

BOROUGH OF HIGHLAND PARK

REGULAR MEETING
June 18, 2024 – 7:00 PM

A Regular Meeting of the Highland Park Mayor and Council was held on Tuesday, June 18, 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 April 18, 2024 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 and has remained continuously posted as required by law.

Pledge of Allegiance.

Michael Lassiter led the flag salute

Roll Call:

Present: Mayor Foster, Councilpersons, George, Hale, Hersh, Kim-Chohan,
Postelnik, Borough Administrator Jover, Borough Attorney Shah, Borough Clerk
Santiago.

Absent: Councilwoman Canavera

Honors, Awards and Presentations.

Councilman George and Mayor Foster read and presented a proclamation to Michael Lassiter for his retirement as the Highland Park High School principal.

Approval of Minutes,

It was MOVED by Council President Hersh and seconded by Councilman Postelnik the following minutes, May 21, 2024 regular and executive session minutes were approved, as distributed, by the following roll call vote:

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

Council Reports.

Councilwoman Kim-Chohan reported that the Rent Control Board held their meeting last month and they had their first hardship appeal. She reminded everyone the meetings are held every fourth Thursday of the month at 5:30 pm in Council Chambers. She added we needed a 10% water and sewer rate increase to cover the cost of the purchase of water and the Middlesex County Utility Authority charges.

Councilman Hale thanked everyone who came out to the open house about downtown redevelopment at the High School. He added there will be a local business mixer networking event on Thursday June 27 from 5:00 to 7:30 p.m. at Soma Vayu Garden, 73 Woodbridge Avenue. This is part of our NPP program. If interested there is a flyer on our web-site or you can RVSP to Harry Glazer at hglazer@hpboro.com. We are still looking at a Labor Day weekend for the opening of Super Fresh. He wished Sgt. Haas great luck in his retirement and future endeavors. He thanked Mayor Foster for writing a note informing people of the rescue of four Israeli hostages in Gaza and added the Mayor made sure that it was delivered to all the synagogues.

Councilman George reminded everyone of the Juneteenth flag raising. It is a recognition and celebration for the end of slavery. He congratulated Police Sgt. Haas on his retirement. The Public Safety Committee interviewed officers last week. The post-interview process should give us a new officer by the next meeting. Fire Department calls have been frequent, he visited fire crews removing fallen trees. SWACC: Last night along with Council members Hersh, Postelnik and Borough Administrator Jover they attended a SWACC presentation of the sidewalk and crossing upgrades. Library: Most of the interior work is done. The contractor is in place for the roof. We are anticipating a grand reopening by summers end.

Councilman Postelnik reminded everyone that grocery store transportation is available through the Community Center. The Senior Prom "Dancing Under the Stars event" was held earlier today. The New Jersey Blood Services Blood Drive is on June 25th from 12pm - 6:00pm at the Community Center. Fireworks in the Park is scheduled for Wednesday July 3rd at Donaldson Park from 6:00pm-10:00pm, fireworks begin at 9:15pm. The rain date is Sunday July 7th, same start time and place. Parkstock Music Festival, our annual summer outdoor concert series, starts next month from 6:00pm to 8:00pm and located at Grove 1 in Donaldson Park.

Council President Hersh reported Borough offices will be closed on Friday (6/21) in observance of Juneteenth. He reviewed the garbage collection schedule. A Heat Advisory remains in effect, residents in need of shelter from the heat may take advantage of air conditioning at the Community Center and Borough Hall during business hours. The Reformed Church of Highland Park, will make their Quilt Room available to residents during the evening and weekends. He thanked the residents who came to Borough Hall last night for the Safe Routes to Schools/Public Information Center. Construction and is

anticipated to begin in spring 2025. He thanked everyone who participated in Sustainable Highland Park's native plant giveaway this past weekend. He noted for residents to come join Sustainable Highland Park and Highland Park Ecology and Environmental Group for our trash clean-ups from 10am-12pm, the location will be announced. The next SHP Meeting is Wednesday, June 26, 7:30pm. He congratulated Sgt. Haas and Mr. Lassiter.

