

BOROUGH OF HIGHLAND PARK  
REGULAR MAYOR & COUNCIL MEETING  
OCTOBER 9, 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. **MOTION** to approve minutes of the Regular and Conference Meetings held April 17, 2018, May 1, 2018 and May 15, 2018; as distributed.
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 Ordinance to Require Inspections and the Issuance of Certificates of Continued Occupancy for Multi-Dwelling and Apartment Buildings at the Time of Sale, for consideration of passage on final reading by title.
  - a. **MOTION** to take up ordinance on final reading by title.
  - b. Public Hearing.
  - c. 10-18-256 Resolution to adopt/reject and advertise ordinance on final reading by title.  
**MOTION** adopt/reject **ROLL CALL VOTE**
11. Clerk reports introduction of Handicapped Parking 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. 10-18-257) **ROLL CALL VOTE**
12. Clerk reports introduction of Fair Share Housing 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. 10-18-258) **ROLL CALL VOTE**

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

**ROLL CALL VOTE**

13. \*10-18-259 Resolution Opposing the Construction and Operation of a Compressor Station to Connect the Williams-Tranco's Pipeline in Franklin Township (Somerset County) NJ.
14. \*10-18-260 Resolution Authorizing Submission of NJDOT Municipal Aid Grant Application.
15. \*10-18-261 Resolution Authorizing Submission of Middlesex County 2019 Recycling Enhancement Grant Application.
16. \*10-18-262 Resolution Authorizing Membership in Sourcewell National Purchasing Cooperative.
17. \*10-18-263 Resolution to Amend Annual Salary Resolution.
18. \*10-18-264 Resolution to Approve Final Pay Estimate No. 5 and Close-out Change Order – Astro Electrical Contractors, LLC – Senior/Youth Center Emergency Generator.
19. \*10-18-265 Resolution to Transfer Payments for Tax/Water & Sewer Department.
20. \*10-18-266 Resolution to Renew Hazardous Materials Cost Recovery Agreement.
21. \*10-18-267 Resolution to Approve Final Pay Estimate No. 5 and Close-out Change Order – Z. Brothers Concrete Contractors, Inc. – Improvements to Grant Avenue, Felton Avenue and Graham Street.
22. \*10-18-268 Resolution to Authorize Execution of Affordable Housing Deed Restriction – Merriewold – COAH Units.
23. \*10-18-269 Resolution to Reduce Performance Bond – Highland Cliffs, LLC.
24. \*10-18-270 Resolution to Approve Wrecker License – Coppa's Service Center & Towing, Inc.
25. \*10-18-271 Resolution to Authorize Professional Services Agreement to Perform an Area in Need of Redevelopment Investigation for 31 River Road.
26. \*10-18-272 Resolution to Approve Final Pay Estimate No. 5 – Tri-Form Construction – Teen Center.
27. \*10-18-273 Resolution Naming a Conditional Redeveloper for 31 River Road and Authorizing Execution of a Conditional Redeveloper's Agreement.
28. \*10-18-274 Resolution to Approve Bills List.

\*MOTION adopt/reject

**ROLL CALL VOTE**

29. 10-18-275 Chapter 159–NJ Urban and Community Forestry Stewardship Grant.  
**MOTION adopt/reject.** **ROLL CALL VOTE**
30. 10-18-276 Chapter 159 – HDSRF Grant – Rutgers Gun and Boat Shop.  
**MOTION adopt/reject.** **ROLL CALL VOTE**
31. 10-18-277 Chapter 159 – HDSRF Grant – Denison Street Vacant Lots.  
**MOTION adopt/reject.** **ROLL CALL VOTE**
32. 10-18-278 Chapter 159 – HDSRF Grant – Classic Cleaners.  
**MOTION adopt/reject.** **ROLL CALL VOTE**

33. Mayor Brill Mittler appoints the following:

Irene Riegner	Sustainable Highland Park
Leann Cosley-Richardson	Municipal Alliance
Rev. Kermit Ross Tammy Russ-Fishbane	Human Relations Commission

**MOTION TO CONFIRM**

**ROLL CALL VOTE**

34. Clerk reports election of Volunteer Firefighter.  
**MOTION TO CONFIRM**

**ROLL CALL VOTE**

35. Open items.

a.

b.

c.

d.

36. Public Discussion.

37. \*10-18-279 Executive Session:  
**MOTION adopt/reject.**

**ROLL CALL VOTE**

38. **MOTION** to adjourn to Conference Meeting and/or Executive Session.

39. Clerk reports election of Volunteer Firefighter.  
**MOTION TO CONFIRM**

**ROLL CALL VOTE**

BOROUGH OF HIGHLAND PARK  
No. 10-18-256

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 IN MIDDLESEX COUNTY REQUIRING INSPECTIONS AND THE ISSUANCE OF CERTIFICATES OF CONTINUED OCCUPANCY FOR MULTI-DWELLING AND APARTMENT BUILDINGS AT THE TIME OF SALE, 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 9, 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 9<sup>th</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. 18-1970**

**AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK IN MIDDLESEX COUNTY  
REQUIRING INSPECTIONS AND THE ISSUANCE OF CERTIFICATES OF CONTINUED  
OCCUPANCY FOR MULTI-DWELLING AND APARTMENT BUILDINGS AT THE TIME OF  
SALE**

