

BOROUGH OF HIGHLAND PARK  
REGULAR MAYOR & COUNCIL MEETING  
OCTOBER 23, 2018 - 7:00 PM

MISSION STATEMENT OF THE BOROUGH OF HIGHLAND PARK:

The Mission of the Highland Park Borough Council is to establish a government based upon the principles of good government: ethics, efficiency and the effective provision of services.

The Borough Council is committed to creating a thriving community, which is sustainable economically, environmentally and socially.

The Borough Council is further committed to creating a community which values its unique and diverse populations and encourages direct public participation in the governing process.

**AGENDA**

\* Denotes Consent Agenda Posted Items. Ordinarily, consent agenda items, pursuant to Ordinance No. 918, are not read nor debated unless there is a request by a member of Council or the public. Furthermore, unless requested by a member of Council for a separate vote, all consent agenda items, as per Council's Rules of Order, Article IV, shall be considered in the form of one **MOTION**.

1. Call to Order and Open Public Meetings Statement.
2. Pledge of Allegiance.
3. Roll Call.
4. Community Forestry Management Plan Presentation (10 minutes).
5. Council Reports.
6. Borough Administrator's Report.
7. Borough Attorney's Report.
8. Mayor's Report.
9. Public Discussion. (15 minutes)
10. Clerk reports advertising Handicapped Parking Ordinance Amendment, for consideration of passage on final reading by title.
  - a. **MOTION** to take up ordinance on final reading by title.
  - b. Public Hearing.
  - c. 10-18-280 Resolution to adopt/reject and advertise ordinance on final reading by title.  
**MOTION** adopt/reject

**ROLL CALL VOTE**

11. Clerk reports advertising Fair Share Housing Ordinance, for consideration of passage on final reading by title.  
a. **MOTION** to take up ordinance on final reading by title.  
b. Public Hearing.  
c. 10-18-281 Resolution to adopt/reject and advertise ordinance on final reading by title.  
**MOTION** adopt/reject **ROLL CALL VOTE**

12. Clerk reports introduction of Water & Sewer Ordinance Amendment for consideration of passage on first reading by title.  
a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 10-18-282) **ROLL CALL VOTE**

13. Clerk reports introduction of Property Acquisition Ordinance for consideration of passage on first reading by title.  
a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 10-18-283) **ROLL CALL VOTE**

14. Clerk reports introduction of Traffic Ordinance Amendment, for consideration of passage on first reading by title.  
a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 10-18-284) **ROLL CALL VOTE**

**CONSENT AGENDA** - **MOTION** to adopt the following starred (\*) items:

- ROLL CALL VOTE**
15. \*10-18-285 Resolution Setting Policy Providing Relief to Borough Water User for Excessive Usage.
16. \*10-18-286 Resolution to Transfer Water & Sewer Payments from Lawn Account to House Account – 244 Benner Street.
17. \*10-18-287 Resolution to Create Duplicate Tax Sale Certificates.
18. \*10-18-288 Resolution to Cancel Erroneous Surcharge and Utility Charges.
19. \*10-18-289 Resolution to Support and Participate in Volunteer Tuition Credit Program.
20. \*10-18-290 Resolution to Approve Taxi Operator License.
21. \*10-18-291 Resolution to Execute Collective Negotiation Agreement Between the Borough of Highland and Teamsters Local 97.
22. \*10-18-292 Resolution to Execute 2019 Office of Aging & Disabled Services Information and Assistance Grant.
23. \*10-18-293 Resolution to Refund Duplicate Tax Payment.

24. \*10-18-294 Resolution Endorsing the Housing Element and Fair Share Plan.
25. \*10-18-295 Resolution Approving the Spending Plan.
26. \*10-18-296 Resolution Approving the Affirmative Marketing Plan.
27. \*10-18-297 Resolution Authorizing Entering into a Contract with an Administrative Agent for the Administration of Affordable Units.
28. \*10-18-298 Resolution Appointing an Administrative Agent for the Administration of the Borough's Affordable Housing Program.
29. \*10-18-299 Updated Resolution Promoting a Fair and Welcoming Community for all Highland Park Borough Residents.
30. \*10-18-300 Resolution to Approve Submission of Community Forestry Management Plan.
31. \*10-18-301 Resolution to Approve RFQ for Professionals for 2019.
32. \*10-18-302 Resolution to Advertise for Receipt of Bids for 2019/2020 Tree Maintenance Contract.
33. \*10-18-303 Resolution to Advertise for Receipt of Bids for 2019/2020 Water and Sewer Contracts.
34. \*10-18-304 Resolution to Credit Utility Account – 49 Cliff Court.
35. \*10-18-305 Resolution to Amend Annual Salary Resolution.
36. \*10-18-306 Resolution to Purchase Fire Department Equipment Under State Contract.
37. \*10-18-307 Resolution to Approve RFP for Computer Consulting (IT) Services.
38. \*10-18-308 Resolution to Approve Jet-Vac Cleaning/T.V. Inspection of Various Sewers.
39. \*10-18-309 Resolution to Approve Bills List.

**\*MOTION** adopt/reject

**ROLL CALL VOTE**

40. Mayor Brill Mittler appoints the following:

Aaron Coneen

Safe Walking & Cycling Committee

**MOTION TO CONFIRM**

**ROLL CALL VOTE**

41. Open items.
  - a.
  - b.
  - c.
  - d.
42. Public Discussion.
43. \*10-18-310 Executive Session: Property Acquisition/Litigation  
**MOTION adopt/reject. ROLL CALL VOTE**
44. **MOTION** to adjourn to Conference Meeting and/or Executive Session.

BOROUGH OF HIGHLAND PARK  
No. 10-18-280

RESOLUTION: Public Safety Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hersh				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
ORDINANCE NO. 18-

AN ORDINANCE AMENDING ON-STREET PARKING REGULATIONS FOR RESIDENCES OCCUPIED BY HANDICAPPED PERSONS AND AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010".

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, THAT:

Section 278-17. Designation of On-Street Handicapped Parking Spaces is hereby amended as follows:

- D. The following on-street locations are designated as Handicapped Parking Spaces. Such spaces are for the use by persons who have been issued windshield placards or wheelchair symbol license plates, pursuant to N.J.S.A. 39:4-204 et seq.:

\*Voting District 3 – add 29 South 2<sup>nd</sup> Avenue location.

Section 2. This Ordinance shall take effect upon its passage and publication as provided for by law.

Introduced on first reading  
By title: October 9, 2018

ADOPTED:

ATTEST:

APPROVED:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

\_\_\_\_\_  
Gayle Brill Mittler, Mayor

HANDICAPPED PARKING SPACES  
Section 278-17.D

Voting District		Location	
1.	1	4 Redcliffe Avenue	Louis Gomez
2.	2	South 2 <sup>nd</sup> Avenue between Harper St. & Hill St.	Janet Marcik, 410 So. 2nd
3.	3	Felton Street between Benner & Donaldson St.	Douglas Eden 233 Felton
4.	3	29 So. 2 <sup>nd</sup> Avenue	Edward Wright
5.	4	Benner between 3 <sup>rd</sup> & 4 <sup>th</sup>	Temple
6.	4	Harper – between 3 <sup>rd</sup> & 4 <sup>th</sup>	Candace Feinberg 306 So. 4 <sup>th</sup>
7.	5	So. 4 <sup>th</sup> between Raritan & Magnolia	
8.	5	Mansfield between So. 4 <sup>th</sup> & Grove	Berman
9.	6	So. 7 <sup>th</sup> between Benner & Eden	
10.	6	So. 8 <sup>th</sup> between Benner & Eden	Roger & Adrien Keaton
11.	6	So. 7 <sup>th</sup> between Mansfield & Benner	
12.	12	So. 11 <sup>th</sup> between Aurora & Eden	

DRAFT

BOROUGH OF HIGHLAND PARK  
No. 10-18-281

RESOLUTION: Economic Development and Planning Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY ADDING CHAPTER 86 "FAIR SHARE AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF HIGHLAND PARK TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT AND THE MOUNT LAUREL DOCTRINE, passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hersh				
Kim-Chohan				
Welkovits				



BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY ADDING CHAPTER 86 "FAIR SHARE AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF HIGHLAND PARK TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT AND THE MOUNT LAUREL DOCTRINE

**BE IT ORDAINED** by the Borough Council of the Borough of Highland Park, County of Middlesex and State of New Jersey, that the "Code of the Borough of Highland Park" ("Code") is hereby amended as follows:

**Section I. Chapter 85, "Affordable Housing", Amended.** That, Chapter 85, "Affordable Housing" of the Code is hereby renamed "Housing Authority", that Articles I and II of Chapter 85 are hereby repealed, and that the subsections of Chapter 85 Article III are renumbered accordingly.