Administrator.

Business Administrator Jover thanked everyone who attended the June 5th meeting regarding the downtown redevelopment effort and Tract C, she updated the web-site with the materials that were presented and said you can also find them in the Clerk's office. She noted you can continue to send in your thoughts or questions to tjover@hpboro.com. In regards to South 3rd, we received our Department of Transportation permit for the permanent creation of a plaza on South 3rd. Regarding Safe Routes to School, the website will have the current plans uploaded tomorrow and printed plans are also available in the Clerk's Office.

Borough Attorney's Report

Borough Attorney Shah stated the meeting is ran by the Mayor and everything has to go through the Mayor, she also decides if someone else will be speaking. There are two portions where members of the public can speak, the first part is about the resolutions and ordinances and the second is called oral remarks where individuals can comment on anything. Both of those formats we allow everybody to ask their questions. We close the public portion and at that point the Mayor decides to answer any questions if she believes that someone else can also answer then she will defer, but at no time is there any public participation once the public portion is closed. Once we get into the public portion you will have a time limit and we will let you know when your time is up. The second item she mentioned was Resolution 6-24-171 and she would really be appreciative if we can pass this Resolution today. She feels that litigation would be a waste of everyone's time and resources.

Mayor's Report.

Mayor Foster announced tomorrow we are celebrating Juneteenth at Borough Hall at 5:00 p.m. there will be a kids program followed by ice cream and after that will be the flag raising ceremony at the Community Center. She was with Dr. Opal Lee two weeks ago and she presented her with a proclamation. Dr. Opal Lee explained that Juneteenth is not just a holiday for people of color, it's a holiday for us all to appreciate and respect each other. The Highland Park quarterly is out, you'll find it packed with useful information. The League of Municipalities magazine cover this month is called Celebrate and Highland Park is prominently featured as a laboratory for leadership 20 plus years. Sergeant Haas is retiring after 34 years, the Mayor personally thanked him. This month she went to a meeting with the Department of Transportation to address the ongoing problem with the road improvements and upper Raritan.

Public Participation.

Mayor Foster opened the floor for public participation.

Josh Pruzansky thanked the Mayor for sending out the letters regarding the rescued hostages. He also thanked the Mayor for inviting him to the meeting with Department of Transportation and mentioned there was another accident on Route 27 last week. He congratulated Sgt. Haas.

Stuart Mitnick, 353 Madison Avenue echoed Josh Pruzansky's comments about the Mayor's letter to the various Synagogues, it was very much appreciated on all sides of the Borough.

Lois Lebbing North 2nd Avenue asked about Ordinance 2086, on-street parking regulations and suggested a handicap spot by 137 Raritan Ave.

Mary Botteon, Madison Avenue spoke about the agenda item to give a license to the second of five marijuana stores in Highland Park. In event that the owners of these marijuana stores are not aware there is litigation currently in process against the Council on this issue. She asked if Herbalicity and any other potential marijuana stores know that this litigation is taking place. Borough Attorney noted that they cannot comment on any litigation.

Jill, 242 South 6th, urged the Borough to share some details on the financial side of this redevelopment. She said in regards to the plaza seems decoupled project from Tract C as it relates to the status and the approval process.

Kieran Crowley, 218 Harrison Avenue regarding Tract C, asked have any tax abatements such as pilot been requested by the developer. Will the South 3rd Plaza have to go through its own Planning Board agreements? Have you made any conditions on approval of Garden Homes moving ahead? Borough Administrator Jover replied we don't have an exact date of how long will it take, we need to bring in a designer. We're not in a position to share where we are with financial negotiations, those terms will be made public prior to any Council decision.

Marcia Shiffman, 1311 6th Avenue said is very happy with Ordinance # 24-2087, the signage ordinance results. She suggested putting murals and outdoor artwork under the Ordinance.