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

1. Chapter 135, Building Construction, of the "Code of the Borough of Highland Park, 2010" is amended by adding thereto a new Section 135-28 requiring Certificate of Continued Occupancy Inspections at the time of the sale for multiple dwelling and apartment buildings within said Borough and shall read as follows:

Section 135-28. Multi-Dwelling and Apartment Building Inspections at the Time of Sale. The Department of Code Enforcement shall inspect and issue Certificates of Continued Occupancy on the sale of residential multiple dwelling units and apartment buildings in order to ensure compliance with the various codes set forth in Section 135-22 hereinabove. For purposes of this section, a residential multiple dwelling or apartment shall include dwellings of four or more residential units. The purpose of enforcing at the time of sale the codes referenced in Section 135-22 hereinabove is to ensure that the care and maintenance of these structures comply with said codes in order to protect the health, safety and welfare of the citizens of the Borough of Highland Park.

In performing said inspections, the following fees shall be charged to the seller of the residential multiple dwelling unit or apartment buildings:

A. Less than 9 units:	\$ 75.00 per unit
B. 10-50 units:	\$1,500.00 flat fee
C. 51-100 units:	\$2,500.00 flat fee
D. 101 or more units:	\$3,000.00 flat fee
E. Commercial space:	\$ 300.00 plus per dwelling unit fee above

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

Introduced on first reading  
by title: September 4, 2018

ADOPTED: October 9, 2018

APPROVED: October 9, 2018

ATTEST:

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Joan Hullings  
Borough Clerk

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Gayle Brill Mittler  
Mayor

BOROUGH OF HIGHLAND PARK  
NO. 10-18-257

RESOLUTION: Public Safety Committee

WHEREAS, an 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", 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 Tuesday, October 23, 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 9, 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 9<sup>th</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 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. 10-18-258

RESOLUTION: Public Safety Committee

WHEREAS, an 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, 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 Tuesday, October 23, 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 9, 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 9<sup>th</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**

**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-311a 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 exist:
- (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.

**§86-25. 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 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

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BOROUGH OF HIGHLAND PARK  
NO. 10-18-259

RESOLUTION – OPPOSING THE CONSTRUCTION AND OPERATION OF A  
COMPRESSOR STATION TO CONNECT TO WILLIAMS-TRANSCO'S PIPELINE IN  
FRANKLIN TOWNSHIP (SOMERSET COUNTY) NJ

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the residents of Franklin Township live in close proximity to the proposed Williams-Transco Compressor Station 206 at Trap Rock Quarry in Franklin Township;

WHEREAS, Williams Transco plans to install a greenfield natural gas fired 32,000hp Compressor Station 206 in Franklin Township, Somerset NJ; and

WHEREAS, the Trap Rock Quarry, adjacent to the proposed Compressor Station 206, is slated as a potential future reservoir site in 2045; and

WHEREAS, the Federal Energy Regulatory Commission (FERC) issued the Draft Environmental Impact Statement (DEIS) on March 23, 2018; and

WHEREAS, FERC acknowledges receiving comments requesting FERC to perform a Health Impact Assessment for Compressor Station 206 in the Executive Summary (pages ES-5 to 7), Environmental Analysis (page 4-292) and their Conclusions and Recommendations (page 5-20) of the DEIS; and

WHEREAS, FERC also identifies existing federal guidelines for air quality and that, due to regulations, Compressor Station 206 is designated as a minor source of pollution; and

WHEREAS, the FERC online database does not indicate performing a Health Impact Assessment for the past 12 years; and

WHEREAS, recent studies detail known and evidenced health hazards resulting from natural gas-fired compressor station emissions and causal evidence of long-term chronic health conditions; and

WHEREAS, these studies include but are not limited to: 2015 Southwest Pennsylvania Environmental - A brief review of compressor stations<sup>1</sup>; NY Environmental Health Project 2017 study - Health Effects Associated with Stack Chemical Emissions from NYS Natural Gas Compressor Stations: 2008-2014<sup>2</sup>; Dr Nordgaard's studies regarding compressor chemical emissions highlighting that current federal standards do not closely reflect actual human health risks<sup>3</sup>; Concerned Health Professionals of NY published its 5th edition Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking (unconventional Gas and Oil Extraction)<sup>4</sup>; and



WHEREAS, a study of nearly 2.5 million veterans followed for over eight years concluded that there is a significant association between exposure to airborne Particulate Matter (PM<sub>2.5</sub>) and kidney disease. The authors found that levels of PM<sub>2.5</sub> that were below the EPA threshold of 12 microgram/m<sup>3</sup> were associated with risk of Chronic Kidney Disease (CKD) and end-stage renal disease (ESRD)<sup>5</sup>; and

WHEREAS, the Application from Williams/Transco for the Northeast Supply Enhancement Project indicates an expectation that PM<sub>2.5</sub> emissions for Compressor Station 206 and background air would be close to "acceptable" thresholds:

Annual:	10.1 microgram/m <sup>3</sup>	(EPA-NAAQS threshold: 12 microgram/m <sup>3</sup> )
24-hour:	32.1 microgram/m <sup>3</sup>	(EPA-NAAQS threshold: 35 microgram/m <sup>3</sup> )