**Section II. Article XIX, "Growth Share Affordable Housing Provisions" in Part 5, "Additional Regulations" of Chapter 230, "Land Development", Repealed.** That Article XIX, "Growth Share Affordable Housing Provisions" in Part 5, "Additional Regulations" of Chapter 230, "Land Development", is hereby repealed.

**Section III. Chapter 86, entitled "Fair Share Affordable Housing Ordinance," Created.** That Chapter 86, "Fair Share Affordable Housing" is hereby added to the Code to read as follows:

**Chapter 86**

**FAIR SHARE AFFORDABLE HOUSING**

**ARTICLE I**

**General Program Purposes, Procedures**

**§86-1. Affordable Housing Obligation.**

- A. This section of the Borough Code sets forth regulations regarding the low- and moderate-income housing units in the Borough consistent with the Borough's constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regional need for affordable housing for low- and moderate-income households, the provisions known as the Substantive Rules of the New Jersey Council on Affordable Housing ("COAH rules"), *N.J.A.C. 5:93 et seq.*, and the Uniform Housing Affordability Controls ("UHAC"), *N.J.A.C. 5:80-26.1 et seq.* except that the requirements for very-low income affordable housing as established in P.L. 2008, c.46

(the "Roberts Bill", codified at *N.J.S.A. 52:27D-329.1*) shall supersede those of the UHAC.

- B. This Ordinance is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with deed restrictions which preserve affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.
- C. The Highland Park Borough Planning Board shall adopt, and the Borough Council shall subsequently endorse, a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at *N.J.S.A. 40:55D-1*, et seq. ("Fair Share Plan"), in accordance with the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC") on December 22, 2017. The Fair Share Plan describes the magnitude of the Borough's fair share obligation, as determined by the Superior Court, and the ways the Borough intends to address its fair share obligation.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of *N.J.A.C. 5:93*, as may be amended and supplemented.
- E. The Borough shall file monitoring and status reports with the Superior Court and FSHC and shall place the reports on its municipal website. Any Fair Share Plan evaluation or monitoring report prepared by the Special Master in accordance with *N.J.A.C. 5:91* shall be available to the public at the Highland Park Borough Municipal Building, 221 South Fifth Avenue, Highland Park, New Jersey 08904.
- F. On or about each anniversary of the Court's filing of the Judgment of Compliance and Repose through the end of the period of Third Round Judgment of Repose (July 1, 2025), the Borough will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Borough's Court-approved Settlement Agreements, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
- G. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in the Borough's agreement with FSHC. The Borough agrees to comply with those provisions as follows:
  - (1) By July 6, 2020, the Borough must prepare a midpoint realistic opportunity review, as required pursuant to *N.J.S.A. 52:27D-313*, which the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity

and should be replaced or supplemented, then the municipality shall have the first opportunity to supplement or revise its plan to correct any deficiency.

- (2) Within 30 days of the third and sixth anniversary of the Judgement of Compliance and Repose, the Borough shall prepare a review of compliance with the very-low income housing requirements required by *N.J.S.A. 52:27D-329.1* and its Settlement Agreement with Fair Share Housing Center. The Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low income requirements, including the family very-low income requirements referenced herein and in the Borough's Settlement Agreement with FSHC. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very-low income housing obligation.

**§86-2. Definitions.** As used herein the following terms shall have the following meanings:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same lot as the home, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same lot.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (*N.J.S.A. 52:27D-301 et seq.*).

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, as well as *N.J.A.C. 5:91*, *N.J.A.C. 5:93* and *N.J.A.C. 5:80-26.1 et seq.*

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to *N.J.A.C. 5:80-26.15*.

"Affordability average" means the average percentage of median income at which deed-restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means a sales price or rent within the means of a low- or moderate-income household as defined in *N.J.A.C. 5:93-7.4*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

"Affordable housing development" means a housing development incorporated in the Housing Element and Fair Share Plan, and including, but not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to *N.J.A.C. 5:93*, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (*N.J.S.A. 55:14K-1*, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older (except that persons younger than 19 may not be permanent residents); or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health and Senior Services; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining for four or more adult persons unrelated to the proprietor and to assure that assisted living services are available when needed and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301* et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of at least one major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner of a lot or any land, improved or unimproved, which is proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or

enlargement of any use or change in the use of any building or other structure, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to *N.J.S.A. 40:55D-1 et seq.*

"Development Fee" means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:93-8*.

"Equalized Assessed Value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (*N.J.S.A. 54:1-35a through 54:1-35c*).

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C. 5:93-5*.

"Green Building Strategies" means strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

"Housing Element" means the portion of the municipality's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A. 40:55D-28b(3)* and the Act, that includes the information required by *N.J.A.C. 5:93-5.1* and establishes the Borough's fair share obligation.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50% or less of the median household income for the applicable COAH Housing Region.

"Low-income unit" means a deed-restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a residential building which includes but is not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable COAH Housing Region, as approved by the NJ Superior Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income for the applicable COAH Housing Region.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between spouses; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process (e.g., by lottery) by which income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit.

“Regional asset limit” means the maximum housing value in each COAH housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, *N.J.A.C. 5:23-6*, which, for purposes of affordable housing credit, involves at least one major system of the building or structure.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“Special master” means an expert appointed by a Superior Court Judge to assist the Court, the municipality and any intervenors or other interested parties in applying the Mount Laurel Doctrine, including a determination of municipal fair share and an evaluation of the effectiveness of the municipality’s Fair Share Plan.

“UHAC” means the Uniform Housing Affordability Controls set forth in *N.J.A.C. 5:80-26.1 et seq.*

“Very-low income household” means a household with a total gross annual household income equal to 30% or less of the median household income within the applicable COAH Housing Region.

“Very-low income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation crediting purposes.

**§86-3. New Construction.** The following requirements shall apply to all new or planned developments that contain both market rate and low- and moderate- income housing units.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units <u>Completed</u>	Minimum Percentage of Low- and Moderate- Income <u>Units Completed</u>
25	0
25+1	10
50	50
75	75
90	100

B. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units and shall be no further distant, on average, from common amenities provided in the development than market-rate units.

C. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with the requirements below:

(1) The base dollar amount of the payment in-lieu of constructing an affordable unit at the time of adoption of this Ordinance shall be pursuant to COAH's regulations and/or the amount in a development proforma on file with the Borough Clerk. This amount shall be adjusted periodically by the Borough to reflect the most current and accurate market conditions or better cover the cost to the Borough to subsidize affordable housing construction. The payment shall be imposed as a condition of development approval by the Planning Board.

(a) During the development approval process, a developer may demonstrate to the Governing Body that the actual construction cost of an affordable unit less estimated capitalized revenue at the development in question is lower than the imposed payment in-lieu in §86-3.C(1). At its discretion, the Governing Body may impose a payment in-lieu amount equal or proximate to the amount estimated by the developer.

D. Utilities.

(1) Affordable units shall utilize the same type of heating source as market units within the affordable development.

- (2) Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
    - (a) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very-low income households.
  - (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
  - (3) Affordable developments that are not age-restricted shall be structured such that:
    - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
    - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
    - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
    - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  - (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- F. Accessibility Requirements:
- (1) The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7*.
  - (2) All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall have the following features:
    - (a) An adaptable toilet and bathing facility on the first floor;
    - (b) An adaptable kitchen on the first floor;
    - (c) An interior accessible route of travel on the first floor;
    - (d) An interior accessible route of travel shall not be required between stories within an individual unit;



- (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A. 52:27D-31.1a et seq.*) and the Barrier Free Subcode, *N.J.A.C. 5:23-7*, or evidence that the Borough has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
  - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - [2] To this end, the builder of restricted units shall deposit funds within the Borough of Highland Park's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
  - [3] The funds deposited under paragraph (2) herein, shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Highland Park.
  - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, *N.J.A.C. 5:23-7*, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Highland Park's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked for the intended purpose.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements on the site. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

G. Maximum Rents and Sales Prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the established regional income limits.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
  - (a) A studio or efficiency unit shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
  - (a) A studio or efficiency unit shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented;

provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.

- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26.1* shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) Regional income limits shall be established for the Region 3 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 3. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- (b) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to *N.J.A.C. 5:80-26.16(b)3* shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- (10) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year.

This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

**§86-4. Condominium and Homeowners Association Fees.**

- A. For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

**§86-5. Reserved.**

**§86-6. Reserved.**

**§86-7. Reserved.**

**§86-8. Reserved.**

ARTICLE II

**Affordable Unit Controls and Requirements**

**§86-9. Purpose.**

- A. The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

**§86-10. Affirmative Marketing.**

- A. The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with *N.J.A.C. 5:80-26.15*, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3, comprised of Middlesex, Somerset, and Hunterdon Counties.

- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Highland Park shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- F. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- G. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- H. The affirmative marketing process for available affordable units shall begin at least four months (or 120 days) prior to the expected date of occupancy.
- I. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Highland Park.

**§86-11. Occupancy Standards.**

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - (1) Provide an occupant for each bedroom;
  - (2) Provide separate bedrooms for parents and children;
  - (3) Provide children of different sexes with separate bedrooms; and
  - (4) Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

**§86-12. Selection of Occupants of Affordable Housing Units.**

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of *N.J.A.C. 5:80-26 et seq.*

**§86-13. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.5*, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years and until the municipality takes action thereafter to release the controls on affordability.
- B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- E. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under *N.J.A.C. 5:80-26.5(a)*, as may be amended and supplemented.

**§86-14. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.**

- A. Price restrictions for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, including:
  - (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
  - (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
  - (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
  - (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.
  - (5) Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially

restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**§86-15. Buyer Income Eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

**§86-16. Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with *N.J.A.C.5:80-26.6(b)*.

**§86-17. Control Periods for Restricted Rental Units.**

- A. Control periods for restricted rental units shall be in accordance with *N.J.A.C. 5:80-26.11*, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability. Prior to such action, a restricted rental unit must remain subject to the requirements of *N.J.A.C. 5:80-26.1*, as may be amended and supplemented.
  - (1) Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Middlesex. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgment of foreclosure.

**§86-18. Price Restrictions for Rental Units; Leases.**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.



- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

**§86-19. Tenant Income Eligibility.**

- A. Tenant income eligibility shall be in accordance with *N.J.A.C. 5:80-26.13*, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C. 5:80-26.16*, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in B(1) through (5) above with the Administrative Agent, who shall counsel the household on budgeting.

**§86-20. Conversions.**

- A. Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

**§86-21. Alternative Living Arrangements.**

- A. The administration of an alternative living arrangement shall be in compliance with *N.J.A.C. 5:93-5.8* and UHAC, with the following exceptions:
  - (1) Affirmative marketing (*N.J.A.C. 5:80-26.15*), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - (2) Affordability average and bedroom distribution (*N.J.A.C. 5:80-26.3*).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§86-22. Reserved.**

**§86-23. Reserved.**

ARTICLE III  
**Administration**

**§86-24. Municipal Housing Liaison.**

- A. The position of Municipal Housing Liaison for the Borough of Highland Park is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Borough Council.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Borough of Highland Park.
- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in *N.J.A.C. 5:93*.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Highland Park, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - (1) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - (2) The implementation of Affirmative Marketing Plans and affordability controls.

- (3) When applicable, supervising any contracting Administrative Agent.
- (4) Monitoring the status of all restricted units in the Borough of Highland Park's Fair Share Plan;
- (5) Compiling, verifying and submitting annual reports as required by the Superior Court;
- (6) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
- (7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing.

**586-25. Administrative Agent.**

- A. The Borough shall designate by resolution of the Borough Council, one or more Administrative Agents to administer newly constructed affordable units in accordance with *N.J.A.C. 5:93* and UHAC.
- B. An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.
- C. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- D. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in *N.J.A.C. 5:80-26.14, 16 and 18* thereof, which includes:
  - (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing;
  - (2) Affirmative Marketing;
    - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Highland Park and the provisions of *N.J.A.C. 5:80-26.15*; and
    - (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  - (3) Household Certification;
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;

- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of *N.J.A.C. 5:80-26.1 et seq.*;
  - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
  - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Highland Park when referring households for certification to affordable units; and
  - (g) Notifying the following entities of the availability of affordable housing units in the Borough of Highland Park: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Middlesex County NAACP, the Middlesex Urban League, and the Middlesex County Housing Coalition.
- (4) Affordability Controls;
- (a) Furnishing to attorneys or closing agent's forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Middlesex County Register of Deeds or Middlesex County Clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to *N.J.A.C. 5:80-26.10*.
- (5) Records retention;
- (6) Resale and re-rental;

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- (or very-low) and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (7) Processing requests from unit owners; and
- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
  - (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
  - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (8) Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
- (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in *N.J.A.C. 5:80-26.18(d)4*;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
  - (f) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

- (9) The Administrative Agent shall, as delegated by the Borough Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**§86-26. Enforcement of Affordable Housing Regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The municipality may file a court action pursuant to *N.J.S.A. 2A:58-11* alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Highland Park Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  - (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the

violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

**§86-27. Appeals.** Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Borough.

#### Article IV

#### Development Fees

**§86-28. Purpose.**

- A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), *N.J.S.A. 52:27d-301 et seq.*, and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. COAH was authorized by P.L. 2008, c. 46, Section 8 (*N.J.S.A. 52:27D-329.2*), and the Statewide Nonresidential Development Fee Act (*N.J.S.A. 40:55D-8.1 through 40:55D-8.7*) to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH- or court-approved Spending Plan shall retain fees collected from nonresidential development.
- C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38.<sup>1</sup> Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at *N.J.A.C. 5:93-8*.

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<sup>1</sup> Editor's Note: See *N.J.S.A. 52:27D-329.2* and *N.J.S.A. 40:55D-8.1 through 40:55D-8.7*, respectively.



**§86-29. Basic requirements.**

- A. This section shall become effective at such time that the Superior Court approves the Borough's development fee ordinance in accordance with *N.J.A.C. 5:93.8*.
- B. The Borough shall adopt and obtain Court approval of a Spending Plan that shall be part of the Borough's Amended Third Round Spending Plan. Highland Park shall not spend development fees until this Fair Share Plan is approved by the Court, in conformance with *N.J.A.C. 5:93-8*.

**§86-30. Nonresidential development fees.**

- A. Imposed fees.
  - (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
  - (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
  - (3) Development fees shall also be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
  - (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two-and-one-half-percent development fee, unless otherwise exempted below.
  - (2) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
    - (a) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

- (b) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Highland Park as a lien against the real property of the owner.

**§86-31. Collection procedures.**

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a non-residential development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should Highland Park fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

I. Appeal of development fees.

- (1) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Highland Park. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, *N.J.S.A. 54:48-1 et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§86-32. Affordable housing trust fund.**

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
  - (1) Payments in lieu of on-site construction of affordable units;
  - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - (3) Rental income from municipally operated units;
  - (4) Repayments from affordable housing program loans;
  - (5) Recapture funds;
  - (6) Proceeds from the sale of affordable units; and
  - (7) Any other funds collected in connection with Highland Park's affordable housing program.
- C. Within seven days from the opening of the trust fund account, Highland Park will provide the Court with written authorization, in the form of a three-party escrow agreement between the municipality, a bank of the municipality's choosing, and a Court-approved entity, to permit that Court-approved entity to direct the disbursement of the funds as provided for in *N.J.A.C. 5:93-8*. The Superior Court shall now have such jurisdiction to direct the disbursement of the Borough's trust funds per *N.J.A.C. 5:93-8*.
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

**§86-33. Use of funds.**

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability

controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to *N.J.A.C. 5:93-8* and specified in the approved spending plan.

- B. Funds shall not be expended to reimburse Highland Park for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
  - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. Highland Park may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with *N.J.A.C. 5:93-8.16*.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements set forth in the Court-approved December 22, 2017 executed Settlement Agreement with Fair Share Housing Center. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

**§86-34. Monitoring.**

- A. On the anniversary of the Judgement of Compliance and Repose for every year through 2025, Highland Park shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Highland Park's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

**§86-35. Ongoing collection of fees.**

The ability for Highland Park to impose, collect and expend development fees shall expire with its Court-issued Judgement of Compliance unless Highland Park has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgement Action, and has received the court's approval of its development fee ordinance. If Highland Park fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).

**Section IV. Repealer.** All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section V. Severability.** If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**Section VI. Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, held on \_\_\_\_\_, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held in the meeting room of the municipal building, 221 Fifth Avenue, in the Borough of Highland Park on \_\_\_\_\_, 2018 at 7:30 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

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Joan Hullings, Borough Clerk

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 10-18-282

RESOLUTION: Public Safety Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 328, "SEWER AND WATER", has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Wednesday, November 7, 2018 at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY  
ORDINANCE NO. 18-

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF HIGHLAND PARK,  
CHAPTER 328, "SEWER AND WATER"

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND  
PARK AS FOLLOWS:

1. Section 328-23 A of the "Code of the Borough of Highland Park, 2010"  
establishing Water Consumption Rates is amended to read as follows:

Sec. 328-23 Water Consumption Rates.