Diane Feldman, North 4th Avenue referred to a business meeting having to do with Woodbridge Avenue development and asked where it is be being held and is it an accessible location? Councilman Hale answered 73 Woodbridge Avenue. He believes that it is accessible and will make sure that it is.

There being no one further, it was moved by Council President Hersh and seconded by Councilman George to close public participation, and carried by the following roll call vote:

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

Ordinances Requiring a Second Reading.

Ordinance No. 24-2085 An Ordinance to Amend Chapter 230, Article XX of the “Code of the Borough of Highland Park, 2010” Concerning Stormwater Management

Clerk reported on Ordinance No. 24-2085 An Ordinance to Amend Chapter 230, Article XX of the “Code of the Borough of Highland Park, 2010” Concerning Stormwater Management and has been duly advertised for consideration of passage on final reading by title and affidavits of publication are on file

Mayor Foster opened public hearing on Ordinance No. 24-2085. There being no one, on motion by Council President Hersh and seconded by Councilman Hale and carried by the following roll call vote, the public hearing on Ordinance 24-2085 was closed:

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

On motion made by Council President Hersh, seconded by Councilman George, the ordinance entitled as above, was duly adopted by the following roll call vote, to wit:

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

Ordinances Requiring a First Reading.

Ordinance No. 24-2086 An Ordinance Amending On-Street Parking Regulations for Residences Occupied by Persons with a Physical Disability and Amending the “Code of the Borough of Highland Park, 2010”.

Clerk reported on Ordinance No. 24-2086 An Ordinance Amending On-Street Parking Regulations for Residences Occupied by Persons with a Physical Disability and Amending the “Code of the Borough of Highland Park, 2010”.has been duly introduced by the Public Safety Committee for consideration of passage on first ready by title.

On motion made by Councilman Hale, seconded by Councilman George, the ordinance entitled as above was duly adopted on first reading by title, authorize publication and set public hearing for July 16, 2024, by the following roll call vote, to wit:

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

Ordinance No. 24-2087 An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning Signage Regulations and Other Design Standards.

Clerk reported on Ordinance No. 24-2087 An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning Signage Regulations and Other Design Standards has been duly introduced by the Economic Development and Planning Committee for consideration of passage on first ready by title.

On motion made by Councilman Hale, seconded by Councilwoman Kim Chohan, the ordinance entitled as above was duly adopted on first reading by title, authorize publication and set public hearing for July 16, 2024, by the following roll call vote, to wit:

ROLL CALL: Ayes: Councilpersons: George, Hale, Hersh, Kim-Chohan, Postelnik

Opposed: None.
Absent: Canavera.
Abstain: None.

Ordinance No. 24-2088 An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of Highland Park, Chapter 138, “Sewer and Water”

Clerk reported on Ordinance No. 24-2088 An Ordinance to Amend and Supplement the Revised General Ordinances of the Borough of Highland Park, Chapter 138, “Sewer and Water” has been duly introduced by the Finance Committee for consideration of passage on first reading by title.

On motion made by Council President Hersh seconded by Councilman Postelnik, the ordinance entitled as above was duly adopted on first reading by title, authorize publication and set public hearing for July 16, 2024, by the following roll call vote, to wit:

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

Consent Agenda Items - Resolutions.

Resolution Nos. 6-24-161 through 6-24-177 were duly adopted on a motion made by Councilman Postelnik seconded by Councilman Hale and carried by the following roll call vote:

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

Resolution No. 6-24-161

WHEREAS, applications for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicants, and

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said applications are complete in all respects.
2. The applicants and the premises are qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to and consistent with Title 33.
3. The applicants have disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
4. The Mayor and Council are of the opinion that said applications should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

PLENARY RETAIL CONSUMPTION LICENSES

- Pad-Thai, Inc. d/b/a Pad Thai, 217 Raritan Ave. – 1207-33-005-004
- Wilhelm & Young, Inc. d/b/a Park Pub, 180-182 Woodbridge Ave. - 1207-33-011-002
- Kiadan Inc., 13B North 4th Ave., Pino’s Wine Cellar - 1207-33-010-011
- Eisigian LLC t/a Mr. Pi Sushi & Kumamoto Noodle – 1207-33-004-008