WHEREAS, airborne emissions from Compressor Station 206 have been identified from Williams as:

- *Estimated emissions from proposed compressor, in tons per year (tpy), for:*  
CO = 56.86tpy; NO<sub>x</sub> = 22.74tpy; VOC = 8.35tpy; PM<sub>10</sub> = 18.94tpy;  
PM<sub>2.5</sub> = 18.94tpy; SO<sub>2</sub> = 3.07tpy; GHG (natural gas) = 132,720tpy.
- *Estimated caustic chemical emissions, in pounds per year (lbs/yr), for:*  
Formaldehyde = 660lbs/yr; Ammonia = 29,580lbs/yr; Acrolein = 6lbs/yr;  
Acetaldehyde = 44lbs/yr; Ethylbenzene = 34lbs/yr; Benzene = 14lbs/yr;  
Toluene = 142lbs/yr; Propylene Oxide = 32lbs/yr; Xylenes = 70lbs/yr.

WHEREAS, these estimated emissions have not been validated by FERC; FERC has not performed a health impact of the above identified chemicals in recent years; and FERC has not indicated reviewing recent developments and studies correlating natural gas fired compressor emissions with direct health hazards; and

WHEREAS, Federal and New Jersey state agencies have recognized the above stated airborne chemical emissions as highly toxic to human health causing a variety of immediate and chronic health conditions; and

WHEREAS, the ambient air sampling that was completed for the NESE Project used stations in Elizabeth, North Brunswick, and East Brunswick NJ as well as Philadelphia PA, and each only measured specific components; and

WHEREAS, there was no local assessment of air quality emissions that included the airborne pollutants from the mining operations of Trap Rock Quarry in combination with the anticipated emissions from Compressor Station 206; and

WHEREAS, FERC has issued its DEIS but the DEIS does not detail the environmental or health impact of above said proposed Compressor Station 206 emissions and is soliciting input from the public and stakeholders; and

WHEREAS, the Highland Park Borough Council reissues the request of the Township Manager to FERC to require a Health Impact Assessment to detail immediate health impacts, long-term health impacts, and contamination potential from CS206 emissions over the next 25 years;

NOW, THEREFORE, BE IT RESOLVED on this 9<sup>th</sup> day of October, 2018, by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that:

1. An Environmental Impact Statement that does not include analysis of health or environmental impact of chemical emissions from Compressor Station 206 cannot be recognized as a legitimate environmental impact statement.
2. The Highland Park Borough Council opposes the construction and operation of the proposed compressor station as there has not been an adequate assessment of the potential detrimental health impacts from construction and operations of the proposed Compressor Station 206 on the residents around this site.
3. The Highland Park Borough Council strenuously urges FERC to conduct a thorough and comprehensive Health Impact Assessment of the proposed Williams-Transco Compressor Station 206 emissions regarding health and environmental impact for the immediate areas as well as long-term contamination potential for the future 2045 reservoir site.
4. The Highland Park Borough Council requests the Federal Energy Regulatory Commission to require continuous air sampling at the site of the proposed Compressor Station 206 before and during construction as well as ongoing for the lifetime of the compressor station operation and publicly available real time updates of air sampling on the internet.
5. The Highland Park Borough Council urges FERC to require a Health Impact Assessment that is started prior to issuing its Final Environmental Impact Statement and urges its representatives of the United States Congress, United States Senate and New Jersey Legislature to oppose the Northeast Supply Enhancement Project that includes the proposed Compressor Station 206.
6. A copy of this resolution will be forwarded to US Senators Cory Booker and Robert Menendez, Congresswoman Bonnie Watson Coleman, NJ Senators Christopher Batman and Bob Smith, and NJ Assemblymen Joseph Daniels, Joseph Egan, Andrew Zwicker and Roy Frieman.

ADOPTED: October 9, 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 9<sup>th</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				

DRAFT

## References

### (1) Referenced Studies:

- <sup>1</sup> Kloczko, N. (2015, November). A brief review of compressor stations. Southwest Pennsylvania Environmental Health Project. Retrieved from <http://www.environmentalhealthproject.org/files/A%20Brief%20Review%20of%20Compressor%20Stations%2011.2015.pdf>
- <sup>2</sup> Russo, P.N. & Carpenter, D.O. (2017, October 12). Health effects associated with stack chemical emissions from NYS natural gas compressor stations: 2008-2014. Institute for Health and the Environment - A Pan American Health Organization / World Health Organization Collaborating Centre in Environmental Health, University at Albany. Retrieved from [https://www.albany.edu/about/assets/Complete\\_report.pdf](https://www.albany.edu/about/assets/Complete_report.pdf)
- <sup>3</sup> The hazards of a compressor station: A town wakes up to the realities of corporate deception. (2015, November). Retrieved from <http://350ma-berkshires.org/the-hazards-of-a-compressor-station-a-town-wakes-up-to-the-realities-of-corporate-deception/>  
*Dr. Nordgaard's [Boston pediatrician] "main point was that the EPA limits do not closely reflect actual human health risks. The closer you are to the compressor station, the worse the symptoms experienced. Both doctors [Dr. Nordgaard & Dr. Sheila Bushkin-Bedient, physician at Albany's Institute for Environmental Health] agreed that many of these chemicals are known carcinogens and respiratory irritants, but that an even greater danger would come from their synergistic combinations, some of which have never before been tested on humans."*
- <sup>4</sup> Compendium of scientific, medical, and media findings demonstrating risks and harms of fracking (unconventional gas and oil extraction) (5<sup>th</sup> ed.) (2018, March). Concerned Health Professionals of New York & Physicians for Social Responsibility. Retrieved from <http://concernedhealthny.org/compendium/>
- <sup>5</sup> Bowe, B., Xie, Y., Li, T., Yan, Y., Xian, H. & Al-Aly, Z. (2017, September 21). Particulate matter air pollution and the risk of incident CKD and progression to ESRD. *Journal of American Society of Nephrology*, 29: 218-230. Retrieved from <http://jasn.asnjournals.org/content/29/1/218.full.pdf+html>