A. **Rates.** The quarterly charges for all water used by each consumer shall be  
as follows:

<b>Usage Amount (cubic feet)</b>	<b>Surcharge Rate</b>
0 to 799	\$35.55 flat charge
800 to 999	\$46.09 flat charge
1,000 to 3,499	\$57.57 per 1,000 cubic feet
3,500 and up	\$61.60 per 1,000 cubic feet

2. This Ordinance shall take effect upon its passage and publication as provided for  
by law.

Introduced and passed on  
first reading by title: October 23, 2018

ADOPTED:

ATTEST:

\_\_\_\_\_  
Joan Hullings  
BOROUGH CLERK

APPROVED:

\_\_\_\_\_  
Gayle Brill Mittler,  
MAYOR



BOROUGH OF HIGHLAND PARK  
NO. 10-18-283

RESOLUTION: Public Safety Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, IN MIDDLESEX COUNTY AUTHORIZING PURSUANT TO N.J.S.A. 40A:12-3 ET SEQ. THE ACQUISITION OF A PORTION OF BLOCK 22, LOT 6, BOROUGH OF HIGHLAND PARK TAX MAP AND APPROPRIATING THE SUM NOT TO EXCEED \$150,000.00 FOR SAID ACQUISITION has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Wednesday, November 7, 2018 at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY  
ORDINANCE NO. -

AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN  
MIDDLESEX COUNTY AUTHORIZING PURSUANT TO N.J.S.A. 40A:12-3 ET SEQ.  
THE ACQUISITION OF A PORTION OF BLOCK 22, LOT 6  
BOROUGH OF HIGHLAND PARK TAX MAP AND APPROPRIATING  
THE SUM NOT TO EXCEED \$150,000.00 FOR SAID ACQUISITION

BE IT ORDAINED by the Highland Park Borough Council, Middlesex County as follows:

1. Pursuant to the provisions of the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-3 et seq., the Borough of Highland Park is hereby authorized to acquire a portion of Block 22, Lot 6 as shown on the Borough of Highland Park Tax Map. The cost of the acquisition of said property including costs associated with same shall not exceed \$150,000.00.
2. The Mayor and Clerk are hereby authorized and directed to execute on behalf of the Borough of Highland Park any and all necessary land development applications in order to subdivide a portion of Block 22, Lot 6, Borough of Highland Park Tax Map to facilitate the aforementioned acquisition.
3. The Mayor and Clerk of the Borough of Highland Park are hereby authorized and directed to execute a Contract of Sale and any and all necessary real estate closing documents in order to effectuate the purchase.
4. This Ordinance shall take effect upon its passage and publication as provided for by law.

Introduced and passed on first  
reading: October 23, 2018

ADOPTED:

ATTEST:

APPROVED:

\_\_\_\_\_  
BOROUGH CLERK

\_\_\_\_\_  
MAYOR

BOROUGH OF HIGHLAND PARK  
NO. 10-18-284

RESOLUTION: Public Safety Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER VII, "TRAFFIC", has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Wednesday, November 7, 2018 at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
ORDINANCE NO. 18-

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF HIGHLAND PARK,  
CHAPTER VII, "TRAFFIC"

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
HIGHLAND PARK, AS FOLLOWS:

1. Section 7-3.3, **Parking prohibited at all times on certain streets, Schedule I**, is amended as follows:

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Benner Street	South	From 25 feet east of the corner of South 6 <sup>th</sup> Avenue

2. Section 7-3.118, **Handicapped Parking**, is amended as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Benner Street	South	From 45 feet east of the corner of South 6 <sup>th</sup> Avenue

2. This Ordinance shall take effect upon final passage and publication in accordance with law.

Introduced and passed on first  
reading: October 23, 2018

ADOPTED:

ATTEST:

APPROVED:

\_\_\_\_\_  
BOROUGH CLERK

\_\_\_\_\_  
MAYOR

BOROUGH OF HIGHLAND PARK  
NO. 10-18-285

RESOLUTION SETTING A POLICY PROVIDING RELIEF TO A BOROUGH WATER  
USER FOR EXCESSIVE USAGE OF BOROUGH WATER DUE TO A  
MAJOR LEAK IDENTIFIED AND REPAIRED BY A LICENSED PLUMBER

Resolution: Council as a Whole

WHEREAS, it has come to the attention of the Mayor and Council of the Borough of Highland Park that there was an isolated occurrence wherein a water user located at 415 South Seventh Avenue, received an excessive billing for water usage due to an unknown leak that has since been identified and repaired by a licensed plumber; and

WHEREAS, the Mayor and Council of the Borough of Highland Park believe that certain guidelines need to be set to provide relief to those water users in the Borough in these types of isolated occurrences.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, Middlesex County, New Jersey that the Borough Administrator is hereby designated to investigate and determine guidelines for recommendations to the Council whenever it is called to the attention of said administrator that a water user of the Borough has received an excessive bill for water usage due to an unknown leak which has been repaired or for other reasons that has caused the billing of the Borough Water User to be excessive when compared to other prior water usage; and

BE IT FURTHER RESOLVED that the above-referenced property shall be given a reduction of the excessive water billing which said Borough property has received for 2018 water usage now that the water leak at said property has been repaired in accordance with said guidelines once established; and

WHEREAS, until the adjustment to the 2018 excessive billing is resolved, the Borough of Highland Park agrees that the excessive bill does not have to be paid by the owner of the above-referenced property nor shall it accrue additional interest or charges, nor shall the property be included in the Borough of Highland Park Tax Sale.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-286

RESOLUTION TO TRANSFER WATER & SEWER PAYMENTS FROM  
LAWN ACCOUNT TO HOUSE ACCOUNT – 244 BENNER STREET

RESOLUTION: Finance Committee

WHEREAS, the property owner at 244 Benner Street (#20171040-1) had a lawn meter installed in September, 2017; and

WHEREAS, after inspection by Meter Reader on September 26, 2018, it was noted that the lawn meter was installed after the house meter and therefore, should not be charged, as all usage is included in the readings on the house meter;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director and/or Tax Collector is hereby authorized to remove all billings and payments (2017 3Q and 2018 4Q) from the Lawn Account and credit them against the House Account, totaling \$269.60.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-287

RESOLUTION AUTHORIZING CREATION OF DUPLICATE TAX SALE CERTIFICATES

RESOLUTION: Finance Committee

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that the Tax Collector is authorized to issue an appropriate Duplicate Tax Sale Certificate for Block 17, Lot 6, a.k.a. 410 South 2<sup>nd</sup> Avenue, #05-00011, #07-00010 & #08-00008, in accordance with the provisions of N.J.S.A. 54:5-52.1.

BE IT FURTHER RESOLVED that the Borough Clerk provide a certified copy of this Resolution to the Finance Department and the Tax Collector.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-288

RESOLUTION AUTHORIZING TAX COLLECTOR TO CANCEL ERRONEOUS  
SURCHARGE AND UTILITY CHARGES

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, Greater Monmouth Publishing Corporation, Valentine Street (Acct. #20191300-0), received an erroneous water and sewer bill; and

WHEREAS, the Tax Collector recommends that this account be credited for the erroneous surcharge and utility charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to Account #20191300-0 of \$1,734.13 for the erroneous surcharge and utility charges, to the account of Greater Monmouth Publishing Corporation.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Director forthwith.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				



BOROUGH OF HIGHLAND PARK  
NO. 10-18-289

RESOLUTION TO SUPPORT AND PARTICIPATE IN  
VOLUNTEER TUITION CREDIT PROGRAM

RESOLUTION: Council as a Whole

WHEREAS, the Governing Body of the Borough of Highland Park, in the County of Middlesex, deems it appropriate to enhance the recruitment and retention of Volunteer Firefighters and Emergency Medical Volunteers in the Borough of Highland Park; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, in the County of Middlesex, that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c. 145 is herewith adopted for the Volunteer Firefighters and Emergency Medical Volunteers in the municipality.