PLENARY RETAIL CONSUMPTION LICENSES WITH BROAD C

- Highland Park Wine & Liquor LLC, 97 Woodbridge Ave., WITH BROAD PACKAGE PRIVILEGE-1207-32-003-008

PLENARY RETAIL DISTRIBUTION LICENSES

- Rite Aid of New Jersey, Inc., d/b/a Rite Aid 2561, 332 Raritan Avenue – 1207-44-001-005
- Surdas LLC t/a Park Liquors, 80 Raritan Avenue – 1207-44-007-006
- Kiadan Inc., d/b/a Pino's Fruit Basket Shoppe, 13A North 4th Ave. – 1207-44-006-010

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2024 and shall expire June 30, 2025.

Resolution No. 6-24-162

WHEREAS, application for renewal licenses issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) have been made by the hereinafter applicant, and

WHEREAS, said applications have been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to each of the applicants:

1. Said application is complete in all respects, including submission of the club member list.
2. The officers and directors of the club are qualified according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The club maintains all records required by N.J.A.C. 13:2-8.8. (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursements).
4. The Mayor and Council are of the opinion that said application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal licenses issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) to sell alcoholic beverages upon the premises set forth opposite their names under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and are hereby approved, to wit:

CLUB LICENSES

The White Mountains Cretans Fraternity, 1152-1154 Raritan Avenue - 1207-31-012-002

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue to the aforesaid licensees the license aforesaid, which licenses shall be effective July 1, 2024, and shall expire June 30, 2025.

Resolution No. 6-24-163

WHEREAS, application for renewal license issued in the Borough of Highland Park under the provisions of the Alcoholic Beverage Law (NJSA 33:1-1 et seq.) has been made by the hereinafter applicant, and

WHEREAS, said application has been examined and the Mayor and Council of the Borough of Highland Park have made the following findings of fact with respect to the applicant:

1. Said application is complete in all respects.
2. The applicant has obtained a Special Ruling to permit the filing of renewal application of an Inactive License for the 2023-2024, 2024-2025 license term.
3. The applicant is qualified to be licensed in accordance with Title 33, all regulations promulgated by the New Jersey Division of Alcoholic Beverage Control and local ordinances as amended and supplemented pertinent to and consistent with Title 33.
4. The applicant has disclosed, and the issuing authority has ascertained and reviewed, the source of any additional financing obtained in the previous license term for use in the licensed business.
5. The Mayor and Council are of the opinion that said application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following renewal application of an inactive license issued under the Alcoholic Beverage Control Law (NJSA 33:1-1 et seq.) under the terms and conditions prescribed in the Act aforesaid, the amendments and supplements thereof, and the ordinances, rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, State of New Jersey, shall be and is hereby approved with the specific condition that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2025 to wit:

PLENARY RETAIL CONSUMPTION LICENSE W/ BROAD PACKAGE PRIVELEGE

Four W. Properties, 149 Livingston Avenue, New Brunswick, NJ 08901 – 1207-32-008-014 (POCKET)

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to maintain the aforesaid license certificate in the municipal file, which license shall be effective July 1, 2024, and shall expire June 30, 2025.

Resolution No. 6-24-164

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$35,526.23, which is now available from the 2024 Clean Communities Grant, and

BE IT FURTHER RESOLVED that the like sum of \$35,526.23 is hereby appropriated under the caption of 2024 Clean Communities Grant.

Resolution No. 6-24-165

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the

Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$2,000.00, which is now available from the 2024 Sustainable Jersey Grant, and

BE IT FURTHER RESOLVED that the like sum of \$2,000.00 is hereby appropriated under the caption of 2024 Sustainable Jersey Grant.

Resolution No. 6-24-166

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$75,000.00, which is now available from the NJDCA Local Recreation Improvement Grant, and

BE IT FURTHER RESOLVED that the like sum of \$75,000.00 is hereby appropriated under the caption of NJDCA Local Recreation Improvement Grant.