### Other Studies:

Summary on compressor stations and health impacts. (2015, February 24). Southwestern Environmental Health Project. Retrieved from <http://www.environmentalhealthproject.org/files/Summary%20Compressor-station-emissions-and-health-impacts-02.24.2015.pdf>

NY Compressor Station Report. Retrieved from <http://www.environmentalhealthproject-ny.org/>

*70 chemicals released from compressor stations are linked to 19 of 20 major categories of human disease.*

Summary of Minisink Monitoring Results.

Retrieved from <http://www.environmentalhealthproject.org/resources/10/click/5>

- (2) Federal and New Jersey State Agency chemical references recognizing above stated airborne chemical emissions as highly toxic to human health causing a variety immediate and chronic health conditions from CS206 emissions (see attachment).

DRAFT

<p>Ammonia CS206 emission 29,580 lbs per year</p>	<ul style="list-style-type: none"> <li>• Suspected liver, gastrointestinal, reproductive, respiratory, skin, and neurotoxicant (<a href="#">EDF Goodguide</a>)</li> <li>• Exposure from inhalation may cause bronchiolitis obliterans; symptoms include cough, wheezing, obstructive/restrictive defect, chronic shortness of breath and difficulty breathing from low activity, increased inflation of lungs (<a href="#">HAZMAP</a>)</li> <li>• Exposure through inhalation may cause toxic pneumonitis (acute inflammation of lungs); symptoms include burning, chest tightness, conjunctivitis, cough, dark or bluish color of skin due to oxygen deficient blood, shortness of breath and difficulty breathing from low activity, crackling when listening to breathing with stethoscope, excessive tearing of eyes, sore throat, pulmonary edema (increased fluid in lung tissues), runny nose, wheezing (<a href="#">HAZMAP</a>)</li> <li>• Exposure through inhalation may cause chronic bronchitis; symptoms include coughing up phlegm, wheezing (<a href="#">HAZMAP</a>)</li> <li>• TOXIC; may be fatal if inhaled, ingested or absorbed through skin; vapors are extremely irritating and corrosive (<a href="#">NOAA</a>)</li> <li>• High exposure can cause a build-up of fluid in the lungs (pulmonary edema) (<a href="#">NJ Fsheet</a>)</li> <li>• Strong irritant to eyes, skin, respiratory tract (<a href="#">HSDB</a>)</li> <li>• Exposure to high levels of ammonia in air may be irritating to skin, eyes, throat, and lungs and cause coughing and burns; lung damage and death may occur after exposure to very high concentrations of ammonia; some people with asthma may be more sensitive to breathing ammonia than others (<a href="#">ASTDR</a>)</li> <li>• Populations at increased risk include asthmatics, those hyper reactive to other respiratory irritants, and those with glaucoma, corneal disease, and chronic respiratory disease (<a href="#">HSDB</a>)</li> <li>• Agency exposure limits: <ul style="list-style-type: none"> <li>◦ CDC Acute Inhalation Risk Level at 1.7 Parts Per Million (PPM)</li> <li>◦ OSHA: 50ppm over 8 hour work shift</li> <li>◦ NIOSH: 25ppm over 10 hour work shift (<a href="#">NJ Fsheet</a>)</li> </ul> </li> </ul>
<p>Formaldehyde CS206 emission 660 lbs per year</p>	<ul style="list-style-type: none"> <li>• Known carcinogen (<a href="#">HAZMAP</a>)</li> <li>• Suspected gastrointestinal/liver, immune system, neuro, reproductive, respiratory, and skin/sense organ toxicant (<a href="#">EDF Goodguide</a>)</li> <li>• Adverse effects from exposure include asthma and toxic pneumonitis (inflammation of the lungs) (<a href="#">HAZMAP</a>)</li> <li>• High exposure through inhalation can cause a buildup of fluids in the lungs (<a href="#">NJ Fsheet</a>)</li> <li>• Repeated exposure may cause bronchitis and an asthma like allergy (<a href="#">NJ Fsheet</a>)</li> <li>• Limited evidence that exposure may damage developing fetus and affect female fertility (<a href="#">NJ Fsheet</a>)</li> <li>• Eye, skin, and respiratory tract irritant (<a href="#">HSDB</a>)</li> <li>• People with asthma may be particularly sensitive to exposure (<a href="#">HSDB</a>)</li> <li>• Exposure through inhalation can cause burning sensation, cough, headache, nausea, and shortness of breath (<a href="#">NIOSH</a>)</li> <li>• Agency exposure limits: <ul style="list-style-type: none"> <li>◦ CDC Acute Inhalation Risk Level at .04 parts per million (PPM)</li> <li>◦ OSHA: 0.75ppm averaged over 8 hour work shift</li> <li>◦ NIOSH: 0.016ppm averaged over 10 hour work shift (<a href="#">NJ Fsheet</a>)</li> </ul> </li> </ul>