BE IT FURTHER RESOLVED that the Borough Administrator is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145, a copy of which is herewith made a part of this resolution.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-290

RESOLUTION AUTHORIZING ISSUANCE OF TAXI OPERATOR LICENSES FOR THE  
PURPOSE OF OPERATING TAXI CABS IN THE BOROUGH OF HIGHLAND PARK

RESOLUTION: Public Safety Committee

WHEREAS, Keith Gregory Wierzbowski has filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2018; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicants and has reported favorably upon said application;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicants are qualified and that public necessity and convenience would be served by the issuance of said License.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue an Operator License to the aforesaid applicant.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-291

RESOLUTION TO EXECUTE COLLECTIVE NEGOTIATION AGREEMENT  
BETWEEN THE BOROUGH OF HIGHLAND PARK AND TEAMSTERS LOCAL 97

RESOLUTION: Council as a Whole

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator is hereby approved and authorized to execute the Collective Negotiation Agreement for the period of 2018-2020 between the Borough of Highland Park and Teamsters Local 97.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-292

RESOLUTION: Recreation and Arts Committee

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, on behalf of the Borough, the Middlesex County Office on Aging Grant Agreement in the amount of \$6,000.00 for the Highland Park Department of Community Services, a copy of which is attached to the original of this resolution.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-293

RESOLUTION TO AUTHORIZE REFUND OF TAX OVERPAYMENT

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2018 2<sup>nd</sup> quarter taxes for the properties indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
190	4.02	Jamie McMahon, Esq. 1 Bank St., #201 Rockaway, NJ 07866 (1105 Ella Lane)	\$3,508.69

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-294

RESOLUTION ENDORSING THE ADOPTED 2018 HOUSING ELEMENT  
AND FAIR SHARE PLAN ELEMENT OF THE MASTER PLAN

RESOLUTION: Economic Development and Planning Committee

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Highland Park, County of Middlesex, State of New Jersey (the "Board"), held a public hearing on a proposed Third Round Housing Plan Element and Fair Share Plan on October 11, 2018; and

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on July 2, 2015, the Borough submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, on December 22, 2017, the Borough entered into a Settlement Agreement with Fair Share Housing Center that established the Borough's fair share obligation and preliminarily approved the Borough's compliance mechanisms; and

WHEREAS, on May 31, 2018, Honorable Thomas D. McCloskey, J.S.C., held a Fairness Hearing and, subsequently, on June 20, 2018 issued a Court Order approving a Settlement Agreement between the Borough and Fair Share Housing Center, finding it to be fair to the Region's low- and moderate-income households; and

WHEREAS, the Borough's and Planning Board's planning consultants on affordable housing matters, Philip Caton, PP, FAICP, and Daniel Hauben, PP, AICP, of Clarke Caton Hintz, PC, have prepared a Third Round Housing Element and Fair Share Plan; and

WHEREAS, the Highland Park Planning Board adopted on October 11, 2018 a Third Round Housing Plan Element and Fair Share Plan, finding it consistent with the goals and objectives of the Borough's Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Borough Council endorse the Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

NOW THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Highland Park, Middlesex County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board on October 11, 2018.

ADOPTED: October 23, 2018

ATTEST:

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Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

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Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 10-18-295

RESOLUTION APPROVING THE SPENDING PLAN COMPONENT OF THE  
ADOPTED 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

RESOLUTION: Economic Development and Planning Committee

WHEREAS, on December 22, 2017, the Borough of Highland Park ("Borough") entered into a Settlement Agreement with Fair Share Housing Center ("FSHC") that established the Borough's fair share obligation and preliminarily approved the Borough's compliance mechanisms in accordance with the March 10, 2015 decision of the Supreme Court which transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on May 31, 2018, Honorable Thomas D. McCloskey, J.S.C., held a Fairness Hearing and, subsequently, on June 20, 2018 issued a Court Order approving a Settlement Agreement between the Borough and Fair Share Housing Center, finding it to be fair to the Region's low- and moderate-income households; and

WHEREAS, the Borough's Planning Board adopted a 2018 Housing Element and Fair Share Plan consistent with the Court-approved Settlement Agreement on October 11, 2018; and

WHEREAS, the Borough Council endorsed the Plan on October 23, 2018 at a properly-noticed public meeting; and

WHEREAS, the adopted and endorsed Plan includes a Spending Plan component, as required by COAH's rules at N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough's Affordable Housing Trust Fund, and describes anticipated expenditures of funds through the end of the Third Round; and

WHEREAS, the Special Master to the Court requires, in his letter dated May 24, 2018, that the Borough Council must adopt the Spending Plan as an action separate from the Planning Board's adoption of the Fair Share Plan.

NOW THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Highland Park, Middlesex County, State of New Jersey, hereby adopts the Spending Plan component of the Housing Element and Fair Share Plan.

ADOPTED: October 23, 2018  
ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				



BOROUGH OF HIGHLAND PARK  
NO. 10-18-296

RESOLUTION APPROVING THE AFFIRMATIVE MARKETING PLAN OF THE  
BOROUGH'S 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

RESOLUTION: Economic Development and Planning Committee

WHEREAS, at a Fairness Hearing occurring on May 31, 2018 the Superior Court approved a Settlement Agreement ("Agreement") between the Borough and Fair Share Housing Center ("FSHC") that established the Borough's fair share obligation and preliminarily approved the Borough's compliance mechanisms; and

WHEREAS, on October 11, 2018 the Planning Board of the Borough of Highland Park ("PB") adopted the Borough's 2018 Third Round Housing Element and Fair Share Plan ("Plan"), addressing the Borough's prior round obligation, third round obligation, and rehabilitation share as established in the Agreement; and

WHEREAS, the Borough Council endorsed the Plan on October 23, 2018 at a properly-noticed public meeting; and

WHEREAS, the adopted and endorsed Plan includes an Affirmative Marketing Plan component, as required by the Council on Affordable Housing's ("COAH") rules at N.J.A.C. 5:93-11, which is designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Borough; and

WHEREAS, the Affirmative Marketing Plan was prepared in accordance with COAH's rules, the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26, and the Court-approved Settlement Agreement, including the addition of the following community and regional organizations that shall be directly notified of all available affordable housing units in the Borough: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Middlesex County Branch of the NAACP, the Middlesex County Urban League, and the Middlesex County Housing Coalition; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.15 and N.J.A.C. 5:93-11.2, the Borough shall appoint and task its municipal housing liaison and/or affordable housing administrative agent to administer the affirmative marketing plan; and

WHEREAS, the developers of existing units in Highland Park have appointed their own administrative agents to administer affordable units in their respective developments; and

WHEREAS, the Borough of Highland Park has appointed Teri Jover, Borough Administrator, as its municipal housing liaison and CGP&H as the administrative agent for all new affordable units in the Borough and any existing units in the Borough that CGP&H may be selected to administer in the future.

NOW THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby approves the Affirmative Marketing Plan component of the Housing Element and Fair Share Plan; and

BE IT FURTHER RESOLVED, the Borough Council hereby instructs its municipal housing liaison and administrative agent to ensure that the affirmative marketing plans of the administrative agents for all affordable units in the Borough are consistent with the attached affirmative marketing form.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 10-18-297

RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT WITH AN  
ADMINISTRATIVE AGENT FOR THE ADMINISTRATION OF AFFORDABLE UNITS

RESOLUTION: Economic Development and Planning Committee

WHEREAS, at a Fairness Hearing occurring on May 31, 2018, the Superior Court approved the Settlement Agreement ("Agreement") between the Borough of Highland Park ("Borough") and Fair Share Housing Center ("FSHC"), which included the Borough's preliminary compliance measures; and

WHEREAS, on October 11, 2018 the Planning Board of the Borough of Highland Park adopted the Borough's 2018 Third Round Housing Element and Fair Share Plan ("Plan"); and

WHEREAS, the Borough Council endorsed the Plan on October 23, 2018 at a properly-noticed public meeting; and

WHEREAS, the Mayor and Council of the Borough of Highland Park wish to enter into a contract with Community Grants, Planning, and Housing ("CGP&H") for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of the Borough of Highland Park, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:93 et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 et seq., and the Borough's responsibilities as established by the Settlement Agreement executed on December 22, 2017; and

WHEREAS, the UHAC requirement at N.J.A.C. 5:80-26.3(d) requiring 10% of all low- and moderate-income units to be set-aside for households earning less than 35% of regional median income is superseded by the statutory requirement at N.J.S.A. 52:27D-329.1, and as reflected in paragraphs 10 and 17 of the Settlement Agreement executed on December 22, 2017 between the Borough and FSHC, which requires the Borough to set aside at least 13% of its affordable units for very-low income households earning less than 30% of regional median income; and

WHEREAS, the contract designates CGP&H as the Administrative Agent for any new affordable housing units created during the Third Round from new inclusionary or municipally sponsored development and/or existing affordable housing units that the Borough, owner, or developer of said units elects to transfer to CGP&H for administrative services.