Resolution No. 6-24-167

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$16,000.00, which is now available from the Middlesex County Swimming Lessons Pilot Program Grant, and

BE IT FURTHER RESOLVED that the like sum of \$16,000.00 is hereby appropriated under the caption of Middlesex County Swimming Lessons Pilot Program Grant.

Resolution No. 6-24-168

WHEREAS, on May 2, 2021, by Resolution 5-21-129, the Borough Council authorized a two-year Memorandum of Understanding with the New Jersey Board of Public Utilities for the Phase II TC DER Micro grid incentive program; and

WHEREAS, the MOU between the New Jersey Board of Public Utilities and the Borough of Highland Park has expired; and

WHEREAS, additional work remains to be done, including submission of a design report, review and approval/rejection of said report and associated release of financial retainage by the New Jersey Board of Public Utilities, necessitating a new Memorandum of Understanding.

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 is hereby authorized and directed to execute the Memorandum of Understanding extending the term of the prior Memorandum of Understanding between the Borough of Highland Park and the New Jersey State Board of Public Utilities, attached to the original of this resolution.
2. Copies of this Resolution shall be forwarded to the Borough Administrator and the Chief Financial Officer.

Resolution No. 6-24-169

WHEREAS, on April 5, 2022, Suburban Development LLC, posted with the Borough of Highland Park a performance bond No. RU101503, issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33, for a total amount of \$84,503.33, in connection with preliminary and final major subdivision application and design standard exceptions on the property known as 238 Cleveland Avenue, Block 403, Lots 31-33, in the Borough of Highland Park; and

WHEREAS, on April 16, 2024, by Resolution 4-24-126, adopted by the Highland Park Council request for release of performance bond No. RU101503, issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33, for a total amount of \$84,503.33 was denied per the Borough Engineer's Report dated March 25, 2024; 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 June 4, 2024 recommending the denial of release of Performance Bond No. RU101503, issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33; and

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

1. Suburban Development LLC is hereby denied the request for release of Performance Bond No. RU101503 issued by First Indemnity of American Insurance Company in the amount of \$76,053.00 and a cash performance bond in the amount of \$8,450.33, for a total amount of \$84,503.33, in accordance with the Borough's Engineers report dated June 4, 2024.
2. Certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official and Suburban Development LLC.

Resolution No. 6-24-170

WHEREAS, the Borough of Highland Park received a grant in the amount of \$250,000 from the State of New Jersey for a feasibility study of a bicycle and pedestrian River Trail that would connect Donaldson and Johnson Parks along the Raritan River; and

WHEREAS, on December 20, 2022 the Borough Council approved Resolution No. 12-22-286, authorizing a professional services agreement with ETM Associates LLC to conduct the feasibility study and develop a concept plan for the Raritan River Trail Connector (now referred to as the Highland Park River Greenway); and

WHEREAS, there is need for additional professional services related to the project, including regulatory agency outreach, title searches, boundary surveys, site survey work and ecological assessments, and there are funds remaining in the original grant to complete said services; and

WHEREAS, the Borough of Highland Park has solicited these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law," and will require completion of all necessary Pay-to-Play forms, including the Campaign Contributions Affidavit and the Certification Regarding Political Contributions, pursuant to N.J.S.A. 19:44A-20.8 and N.J.S.A. 19:44A-20.26, respectively; and

WHEREAS, a contract for these services may be awarded without public advertising for bids as the contract is for "Professional Services" as defined by the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Borough Council of the Borough of Highland Park desires to award a contract to ETM Associates, LLC, whose proposal is attached, in an amount not to exceed \$143,375.00; and

WHEREAS, funds for this purpose are available in Grant Account No. G-02-41-757-200 in an amount not to exceed \$143,375.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer certification no. 2024-58.