Benzene  
CS206 emission  
14 lbs per year

- Listed as a known carcinogen (HAZMAP)
- Listed as a recognized carcinogen and developmental and reproductive toxicants (EDF Goodguide)
- Listed as a cause of anemia (decrease in number of red blood cells) (HAZMAP)
- Listed as a neurotoxin (cause of central nervous system solvent syndrome) (HAZMAP)
- Listed as a reproductive toxin (HAZMAP)
- Listed as a suspected cardiovascular/blood, endocrine, gastrointestinal/liver, immune system, neuro-, respiratory, skin/sense organ toxicant (EDF Goodguide)
- The major effect of benzene from long-term exposure is on the blood; causes harmful effects on the bone marrow and can cause a decrease in red blood cells leading to anemia; can also cause excessive bleeding and can affect the immune system, increasing the chance for infection (ASTDR)
- Occupational diseases associated with exposure include: leukemia and aplastic anemia (symptoms include fever, bleeding into the skin, mouth, nose, and gastrointestinal tract caused by the low platelet count of aplastic anemia and the damage to capillaries caused by viral hemorrhagic fevers, decreased white blood cell count, tiny circumscribed foci of extravagated blood in the skin); large areas of confluent petechiae are called purpura, ecchymoses, or bruises (HAZMAP)
- Acute exposure to high concentrations of benzene in air results in neurological toxicity (headache, dizziness, drowsiness, confusion, tremors, and loss of consciousness) (HSDB)
- Agency exposure limits:
  - CDC Acute Inhalation Risk Level at .009 Parts Per Million (PPM)
  - OSHA: 1ppm averaged over 8 hour work shift
  - NIOSH: 0.1ppm averaged over 10 hour work shift (NJ Fsheet)

DRAFT

Ethylbenzene  
CS206 emission  
34 lbs per year

- Possible human carcinogen (ASTDR)
- Listed as a suspected blood/cardiovascular, developmental, endocrine, gastrointestinal/liver, kidney, neuro, reproductive, respiratory, and skin/sense organ toxicant (EDF Goodguide)
- Limited evidence that ethylbenzene may damage the developing fetus (NJ Fsheets)
- Exposure to relatively low concentrations of ethylbenzene in air for several months to years causes kidney damage in animals (ASTDR)
- High exposure can cause symptoms similar to chronic solvent encephalopathy, a syndrome with a variety of central nervous effects (HAZMAP)
- Exposure may cause acute toxic effects such as difficulty concentrating, confusion, dizziness, fatigue, irritability, lethargy, impaired speech (HAZMAP)
- Most severe irritant of benzene series (HSDB)
- Exposure to high levels of ethylbenzene in air for short periods can cause eye and throat irritation; exposure to higher levels can result in dizziness (ASTDR)
- Irreversible damage to the inner ear and hearing has been observed in animals exposed to relatively low concentrations of ethylbenzene for several days to weeks (ASTDR)
- Inhalation may cause irritation of nose, dizziness, depression (NOAA)
- Agency exposure limits
  - CDC Acute Inhalation Risk Level at 5 Parts Per Million (PPM)
  - OSHA: 100ppm averaged over 8 hour work shift
  - NIOSH: 100ppm averaged over 10 hour work shift (NJ Fsheets)

Acetaldehyde  
CS206 emission  
44 lbs per year

- Listed as a possible human carcinogen (HSDB)
- Suspected developmental, immune system, kidney, neuro, respiratory, skin/sense organ toxicant (EDF Goodguide)
- Acetaldehyde may cause birth defects in humans since it causes them in animals (NJ Fsheets)
- Exposure can cause toxic pneumonitis (inflammation of the lungs) (HAZMAP)
- Eye irritant at 50ppm for 15 min.; respiratory tract irritant at 134ppm for 30 min.; nose and throat irritant at 200ppm for 15 min. (HSDB)
- Breathing vapors will be irritating and may cause nausea, vomiting, headache, and unconsciousness (NOAA)
- Exposure to high concentrations can cause headache, dizziness, headache, light-headedness, and passing out (NJ Fsheets)
- Higher exposures may cause a buildup of fluid in the lungs (NJ Fsheets)
- Repeated exposure may bronchitis to develop with coughing, phlegm, and shortness of breath (NJ Fsheets)
- Agency exposure limits:
  - CDC Acute Inhalation Risk Level - A harmful contamination of the air can be reached very quickly on evaporation of this substance at 20°C.
  - OSHA: 200ppm over 8 hour work shift



- o NIOSH: limit to lowest feasible concentration (NJ Fsheet)