NOW THEREFORE BE IT RESOLVED, that subject to the Court's approval of this contract, the Mayor and Borough Clerk are hereby authorized to sign this contract dated October 23, 2018; and

BE IT FURTHER RESOLVED, the Borough of Highland Park hereby designates the Municipal Housing Liaison as the liaison to CGP&H; and

BE IT FURTHER RESOLVED, this contract is hereby attached to the original of this resolution.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 10-18-298

RESOLUTION APPOINTING AN ADMINISTRATIVE AGENT FOR THE ADMINISTRATION  
OF THE BOROUGH'S AFFORDABLE HOUSING PROGRAM

RESOLUTION: Economic Development and Planning Committee

WHEREAS, at a Fairness Hearing occurring on May 31, 2018 the Superior Court approved the Settlement Agreement ("Agreement") between the Borough of Highland Park ("Borough") and Fair Share Housing Center ("FSHC"), which included the Borough's preliminary compliance measures; and

WHEREAS, on October 11, 2018 the Planning Board of the Borough of Highland Park ("Planning Board") adopted the Borough's 2018 Third Round Housing Element and Fair Share Plan ("Plan"); and

WHEREAS, the Borough Council endorsed the Plan on October 23, 2018 at a properly-noticed public meeting; and

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Borough is implementing a program to provide affordable housing units to very-low, low- and moderate-income households desiring to live within the Borough; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the UHAC requirement at N.J.A.C. 5:80-26.3(d) requiring 10% of all low- and moderate-income units to be set-aside for households earning less than 35% of regional median income is superseded by the statutory requirement at N.J.S.A. 52:27D-329.1, and as reflected in paragraphs 10 and 17 of the Settlement Agreement executed on December 22, 2017 between the Borough and FSHC, which requires the Borough to set aside at least 13% of its affordable units for very-low income households earning less than 30% of regional median income; and

WHEREAS, the Borough has selected Community, Grants, Planning and Housing (CGP&H) (hereinafter referred to as "Administrative Agent") to be the Administrative Agent for any new affordable housing units created during the Third Round from new inclusionary or municipally sponsored development and/or existing affordable housing units that the Borough, owner, or developer of said units elects to transfer to CGP&H for administrative services.

WHEREAS, the Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
  - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Highland Park Borough and the provisions of N.J.A.C. 5:80-26.15;

- (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH, the Court, or another appropriate jurisdiction; and
- (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, rental lease requirements, and landlord/tenant law.
- (d) As required by the December 22, 2017 Settlement Agreement between the Borough and Fair Share Housing Center, and as further provided in the Affirmative Marketing Plan approved by the Mayor and Council on October 23, 2018, the Administrative Agent shall reach out to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Middlesex County Branch of the NAACP, the Middlesex County Urban League, and the Middlesex County Housing Coalition as part of its affirmative marketing strategy.

(2) Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form of rental certificates set forth in Appendix K of N.J.A.C. 5:80-26.1 et seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of Highland Park Borough when referring households for certification to affordable units.

(3) Affordability Controls

- (a) Furnishing to attorneys or closing-agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

- (4) Rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for re-rental.
- (6) Enforcement
- (a) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - (b) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
  - (c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (d) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund or other appropriate municipal fund approved by the Court;
  - (f) Creating and publishing a written operating manual, as approved by the Courts, setting forth procedures for administering such affordability controls; and
  - (g) Providing annual reports to the Courts and Fair Share Housing Center, and posting the annual report on the Borough's website by (THE ANNIVERSARY OF THE JUDGEMENT OF COMPLIANCE/REPOSE) of every year.
- (7) Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of Highland Park Borough as defined by N.J.S.A. 47:3-16, and are legal property of Highland Park Borough. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.
- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

ADOPTED: October 23, 2018  
 ATTEST:

\_\_\_\_\_  
 Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

\_\_\_\_\_  
 Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-299

UPDATED RESOLUTION PROMOTING A FAIR AND WELCOMING  
COMMUNITY FOR ALL HIGHLAND PARK BOROUGH RESIDENTS

Resolution: Council as a Whole

WHEREAS, the Mayor and Council by virtue of the adoption of the Resolution No. 5-17-160 on May 2, 2017 set forth a strong public policy affirming its commitment to be an inclusive community, regardless of immigration status, status as a veteran, national origin, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, or a status as a victim of domestic violence and to recognize that all members of the Borough Community shall be treated with dignity so that all Borough residents can live in a safe and welcoming environment; and

WHEREAS, Resolution No. 5-17-160 established a Municipal Advisory Board on Immigration and Refugee Affairs in order to recommend policies related to the Borough's inclusiveness; and

WHEREAS, on July 11, 2017, an ordinance was adopted creating the Commission on Immigrant and Refugee Affairs ("Commission") as a permanent, standing Commission of the Borough of Highland Park and said Commission has met and functioning as a Commission has recommended that additional protections be recognized in an updated resolution in order to protect the privacy and rights of all Borough residents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council as follows:

1. The Borough of Highland Park's commitment to uphold, respect and protect the historically discriminated against population and to continue to promote the Borough as a community committed to inclusivity for all Highland Park residents is hereby reaffirmed by the re-adoption of Borough of Highland Park Ordinance No. 5-17-160, a copy of which is attached hereto and made a part hereof.

2. As recommended by the Commission, the Mayor and Council hereby adopt the following additional policies as they relate to civil immigration enforcement, immigration status information, bias-based profiling, non-discrimination in municipal services and equal application of the law, privacy, recordkeeping and transparency, protection of immigrant victims of crime and the enhancement of trust in law enforcement, language access, access to representation in municipal proceedings; English classes and citizenship services and the mission Commission as follows:

1. DEFINITIONS: The following terms whenever used in this Resolution shall have the following meanings unless a different appears from the context of said resolution:

A. "Administrative warrant" means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document,



issued by ICE, CBP or USCIS that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose. This definition does not include warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article I, Paragraph 7 of the New Jersey Constitution (or any valid and properly issued judicial criminal warrant (Valid and properly issued judicial warrant)).

- B. "Agency" means every borough department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or Borough Council order.
- C. "Agent" means any person employed by or acting on behalf of an agency.
- D. "CBP" shall refer to "Customs and Border Patrol" Customs and Border Patrol and shall include any successor agency charged with border enforcement.
- E. "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time and manner of a person's entry into the United States, or any other immigration matter enforced by the Department of Homeland Security or predecessor, successor or other federal agency charged with the enforcement of civil immigration laws.
- F. "Civil immigration enforcement operation" means any operation that has as one of its objectives the identification, transfer, or apprehension of a person or persons in order to investigate them for a violation of the immigration laws, subject them to civil immigration detention, removal proceedings and/or removal from the United States.
- G. "Coerce" means to use express or implied threats towards a person or any family member of a person where the threat attempts to put the person in immediate fear of the consequences in order to compel that person to act against his or her will.
- H. "Contact information" means home address, work address, telephone number, electronic mail address, social media contact information, or any other means of contacting an individual.
- I. "ICE" means the United States Immigration and Customs Enforcement Agency and shall include any successor agency charged with the enforcement of civil immigration laws.
- J. "Immigration detainer" means a formal or informal request by ICE to a federal, state, or local law enforcement agency that requests that the law enforcement agency provide notice of release or maintain custody

of an individual based on an alleged violation of a civil immigration law, including detainers issued pursuant to sections 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include but are not limited to DHS Form I-247D "Immigration Detainer – Request for Voluntary Action"; DHS I-247X "Request for Voluntary Transfer"; or DHS Form I-247N "Request for Voluntary Notification of Release."

K. "USCIS" shall mean the United States Citizenship and Immigration Service and any successor agency charged with overseeing U.S. immigration laws.

L. "Verbal abuse" means the use of a verbal remark that a reasonable person would perceive as insulting, mocking or belittling directed at a person based upon the actual or perceived: (1) race, color, sex, religion, national origin, English proficiency, disability, sexual orientation, age or immigration status of a person.