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

- 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 ETM Associates, LLC, 1202 Raritan Avenue, Highland Park, NJ 08904, attached hereto.
- 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 No. 6-24-171

WHEREAS the Borough of Highland Park (the Borough) was previously a member of the Middlesex County Joint Insurance Fund (the Fund); and

WHEREAS the Fund has levied a special assessment on members as a result of a 2021 certified annual audit of the years 2001-2020 and have determine cumulative deficits exist for certain years that the Borough was a member of the Fund; and

WHEREAS the New Jersey Department of Banking and Insurance conducted a Statutory Examination of the audit; and,

WHEREAS the Borough proposes to satisfy this special assessment of \$133,704.32 by acknowledging the amount of the current supplemental assessment and stating that it intends to make payments as follows: (a) payment of \$47,751.54 before June 30, 2024, and (b) the remaining balance in six (6) equal annual installments without interest starting in the first quarter of 2025; and

WHEREAS the supplemental assessment is subject to revision upon the completion and filing of each certified annual audit, the Borough acknowledges that the supplemental assessment may be revised up or down depending upon the results of the Fund's future certified annual audits; and

WHEREAS the Borough has not previously made any payment toward the supplemental assessment; and

WHEREAS the Borough has proposed this payment plan if the Commissioners of the Fund will waive the accrued interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park approve the payment of \$133,704.32 in supplemental assessments to the Middlesex County Municipal Joint Insurance Fund; and be it:

FURTHER RESOLVED that, without waving any of its rights, the Borough shall make the first payment of \$47,751.54 no later than June 30, 2024; and be it

FURTHER RESOLVED that remaining balance be paid in six (6) equal annual installment payments of \$14,325.46 to the Fund; each payment shall be made on or before March 31, starting in March of 2025; and be it

FURTHER RESOLVED that the Chief Financial Officer and all necessary Borough officers and employees are authorized to make payments to the Fund in accordance with the foregoing; and be it

FURTHER RESOLVED that all necessary Borough officers and employees are authorized to execute documents to effectuate the foregoing subject to attorney review.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Borough Attorney
2. Borough CFO
3. Middlesex County Municipal Joint Insurance Fund

Resolution No. 6-24-172

WHEREAS, pursuant to Resolution No. 10-23-216, adopted October 10, 2023, the Borough Council authorized execution of a contract with Top Line Construction Corp. for Improvements to Riverview Avenue, Washington Avenue and Exeter Street and various roads, in an amount not to exceed \$738,868.15, without further resolution of Council; and

WHEREAS, by Resolution 1-24-20, adopted on January 16, 2024, the Borough Council authorized Pay Estimate No. 1 in the amount of \$360,604.22 as set forth by CME Associates memo dated December 14, 2023, in accordance with said Pay Estimate for work performed from November 27, 2023 to December 14, 2023; and

WHEREAS, by Resolution 1-24-21, adopted on January 16, 2024, the Borough Council authorized Pay Estimate No. 2 in the amount of \$74,547.00 and Change Order No. 1 reflecting as-built quantities for each contract and supplemental work performed, including the supplemental work requested by the Borough on South 11th Avenue and Wayne Street, in the amount of \$23,761.64 and for a total contract amount not to exceed \$762,629.79; and

WHEREAS, by Resolution No. 6-24-140, adopted on May 7, 2024, the Borough Council authorized Pay Estimate No. 3 in the amount of \$47,980.96 and Change Order No. 2, the change order reflects the supplemental work requested by the Borough to mill and pave a portion of South 3rd Avenue, starting from Valentine Street towards Donaldson Street. The change amount is an increase of \$29,500.00 in the contract amount, and for a total contract amount not to exceed \$792,129.79; and

WHEREAS, it appears from Pay Estimate No. 4, filed by CME Associates dated June 6, 2024, that certain work under said contract has been completed and approved, and there is due to Top Line Construction Corp. the sum of \$196,775.01 in accordance with said Pay Estimate for work performed from April 20, 2024 to May 31, 2024; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-832-001 in the amount of \$196,775.01, as reflected by the Certification of Funds Available by the Chief Financial Officer Certification No. 2024-59.