Naphthalene  
CS206 emission  
2 lbs per year

- Listed as a possible carcinogen (HSDB)
- Suspected cardiovascular/blood, developmental, gastrointestinal/liver, neuro, respiratory, skin/sense organ toxicant (EDF Goodguide)
- Limited evidence that exposure may damage developing fetus (NJ Fsheet)
- May damage red blood cells causing anemia (low blood count) (NJ Fsheet)
- Exposure to large amounts may damage red blood cells or cause hemolytic anemiadestroy (destroys red blood cells resulting in too few red blood cells until body replaces them; symptoms include fatigue, lack of appetite, restlessness, and pale skin) (ASTDR)
- Exposure may cause methemoglobinemia (blood disorder in which an abnormal amount of methemoglobin [form of hemoglobin--the molecule in red blood cells that distributes oxygen to the body] is produced, preventing oxygen from being effectively released to tissues in the body) (HAZMAP)
- Naphthalene is an ocular irritant that has caused cataracts in exposed workers (HAZMAP)
- Acute toxic effects from exposure include abdominal pain, confusion, cough, fatigue, wheezing, weakness, buildup of fluid in the lungs, nausea, and more (HAZMAP)
- Effects from exposure through inhalation include headache, weakness, nausea, vomiting, sweating, confusion, jaundice, and dark urine (NIOSH)
- People with blood, kidney, or liver diseases may be at a heightened risk (HSDB)
- Agency exposure limits:
  - o CDC Chronic Inhalation Risk Level at .0007 Parts Per Million (PPM)
  - o OSHA: 10ppm averaged over 8 hour work shift
  - o NIOSH: 10ppm averaged over 10 hour work shift (NJ Fsheet)

Toluene  
CS206 emission  
142 lbs per year

- Listed as a recognized developmental toxicant (EDF goodguide)
- Listed as a suspected cardiovascular/blood, gastrointestinal/liver, immune system, kidney, neuro-, reproductive, respiratory, and skin/sense organ toxicant (EDF goodguide)
- Inhaling high levels of toluene in a short time can make you feel light-headed, dizzy, or sleepy; can also cause unconsciousness, and even death (ASTDR)
- High levels of toluene may affect your kidneys (ASTDR)
- Toluene may cause birth defects in humans as it has been shown to cause them in animals (NJ Fsheet)
- Toluene may damage developing fetus (NJ Fsheet)
- High exposure can cause symptoms similar to chronic solvent encephalopathy (a syndrome with a variety of central nervous effects) (HAZMAP)
- Exposure may cause acute toxic effects such as difficulty concentrating, confusion, dizziness, fatigue, irritability, lethargy, impaired speech (HAZMAP)
- Toluene may affect the nervous system; low-to-moderate levels can cause tiredness, confusion, weakness, drunken-type actions, memory loss, nausea, loss of appetite, and hearing and color vision loss; these symptoms usually disappear when exposure is stopped (ASTDR)
- Vapors irritate eyes and upper respiratory tract; cause dizziness, headache, anesthesia, respiratory arrest (NOAA)
- Inhaling can irritate the nose and throat causing coughing and wheezing (NJ Fsheet)
- People with central nervous system or liver diseases may be especially sensitive (HSDB)
- Agency exposure limits:
  - CDC Acute Inhalation Risk Level at 4 Parts Per Million (PPM)
  - OSHA: 200ppm averaged over 8 hour work shift
  - NIOSH: 300ppm averaged over 10 shift (NJ Fsheet)

Xylene  
CS206 emission  
70 lbs per year

- Temporary memory loss, confusion, and laboratory evidence of liver injury have been reported in workers overexposed to xylene (HAZMAP)
- Listed as a suspected cardiovascular, developmental, liver, immune system, kidney, respiratory, skin, reproductive, and immune system toxin (EDF Goodguide)
- Listed as a neurotoxin (EDF Goodguide)
- People who breathe high levels may have dizziness, confusion, and a change in their sense of balance (ASTDR)
- Exposure to high levels for short periods can also cause irritation of the skin, eyes, nose, and throat; difficulty in breathing; problems with the lungs; delayed reaction time; memory difficulties; stomach discomfort; and possibly changes in the liver and kidneys (ASTDR)
- Inhalation can irritate the nose and throat causing coughing and wheezing (NJ Fsheet)
- Exposure can cause headache, nausea and vomiting, dizziness, light-headedness and passing out (NJ Fsheet)
- Repeated exposure can affect concentration, memory, vision, and muscle coordination (NJ Fsheet)
- CDC Acute Inhalation Risk Level at 4 Parts Per Million (PPM)

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 10-18-260

RESOLUTION TO AUTHORIZE BOROUGH ENGINEER TO SUBMIT  
FY 2019 DOT TRUST FUND GRANT APPLICATION

RESOLUTION: Public Works & Public Utilities Committee

WHEREAS, the Borough of Highland Park desires to submit an application for Transportation Enhancements funding to the New Jersey Department of Transportation for improvements to certain Borough roads;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor is hereby authorized to execute the above referenced grant application to the New Jersey Department of Transportation.

ADOPTED: October 9, 2018

\_\_\_\_\_  
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 9<sup>th</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. 10-18-261

RESOLUTION AUTHORIZING SUBMISSION OF RECYCLING  
ENHANCEMENT GRANT TO COUNTY OF MIDDLESEX

RESOLUTION: Public Works and Public Utilities Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Donald Rish, Director of the Department of Public Works, is hereby authorized and directed to submit the 2018 Recycling Enhancement Grant application to the Middlesex County Division of Solid Waste Management.

