 2024, requested that all municipalities in the county consider contributing \$2,000.00 annually toward this program; and

**WHEREAS**, the Borough of Highland Park has received opioid settlement funds and support for the Blue Cares program is an eligible expense; and

**WHEREAS**, funds for this purpose are available in Grant Account No. G-02-41-776-200 for a total amount not to exceed \$2,000.00, as reflected by the certification of funds by the Chief Financial Officer no. 2024-48.

**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 shall make payment to the County of Middlesex in the amount of \$2,000.00 in support of the Blue Cares program and it shall be sent to the Middlesex County Prosecutor's Office at 25 Kirkpatrick Street, 3<sup>rd</sup> Floor, New Brunswick, NJ 08901.
2. Copies of this Resolution shall be forwarded to the Chief Financial Officer and Borough Administrator.

**Resolution 4-24-118**

**WHEREAS**, the Borough of Highland Park is a member of the Garden State Municipal Joint Insurance Fund; and

**WHEREAS**, it is required for the Borough of Highland Park to have representation on the Board of Commissioners; and

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Highland Park that:

1. Teri Jover, Borough Administrator, shall continue to serve as Fund Commissioner to the Garden State Municipal Joint Insurance Fund.
2. Jacklyn Vasquez, Payroll and Benefits Coordinator, is hereby appointed as Alternate Fund Commissioner to the Garden State Municipal Joint Insurance Fund, effective April 1, 2024, replacing the position previously held by Emma Von Thun.
3. Nerea Champion, Chief Financial Officer, shall continue to serve as Alternate Fund Commissioner to the Garden State Municipal Joint Insurance Fund.
4. The Borough Clerk shall provide a copy of this resolution to the Borough Administrator and Chief Financial Officer.

**Resolution 4-24-119**

**WHEREAS**, the Borough of Highland Park has a long-standing commitment to sustainability, seeking to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

**WHEREAS**, the Borough was awarded a grant by the New Jersey Board of Public Utilities to develop a Community Energy Plan to help meet the goals of the state's Energy Master Plan; and

**WHEREAS**, the Borough of Highland Park has prepared a Community Energy Plan utilizing the technical support and resources provided by the New Jersey Board of Public Utilities and Sustainable Jersey that will help guide investments in renewable energy and work towards a better environment for all resident.

**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 and Council hereby adopt the Highland Park Community Energy Plan dated April 2024, a copy of which is attached hereto.
2. The Borough Administrator is authorized and directed to submit the plan to the New Jersey Board of Public Utilities in order to close out the Community Energy Planning Grant and qualify for implementation funds.
3. The Borough Administrator is authorized and directed to convene an ad hoc committee comprised of members of Sustainable Highland Park, the Environmental Commission and the Board of Health to review the plan on an annual basis and set priorities for the coming year.

**Resolution 4-24-120**

**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 4/2/2024 can be found in the Bills List Journal Book No. 44.

**Resolutions requiring a Separate Reading.**

**Resolution 4-24-121**

**WHEREAS**, N.J.S.A. 40A:4-19 allows for a municipality to adopt a temporary budget within the first 30 days of its budget year when contracts, commitments or payments need to be made prior to the adoption of the regular budget, and

**WHEREAS**, THE Borough of Highland Park requires additional appropriations to maintain operations until such time that the Borough Budget is adopted,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highland Park, County of Middlesex, that the following additional temporary emergency budget appropriations be authorized:

<b>DEPARTMENT</b>	<b>CURRENT FUND TYPE</b>	<b>AMOUNT</b>
Rutgers Dispatch Svcs	O/E	\$100,000.00
Mid Cty Open Space & Rec Trust (Felton)	O/E	\$85,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be transmitted to the Chief Financial Officer of the Borough.

**Appointments.**

On motion made by Council President Hersh and seconded by Councilwoman Canavera, appointment of Frances Burke to the Council on Aging, Kenneth Kressel to the Shade Tree Advisory Committee, carried by the following roll call vote, to wit:

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

**Second Public Participation.**

Mayor Foster opened the floor for public participation.