## 2. CIVIL IMMIGRATION ENFORCEMENT:

The Borough of Highland Park and its agents shall not expend any time, funds, or resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where legally required to do so by state or federal law or regulation or directive or court order. Specifically, the Borough of Highland Park, its employees and agents and its law enforcement agents and employees shall not:

- A. Enter into any contract, agreement or arrangement that would grant federal immigration enforcement authority or power to the Borough or its agents or local law enforcement officers, including but not limited to agreements created under 8 U.S.C. § 1357(g).
- B. Enter into any contract, agreement, or arrangement to detain individuals in deportation proceedings, including but not limited to Intergovernmental Service Agreements such as Section 287 agreements per Paragraph 8 in Resolution No. 5-17-160;
- C. Honor immigration detainer requests or Immigration and Customs Enforcement ("ICE") or Customs and Border Patrol ("CPB") or United States Citizenship and Immigration Services ("USCIS") administrative warrants or hold any person upon receipt of a detainer request or ICE/CPB/USCIS administrative warrant unless such request or warrant is a valid and properly issued judicial criminal warrant other than required by the Middlesex County Prosecutor's Directive #23;
- D. Participate jointly in or assist in any civil immigration enforcement operations, including but not limited to any immigration enforcement raids, investigations, interrogations, detections, apprehensions, detentions, transfers, or requests to establish traffic perimeters. Any such request for cooperation from ICE/CPB/USCIS officers should be referred to the Chief of Police or appropriate agency chief who shall deny the request;
- E. Permit ICE/CPB/USCIS officers, agents, or representatives, access to municipal facilities, property, equipment, or databases absent a valid and properly issued judicial criminal warrant specifying the information or individuals sought. Any attempts or requests for access to such facilities, property, equipment, or databases shall be immediately sent to

the agency chief that controls the appropriate facility, property, database or equipment pertinent. No permission to access any such facility, property, equipment, or database shall be provided without the express, written approval of the appropriate agency chief. Should the appropriate agency chief approve access, such access shall be limited in scope and time to the parameters and targets prescribed in the valid and properly issued judicial criminal warrant. Any detention facilities, including jails, prisons, or halfway houses, that the municipality contracts with or leases land to for the purposes of criminal or civil detention must include the above requirement in any contract with the municipality.

3. REQUESTING INFORMATION PROHIBITED: No municipal agent, employee or agency shall ask any individual or request information from any individual about the citizenship or immigration status of any person unless such inquiry or investigation is required by state, county or federal law or regulation or directive or court order. Nothing in this Resolution shall restrict a municipal agent, employee, or agency from maintaining, requesting, sending, receiving, or exchanging information regarding an individual's citizenship or immigration status, with another Federal, State, or local government entity, as governed by 8 U.S.C. 1373 and 8 U.S.C. 1644.
4. BIAS-BASED PROFILING PROHIBITED: The Borough of Highland Park and any employee, agent, or law enforcement agency of the Borough of Highland Park shall not rely to any degree on actual or perceived national origin, immigration or citizenship status, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, or status as a veteran in deciding to initiate a stop, or in deciding to question, search, arrest, detain, or take any other law enforcement action against any individual, except when a specific suspect description includes information on the above protected categories and that information is taken in conjunction with information or circumstances that link a specific person to suspected criminal activity. Nothing herein shall be construed or implemented so as to discourage any person, regardless of immigration status, from reporting criminal activity to law enforcement agencies.
5. NON-DISCRIMINATION IN MUNICIPAL SERVICES AND EQUAL APPLICATION OF THE LAW
  - A. Municipal agents and employees are hereby prohibited from conditioning municipal services on immigration status, except where required under applicable federal or state law or regulation or directive or court order. As has been the Borough of Highland Park's practice, municipal agents and employees are prohibited from coercing individuals or threatening or using verbal abuse to report them or their family members to a federal immigration enforcement agency federal immigration enforcement officer or take other immigration related action against them or their family members.
  - B. Where presentation of a driver's license is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, municipal ID, or consular-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment, unless otherwise required by federal, county or state law, regulation or directive or court order.

- C. The Borough of Highland Park shall continue to enforce any applicable local worker protections, such as Earned Sick Days and living wage laws, regardless of immigration status of the complainant or petitioner.

## 6. PRIVACY

Municipal agents and employees shall not maintain and/or share confidential personal information, including contact information, information about citizenship or immigration status, national origin, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a jail, or status as a veteran; except where otherwise permitted by 8 U.S.C. 1373 or 8 U.S.C. 1644 or required by state, county or federal law or regulation or directive or court order.

## 7. RECORD KEEPING AND TRANSPARENCY

The Borough of Highland Park shall publish on its public-facing website on a quarterly basis:

- A. The number of requests from ICE/CBP/USCIS to participate in or assist in any civil immigration enforcement operations, including any raids, investigations, interrogations, detections, apprehensions, detentions, transfers, or requests to establish traffic perimeters;
- B. The number of immigration detainer requests or administrative warrants received from ICE/CBP/USCIS to detain or share information about any person wanted in relation to immigration enforcement activities or operations;
- C. The date on which any requests of the type enumerated in Sections A-B of this Subsection were received;
- D. The responses from The Borough of Highland Park to any requests of the type enumerated in Sections A-B of this Subsection;
- E. The number of times The Borough of Highland Park shared or reported information to ICE/CBP/USCIS with regard to information about any person in the Borough of Highland Park's custody;
- F. The number of times the Borough of Highland Park provided ICE/CBP/USCIS access to municipal facilities, property, equipment, information, databases, or to persons in the Borough of Highland Park's custody, including the location, nature and characteristics of such access and demographic information about the person(s) in municipal custody to whom ICE/CBP/USCIS was provided access;
- G. The number of U visa certifications requested, how many certifications were granted, how many certifications were denied, and the average length in days between a request and certification or denial of certification;
- H. The Borough of Highland Park shall consider all records relating to ICE/CBP/USCIS access to facilities and information, including all communications with ICE, to be public records for purposes of the Open Public Records Act ("OPRA") (N.J.S.A. 47:1A-1 et seq.) except for any criminal investigation records

which are exempt under OPRA. The Borough of Highland Park shall provide all relevant records upon request and requests shall be handled under the usual procedures for receipt of OPRA requests.

8. PROTECTING IMMIGRANT VICTIMS OF CRIME AND ENHANCING TRUST IN LAW ENFORCEMENT

Each agency within The Borough of Highland Park with responsibility for investigating, prosecuting, or sentencing a qualifying crime, as defined in subsection (H) hereinbelow, shall within thirty days, draft and take material steps to implement a policy governing the issuance of Forms I-918B ("U Visa Certifications") to immigrant crime victims.

A. Such policy shall be consistent with the Department of Homeland Security's stated policy that implementing U Visa certification practices and policies will "strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of persons and other crimes while offering protection to victims of such crimes without the immediate risk of being removed from the country."

i. Such policy shall require, upon request, that a certifying official from a certifying entity certify, as specified, "victim helpfulness" on the Form I-918 Supplement B, when the requester was a victim of a qualifying crime and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying crime. Such policy shall require that, upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying crime and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying crime.

B. Such policy shall define "certifying entity," "certifying official," and the qualifying crime for those purposes.

C. Such policy shall establish for purposes of determining helpfulness, a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying crime, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

D. Such policy shall require the certifying entity to process a Form I-918B within 45 days of request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed within 14 days of request. If the request is denied, the certifying entity will also notify the applicant in writing of the basis for the denial and the process for appealing the denial. Within 90 days of receiving an applicant's letter appealing a denial, the certifying entity will send a letter to the applicant's designated return mailing address notifying the applicant that the appeal: (i) is rejected and the initial denial is upheld; or (ii) is granted and the certifying entity will issue a U certification.

E. For purposes of the policy, a "certifying entity" shall mean the agencies within the municipality which include, but are not limited to, police departments, prosecutors' offices, judicial officials, family protective services agencies, equal employment opportunity agencies, labor departments, and any other agency subject to this

ordinance which has responsibility for investigating, prosecuting, or sentencing qualifying a qualifying crime.

- F. For purposes of the policy, "certifying official" is any of the following: The head of the certifying entity; A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918B certifications on behalf of that agency; a judge; Any other certifying official defined under Section 214.14 (a)(2) of Title 8 of the Code of Federal Regulations.
- G. For purposes of the policy, "qualifying criminal activity" means qualifying criminal activity pursuant to Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act which includes, but is not limited to, the following crimes: Rape; Torture; Trafficking; Incest; Domestic Violence; Sexual Assault; Abusive Sexual Contact; Prostitution; Sexual Exploitation; Stalking; Female Genital Mutilation; Being Held Hostage; Peonage; Involuntary Servitude; Slave Trade; Kidnapping; Abduction; Unlawful Criminal Restraint; False Imprisonment; Blackmail; Extortion; Manslaughter; Murder; Felonious Assault; Witness Tampering; Obstruction of Justice; Perjury; or Fraud in Foreign Labor Contracting (as defined in Section 1351 of Title 18, United States Code).
- H. For purposes of the policy, a "qualifying crime" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in Section G (above), and the attempt, conspiracy, or solicitation to commit any of those offenses.
- I. For purposes of the policy, there is no requirement that there be a current investigation, the filing of charges, a prosecution or conviction in order for a law enforcement officer to sign the law enforcement certification, and there is no statute of limitations on signing the law enforcement certification.
- J. Such policy shall be made publicly available; be disseminated annually to each agency employee; require periodic training of all relevant agency employees on the policies and procedures involved in responding to requests for U Visa Certifications; identify resources, such as the Department of Homeland Security's U Visa Law Enforcement Certification Resource Guide, that agency employees should consult in responding to requests for U Visa Certifications.