BE IT FURTHER RESOLVED that upon award and acceptance of said grant by the Borough of Highland Park and the County of Middlesex, the Borough Administrator and the Borough Clerk shall be and are hereby authorized to execute an agreement on behalf of the Borough of Highland Park.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Administrator, the Director of the Department of Public Works and the Finance Director forthwith.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-262

RESOLUTION AUTHORIZING MEMBERSHIP AND PARTICIPATION IN SOURCEWELL  
A NATIONAL COOPERATIVE PURCHASING SYSTEM

RESOLUTION: Finance Committee

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units, including the Borough of Highland Park, to make purchases and contract for services through the use of nationally recognized and accepted cooperative purchasing agreements that have been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey or within any other state; and

WHEREAS, the Borough of Highland Park has determined that the use of cooperative purchasing agreements may result in significant cost savings and is desirous of continued participation in a national cooperative called Sourcewell; and

WHEREAS, SOURCEWELL is established as a public agency and serves agencies across the United States and Canada as a municipal contracting agency; and

WHEREAS, SOURCEWELL operates under the enabling authority of Minnesota Statute 123A.21; and

WHEREAS, the Borough of Highland Park desires to continue to be a member of the SOURCEWELL for the purposes of purchasing goods and/or services through a procurement process that is more efficient and provides a cost savings to the Town;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, be and hereby is authorized to continue its membership in the Sourcewell; and

BE IT FURTHER RESOLVED that the Mayor be and hereby is authorized to execute any agreement and the Clerk is authorized to attest to the signature of the Mayor on any agreement signed in connection with joining and participating in the Sourcewell; and

BE IT FURTHER RESOLVED that the Borough of Highland Park shall be responsible for ensuring that all goods and/or services procured through the Sourcewell comply with all laws of the State of New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-263

RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 2, 2018 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an hourly basis, there have been the following changes, to wit:

- ISABELLA GODISH, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.  
OLIVIA WEAVER, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.  
MAKENZIE VOLPERT, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.  
KATIE VOLPERT, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.  
FREDERICK DIAZ, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.  
ELIA SCHWARTZ, Seasonal Recreation, at an hourly rate of \$8.77, effective September 15, 2018.  
BEN GODISH, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.  
AIYA UNDERWOOD, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.  
OLIVIA PARKER, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.  
CAMILA YANEZ, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.  
SENA KAPER-DALE, Seasonal Recreation, at an hourly rate of \$8.60, effective September 15, 2018.

FURTHER RESOLVED that the Finance Director be and is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

ADOPTED: October 9, 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 9<sup>th</sup> day of October, 2018.

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

RECORD OF COUNCIL VOTES

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

BOROUGH OF HIGHLAND PARK  
NO. 10-18-264

RESOLUTION TO APPROVE PAY ESTIMATE #5 AND CLOSE-OUT  
CHANGE ORDER - ASTRO ELECTRICAL CONTRACTORS, INC.  
FOR SENIOR/YOUTH CENTER EMEGENCY GENERATOR

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, pursuant to Resolution No. 6-17-211, adopted by the Borough Council on June 13, 2017, a contract was awarded to Astro Electrical Contractor of Linden, NJ, for the purchase and installation of an emergency generator at the Senior/Youth Center; and

WHEREAS, it appears from Pay Estimate No. 5 and Close-Out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$3,610.31, and there is due to Astro Electrical Contractor, the sum of \$2,137.79 in accordance with said Pay Estimate for work performed from March 28, 2018 to September 17, 2018; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-827-205 in the amount of \$2,137.79, as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Astro Electrical Contractor the sum of \$2,137.79, as certified by the Engineer in Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of \$16,033.45; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer and CME Associates forthwith.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-265

RESOLUTION TO TRANSFER ERRONEOUS PAYMENTS FROM TAX  
ACCOUNTS AND/OR WATER AND SEWER ACCOUNTS

RESOLUTION: Finance Committee

WHEREAS, various property owners made payments through their own on-line banking systems and made payments to the wrong accounts; and

WHEREAS, the payments need to be transferred to the appropriate accounts for said properties;

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 transfer the posting of said payments as follows:

- \$636.45 from tax account to special assessment account #2015-284 for No. 2<sup>nd</sup> Avenue, Block 174, Lot 20
- \$3,186.80 from tax account for 3-7 South Adelaide Avenue to tax account for 229 Wayne Street

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

ADOPTED: October 9, 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 9<sup>th</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. 10-18-266

RESOLUTION TO RENEW HAZARDOUS MATERIALS  
COST RECOVERY PROGRAM AGREEMENT

RESOLUTION: Health and Human Services Committee

WHEREAS, the Borough Council of the Borough of Highland Park has determined that an inter-local services agreement with the County of Middlesex would permit reimbursement to the Borough for manpower, equipment and supplies when the Borough's emergency response personnel respond to a Hazardous Materials Incident; and

WHEREAS, under such agreement, the County of Middlesex would provide NJ Department of Environmental Protection certified programs within the Borough of Highland Park to carry out Hazard Emergency Response and Cost Recovery Services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk shall be and are hereby authorized and directed to execute an inter-local services agreement with the County of Middlesex for purposes of coordinating response and cost recovery efforts in the County, said agreement to be in a form approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded forthwith to the Borough Attorney, the Borough Administrator, the Highland Park Board of Health, the Highland Park Environmental Commission, the Highland Park Office of Emergency Management, and the Middlesex County Department of Health.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-267