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 pay Top Line Construction Corp. the sum of \$196,775.01, as certified by the Engineer in Pay Estimate No. 4, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports; and
2. That certified copies of this resolution be forwarded to Chief Financial Officer and the CME Associates forthwith.

Resolution No. 6-24-173

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the annual Salary Resolution No. 1-24-12, which was adopted on January 2, 2024, showing the names, titles and salaries of the officers and employees of the Borough of Highland Park, is amended as follows:

Cooper Ballentine, Sports Camp Counselor, \$15.14 Hourly, Effective 06/01/2024
Hannah Boyson, Art Activity Leader, \$18.50 Hourly, Effective 05/29/2024
Larraye Brookes, Head Counselor, \$17.00 Hourly, Effective 06/01/2024
Sarah Ciaccio, Day Camp Assistant Director, \$20.00 Hourly, Effective 06/05/2024
Jude Crowley, Jr. Camp Counselor, \$15.13 hourly, Effective 06/09/2024
Oz Duncan, Head Counselor, \$17.50 Hourly, Effective 06/09/2024
Caitlyn Fulwood, Camp Director, \$6,500 Salary, \$1,000 Planning Stipend, Effective 06/05/2024
Devorah Goldstein, Camp Counselor, \$16.50 Hourly, Effective 06/01/2024
Ruby Miller, Camp Counselor, \$16.50 Hourly, Effective 06/01/2024
Robin Pestka, Activity Leader, \$18.50 Hourly, Effective 06/01/2024
Lily Solomon, Activity Leader, \$18.50 Hourly, Effective 06/09/2024
Anthony Steiner, Head Counselor, \$17.00 Hourly, Effective 06/01/2024
Aaden Wesley, Jr. Camp Counselor, \$15.13 Hourly, Effective 06/01/2024
Richard Abrams, Police Chief, \$192,833, Effective 01/01/2024 – 06/30/2024
Richard Abrams, Police Chief, \$214,833, Effective 07/01/2024
Gaetano Palumbo, Sergeant of Police, \$144,392.00, Effective 07/01/2024
Sherry Johnson, Assistant Director of Library Services, \$96,340 Salary, Effective 06/01/2024

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 No. 6-24-174

WHEREAS, 446 Harrison Avenue suffered significant damage from Hurricane Ida and was accepted into the Blue Acres Program by the New Jersey Department of Environmental Protection; and

WHEREAS, the water and sewer utility account for 446 Harrison Ave was billed for minimum usage after the home was deemed uninhabitable by Hurricane Ida and the bills were disputed by the homeowners; and

WHEREAS, after a careful review of the account and the unique circumstances, the Borough Administrator along with the Tax Collector recommend the removal of the 1st quarter 2022 bill in the amount of \$73.43 and the removal of interest on the account for the 3rd and 4th quarters of 2021 and 1st quarter 2022 that were in dispute.

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

1. The Tax Collector is hereby directed to remove the 1st quarter 2022 bill and adjust the interest on the 3rd and 4th quarters of 2021 and 1st quarter 2022.
2. A certified copy of this resolution be forwarded to the Chief Financial Officer and Tax Collector forthwith.

Resolution No. 6-24-175

WHEREAS, there is a need for tree watering services related to the 2023 tree planting project; and

WHEREAS, three quotes were solicited and two quotes were received as follows

F.A. Bartlett Tree Expert Co.	\$21,875.00
SJC Lawncare, Inc.	\$28,750.00
RichView Consulting	no response given; and

WHEREAS, the Borough Administrator has recommended that said services be purchased from F.A. Bartlett Tree Expert Co., 44 Apple Street, Unit 10, Tinton Falls, NJ 07724 based on their quote for same and previous work done for Highland Park as well as their overall experience and available equipment; and

WHEREAS, funds are available for this purpose in Grant Fund Account No. G-02-41-766-200, as reflected by the Certification of Funds Available by the Chief Financial Officer No. 2024-60.