## 9. LANGUAGE ACCESS

Municipal agencies shall make available bilingual services to all Residents requiring said services including translation services for documentation required to provide municipal services to any resident.

- A. When a Limited English Proficient (LEP) individual seeks or receives benefits or services from a municipal agency, the agency shall provide prompt language assistance services in all interactions with that individual, whether the interaction is by telephone or in person. The municipal agency shall meet its obligation to provide prompt language assistance services for purposes of this subdivision by ensuring that LEP individuals do not have to wait unreasonably longer to receive assistance than individuals who do not require language assistance services.

- B. The Borough of Highland Park shall make all reasonable efforts to provide language assistance services in person by bilingual personnel.

#### 10. ACCESS TO REPRESENTATION IN IMMIGRATION PROCEEDINGS; ENGLISH CLASSES AND CITIZENSHIP SERVICES

- A. The Borough of Highland Park shall assist indigent immigrants who are the subject of deportation proceedings in obtaining legal representation by referring those persons to agencies or other organizations which provide such legal services.
- B. The Borough of Highland Park shall assist immigrants who wish to obtain citizenship services and/ or to attend English for Speakers of Other Languages (ESOL) classes by referring those persons to agencies or other organizations providing such services.

#### 11. COMMISSION GOALS

The Commission referenced hereinabove shall have the following goal: To ensure implementation of policies that preserve and protect our diverse and inclusive community and will serve as a resource for immigrant community members with questions, comments, or concerns about safety or local government's role in defending vulnerable communities. It shall also coordinate efforts for greater access to translation and interpretation services, legal representation, citizenship services, and ESOL courses as outlined in this Executive Order.

Representatives of the following municipal departments, and any others chosen by the Mayor and Council, may serve as a part of the Commission:

-Police Department -Health Department -Municipal Court

In addition, the local Board of Education and community stakeholders, including faith-based organizations, social service agencies and civil rights groups serving the Borough of Highland Park will be invited to participate with the Commission.

The Commission shall meet monthly.

#### 12. CLERK OF THE BOROUGH OF HIGHLAND PARK TO TRANSMIT COPIES OF THIS RESOLUTION, INFORMING MUNICIPAL AGENCIES AND EMPLOYEES

Within 30 days, the Clerk of the Borough of Highland Park shall send copies of this Resolution, including any future amendments thereto that may be made, to every department, agency and commission of the Borough of Highland Park. Each Department Head of the Borough of Highland Park shall inform all employees under her or his jurisdiction of this Resolution, the duty of all of her or his employees to comply with the prohibitions in this Resolution, and that employees who fail to comply with the prohibitions of the Resolution shall be subject to appropriate disciplinary action.

- 13. All Borough agencies and employees shall fully cooperate as this Resolution mandates.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

DRAFT



BOROUGH OF HIGHLAND PARK  
NO. 10-18-300

RESOLUTION: Public Works & Public Utilities Committee

WHEREAS, the Borough of Highland Park is the recipient of a NJ Department of Environmental Protection (NJDEP) grant to draft a Community Forestry Management Plan for Highland Park; and

WHEREAS, said Plan has been prepared by a Certified Tree Expert, in consultation with the HP Shade Tree Advisory Committee, a copy of which is attached to the original of this resolution; and

WHEREAS, the Shade Tree Advisory Committee has requested that the Mayor and Borough Council approve the Plan and submit same to the NJ Forest Service;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Community Forestry Management Plan, dated October, 2018, shall be and is hereby approved for submission and that the Mayor is hereby authorized to execute said Plan and submit it to the NJDEP.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-301

RESOLUTION TO APPROVE RFQ FOR PROFESSIONALS - 2019

RESOLUTION: Finance Committee

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for the services of its Professionals, including but not limited to, the Borough Attorney, Bond Attorney, Labor Attorney, Auditor, Engineer, Planner, Planning Board Attorney, Board of Adjustment Attorney, Redevelopment Entity Attorney, Planning Board Engineer, Board of Adjustment Engineer, Tax Appeal Attorney, Risk Manager, Prosecutor, and Public Defender to perform services for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for the services of its Professionals to perform professional services for the Borough by a Request for Qualifications.

ADOPTED: October 23, 2018

ATTEST:

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Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

---

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-302

RESOLUTION TO ADVERTISE FOR RECEIPT OF BIDS FOR  
2019/2020 TREE MAINTENANCE CONTRACT

RESOLUTION: Public Works and Public Utilities Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the following contract items:

1. Annual Tree Maintenance Contract for 2019 and 2020; and

BE IT FURTHER RESOLVED that said bids will be received at a date and time to be determined by the Borough Clerk and the Superintendent of the Public Works Department, said bids to be in accordance with specifications prepared by the Public Works Department.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-303

RESOLUTION TO ADVERTISE FOR RECEIPT OF BIDS FOR  
2019/2020 WATER AND SEWER CONTRACTS

RESOLUTION: Public Works and Public Utilities Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the following contract items:

1. Water Main and/or Sanitary Sewer Repairs for 2019 and 2020; and
2. Sanitary Sewer Inspection and Maintenance Contract for 2019 and 2020;

BE IT FURTHER RESOLVED that said bids will be received at a date and time to be determined by the Borough Clerk and the Superintendent of Public Works and Public Utilities, said bids to be in accordance with specifications prepared by the Public Works Department.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-304

RESOLUTION AUTHORIZING TAX COLLECTOR TO CREDIT  
UTILITY ACCOUNT – 49 CLIFF COURT

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the property owner of 49 Cliff Court, received an incorrect water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the bill should not have been generated due to an incorrect meter reading; and

WHEREAS, the Tax Collector recommends that this account be credited for the erroneous charges;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to Account #30220100-1, for a total of \$770.71 to the water & sewer account for 49 Cliff Court, Highland Park, NJ 08904.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Director forthwith.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-306

RESOLUTION: Public Safety Committee

WHEREAS, under the terms and conditions of the Public Contracts Law of the State of New Jersey, a municipality may purchase items without competitive bidding from a firm or corporation currently under contract with the State of New Jersey; and

WHEREAS the Highland Park Fire Department is in need of Air Packs and related equipment, said equipment as more fully described on the attached Purchase Requisition; and

WHEREAS, under State Contract No. A80961/T0790, the Borough may purchase said equipment from New Jersey Fire Equipment, 119-131 Rt. 22 East, Green Brook, NJ 08812, at the State contract prices; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-968-201 in the amount of \$129,232.80 as reflected by the certification of funds by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Fire Chief is hereby authorized and directed to purchase said Air Packs and related equipment from New Jersey Fire Equipment, 119-131 Rt. 22 East, Green Brook, NJ 08812 at a total cost of \$129,232.80 and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Fire Chief and Chief Financial Officer, forthwith.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-307

RESOLUTION TO SEEK REQUESTS FOR PROPOSALS  
FOR COMPUTER CONSULTING (IT) SERVICES

RESOLUTION: Finance Committee

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for Computer Consulting (IT) Services for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for Computer Consulting (IT) Services for the Borough by a Request for Proposals.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-308

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Highland Park Department of Public Works has a need to do jet-vac cleaning and T.V. inspection of various locations in the Borough of Highland Park, as more fully described on the attached quotation; and

WHEREAS, quotes were solicited and only one quote was received as follows:  
Oswald Enterprises, Inc. \$7,000.00

And

WHEREAS, the Superintendent of the Department of Public Works has recommended that said work be done by Oswald Enterprises, Inc. based on their quote; and

WHEREAS, funds for this purpose are available in the amount of \$7,000.00, in Account No. 8-05-55-500-233 as reflected by the certification of funds by the Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Superintendent of Public Works is hereby authorized and directed to arrange for said work from Oswald Enterprises, Inc. 161 East Road, Belford, NJ 07718, at a total price of \$7,000.00; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Superintendent of Public Works Donald Rish and the Chief Financial Officer, forthwith.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				



BOROUGH OF HIGHLAND PARK  
NO. 10-18-309

RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST

RESOLUTION: Finance Committee

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

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

The bills approved for payment at this meeting, Bills List 10/23/2018 can be found in the Bills List Journal Book No. 37.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				

BOROUGH OF HIGHLAND PARK  
NO. 10-18-310

RESOLUTION AUTHORIZING EXECUTIVE SESSION

RESOLUTION: Council as a Whole

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:  
(Litigation: (a) Property Acquisition; (b) 35 Harrison Avenue update)
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.

ADOPTED: October 23, 2018

ATTEST:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 23<sup>rd</sup> day of October, 2018.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				
Welkovits				