Lois Lebbing, North 2<sup>nd</sup> Avenue said no leads in your redevelopment plan and the Master Plan says New Jersey statute as well as Municipal land use law 40 55- 93 preparation every municipality the stage of prepare of a storm water management plan and control ordinances and in section 95 it talks about detention bases and development flooding during new development. It does not say this pertains only to shore towns and it was written in 1981 and she did not recall seeing it ever in any of our Master Plans. The code book is not the Master Plan which is the invitation for developers so now I'm wondering why we didn't ever have it in for the Cleveland Avenue mass development and other ones every town shall prepare, you prepared it but it's not in the Master Plan. The historic page you have no mention of what historian Jean Cola told me many years ago that she worked diligently to get Highland Park in both the local historic district and as a State Historic District so you have protection from State funds coming in the entire town is a historic district. She asked why the Borough did not have a cooling corridor like back in the 70's.

Mary Forsberg, Denison Street, said she wanted to correct the record, there were two stores in New Brunswick that went out of business each of them owed a million dollars to the New Brunswick Parking Authority, one owed almost about 800,000 to the New Brunswick Parking Authority, one was SuperFresh, one was Fresh Direct. SuperFresh does not have a great record and in Tano mall I'm pretty sure that was SuperFresh as well that walked away. DL Urban Renewal applied to renovate a supermarket in June of 2023, they were then approved in August 2023 and the information that Mr. Baumann is giving is not the information that you provided in the packet of information that was available. She said she would like to see a supermarket in town but I want to be sure that this is a supermarket that will be here for more than three years and will not leave the town or the owner of the property with a giant debt. She feels like Hannah asked about whether you did any due diligence and thinks that's a big issue people should think about. She noted that she just wanted to correct the record.

Jessica Hunson, Montgomery St., said she sent the Mayor and Council an email in support of a resolution that rejects and urges Middlesex County Clerk Nancy Pinkin ensure the County line stays in place and hopes that everyone supports this ending of the County line. She said that she has noticed at the last two meetings the calls for the public comment mention, and understands the need for rules and engage respectfully but was concerned that shutting down and not responding to the questions as they are asked doesn't allow members of the community to have an engagement and maybe ask clarifying or follow-up questions. She asked the Mayor and Council to consider what that means to community members and also the previous engagement with the Attorney did not seem to value and respect our community input.

Lois Lebbing, North 2<sup>nd</sup> Avenue, said with regard to the grocery store that comes in, is it possible in the contract to put a clause that if the business goes under and taxes are due whatever they pay due can there be some sort of protection this is all that citizens are worried about you have so many residents that don't drive

and we need more bus shelters because of that and this is advertised as a walking town but you have so many counting on this we don't want everybody get their hopes up and be happy for two years and then the thing is gone. She asked if lithium batteries are only the rechargeable batteries we see and hear about starting on fire or are they also the lithium in your bathroom scale.

There being no one further, on motion made by Council President Hersh seconded by Councilwoman Canavera to close public participation, and carried by affirmative voice vote of all Councilpersons present.

Mayor Foster asked Special Counsel Baumann to explain the agreement between the grocery store and the property owner. Mr. Baumann, Esq., explained that there is a landlord/tenant lease and the Borough is not a party in that agreement. The Financial Agreement under consideration does require them to pay their taxes and it is the same result as if you had not paid your taxes, lean on the property and ultimately their property can be taken from them and sold so the real estate taxes are paid to the Borough. The same protections anyone else has. Lastly if the grocery store does close the contract we negotiated for the payment in lieu of taxes terminates it's only good for as long as there's a grocery store and then it will go back to normal taxes. Mary Forsberg mentions this August date and I think she's referring to the date that the Entity was created in August so it was the date that we were dealing with them their lease is not assigned until November. He noted that there was a 20 year lease between the property owner and the supermarket

Mayor Foster asked the Borough Attorney Shah if she would address Ms. Hunson's question about the county line. Ms. Shah, Esq., said that lawsuit came in and there's been filings done over the Easter holiday, we are all sorting through the information and it is her understanding there are additional filings up to midnight last night and today. She advised the Mayor and Council the next steps they can take however this case is moving very fast and there are many parties in it so there is no response today.

Mayor Foster indicated to Ms. Lebbing regarding the lithium batteries we will get back to you.

There being no further business, on motion made by Council President Hersh, seconded by Councilwoman Kim-Chohan and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 7:41 PM.

Respectfully submitted,

Jennifer Santiago  
Borough Clerk