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

1. The Council hereby awards a contract to F.A. Bartlett Tree Expert Co., 44 Apple Street, Unit 10, Tinton Falls, NJ 07724 for the 2024 Tree Watering Project for the total not to exceed contract amount of \$21,875.00.
2. A certified copy of this resolution shall be provided to the Borough Administrator and Chief Financial Officer.

Resolution No. 6-24-176

WHEREAS, the Mayor and Council of the Borough of Highland Park have adopted Chapter 136 of the “Code of the Borough of Highland Park” which authorizes the operation of adult personal-use cannabis businesses within the Borough; and

WHEREAS, Herbalicity, LLC has applied for the issuance of a business license to operate an adult personal-use cannabis business at 246 Raritan Avenue within the Borough; and

WHEREAS, Herbalicity, LLC has received permission from the New Jersey Cannabis Regulatory Commission (“CRC”) to operate an adult personal-use cannabis business and has been issued a State License Number RE000337 for the operation of said business; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 136-7.F of the “Code of the Borough of Highland Park”, the Clerk of the Borough of Highland Park is hereby authorized and directed to issue a business license to Herbalicity, LLC in order to operate at 246 Raritan Avenue an adult personal-use cannabis business once all of the local permits and regulations are satisfied.

Resolution No. 6-24-177

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.

1. The bills approved for payment at this meeting, Bills List 6/18/2024 can be found in the Bills List Journal Book No. 44.

Second Public Participation.

Mayor Foster opened the floor for public participation.

Mr. Ratcliffe, 292 South 5th Ave. He asked when there is noise in the town and the Police are called why don't they come out? Councilman George will look into and follow up regarding the noise ordinance and public safety issues. He added we will list that for the next public safety meeting and he'll it discuss that with Captain Curbelo.

Michael Gordon, South 5th Avenue, thanked and expressed his appreciation to the Mayor. He thank the Highland Park Police Department for always being there for them in the Synagogue.

Tracy Cangiano said she was a member of the Board of Health in Highland Park, stating that people join our meeting who didn't turn their cameras on and when they did were zoom bombed with porn and graphic images. She noted there was a 15 year old present as well who saw it too and asked how this was

going to be handled? Borough Administrator Jover replied we're going to be moving to Google meets, we are in the process of setting up dedicated emails for each Board and Commission. Council President Hersh added we're taking it incredibly seriously and the police are investigating it.

Mr. Auster, 75 Front Street, Edison stated he has a 16 year old stepson who's been going into vape shops with his friends, buying pot. No one's checking their ID's, ages, names or where they live. I think it's time that the police or someone investigate these shops.

Lois Lebbing, North Second Avenue mentioned she didn't hear an answer for the status of accessible parking for the tenant at 137 Raritan Avenue. She also asked what the policy is when paying the Borough for purchasing documents. She asked to find out the month and the year and who said the minutes for the Commission for Universal Access have to be destroyed. Councilman George replied the handicap spot on Raritan Avenue can't be authorized by Highland Park it has to be authorized by the Department of Transportation. The enforcement of it and putting it in place for parking requirements should be brought to the attention of Borough Administrator Jover and the Zoning Office. Borough Administer Jover will look into why the faxes are not going through. Council President Hersh will also look into Safe Routes to School for the girl's schools.

There being no one further, it was moved by Councilman George and seconded by Councilman Postelnik to close public participation, and carried by the following roll call vote:

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

Executive Session.

Resolution No. 6-24-178

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: (1) Potential Litigation - Block 2201, Lots 6, 7, 9, 10, 46, 47, 48;
(2) Redeveloper Negotiations - Tract A
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.

On motion made by Councilman George, seconded by Council President Hersh, Resolution 6-24-178 was duly adopted by the following roll call vote, to

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

There being no further business, on motion made by Councilman Postelnik, seconded by Councilwoman Kim-Chohan, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:19 PM.

Respectfully submitted,

Jennifer Santiago
Borough Clerk