RESOLUTION TO APPROVE PAY ESTIMATE NO. 5 AND CLOSE-OUT CHANGE ORDER  
Z. BROTHERS CONCRETE CONTRACTORS, INC.  
IMPROVEMENTS TO GRANT AVENUE, FELTON AVENUE AND GRAHAM STREET

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, pursuant to Resolution No. 3-17-118, adopted by the Borough Council on March 21, 2017, a contract was awarded to Z. Brothers Concrete Contractors, Inc. of Sayreville, NJ, for the Improvements to Grant Avenue, Felton Avenue and Graham Street; and

WHEREAS, it appears from Pay Estimate No. 5 and Close-Out Change Order, filed by CME Associates, that certain work under said contract has been completed and approved, resulting in an overall decrease in the original contract in the amount of \$61,427.57, and there is due to Z. Brothers Concrete Contractors, Inc., the sum of \$31,717.04 in accordance with said Pay Estimate for work performed from December 12, 2017 to August 15, 2018; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-822-210 in the amount of \$31,717.04, as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Z. Brothers Concrete Contractors, Inc. the sum of \$31,717.04, as certified by the Engineer in Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and posting of a one-year maintenance bond in the amount of \$71,633.31; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer and CME Associates forthwith.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-268

RESOLUTION TO AUTHORIZE EXECUTION OF AFFORDABLE  
HOUSING DEED RESTRICTION – MERRIWOLD – COAH UNITS

RESOLUTION: Finance Committee

BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough, the Affordable Housing Deed Restriction for Merriwold, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Borough Attorney and the Kaplan Companies, forthwith.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-269

RESOLUTION TO RDUCE PERFORMANCE BOND  
HIGHLAND CLIFFS, LLC

RESOLUTION: Finance Committee

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

WHEREAS, the developer for the referenced project has requested that the performance bond be reduced; and

WHEREAS, the Borough Engineer has conducted a site inspection of this project and found that items remain to be completed and recommends that the Bond be reduced by \$821,646.82 to \$409,471.18 subject to the payment of all current inspection fees and/or any other outstanding Borough fees, including the Affordable Housing Trust Fund Payment; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that subject to payment of all current inspection fees together with any other outstanding Borough fees, the performance bond heretofore posted may be reduced to \$409,471.18.

BE IT FURTHER RESOLVED that, pursuant to Section C.40:55D-43-2e of the Municipal Landuse Law, no further reductions of this Bond shall be recommended until the punch list items have been satisfactorily completed.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official and Highland Cliffs LLC.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-270

RESOLUTION TO APPROVE WRECKER LICENSE

RESOLUTION: Public Safety Committee

WHEREAS, Coppa's Service Center & Towing, Inc., has filed with the Clerk of this Borough for a Wrecker/Towing License to operate heavy duty wreckers in this Borough under the provisions of the Ordinance providing for such license; and

WHEREAS, the Chief of Police has investigated said applicant and has reported favorably upon said application;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determines that said applicant is qualified and that public necessity and convenience would be served by the issuance of such License.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue Heavy Duty Wrecker/Towing Licenses to the aforesaid applicant.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-271

PROFESSIONAL SERVICE RESOLUTION – BOROUGH PLANNER  
AREA IN NEED OF REDEVELOPMENT INVESTIGATION FOR 31 RIVER ROAD

RESOLUTION: Economic Development and Planning Committee

WHEREAS, the Borough of Highland Park has need of the services of a Planner to provide planning services in connection with the investigation of an Area in Need of Redevelopment Investigation for 31 River Road, in accordance with letter proposal from Jim Constantine, Looney Ricks Kiss, attached to the original of this resolution; and

WHEREAS, such services are professional services as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Looney Ricks Kiss, Philadelphia, P.A., is a firm of licensed planners of the State of New Jersey with extensive experience in providing these services; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation of said consulting engineer; and

WHEREAS, funds for this purpose are available in Account No. \_\_\_\_\_ in an amount not to exceed \$5,000.00, as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are authorized and directed to execute and attest on behalf of the Borough an Agreement for professional services with Jim Constantine, PP, Looney Ricks Kiss, Public Ledger Building, Suite 756, 150 S. Independence Mall West, Philadelphia, PA 191065, a copy of which is attached to the original of this original, and that notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-272

RESOLUTION TO APPROVE PAY ESTIMATE #5 – TRI-FORM CONSTRUCTION  
FOR TEEN CENTER BUILDING PROJECT

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, pursuant to Resolution No. 9-17-285, adopted by the Borough Council on September 19, 2017, a contract was awarded to Tri-Form Construction, Metuchen, NJ, for the construction of a Teen Center; and

WHEREAS, it appears from Final Pay Estimate No. 5, filed by Code Enforcement Director, Scott Brescher, that certain work under said contract has been completed and approved, and there is due to Tri-Form Construction, the sum of \$10,309.28 in accordance with said Pay Estimate for work performed from July 28, 2018 to September 12, 2018; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-826-210 in the amount of \$10,309.28, as reflected by the Certification of Funds Available by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay Tri-Form Construction the sum of \$10,309.28, as certified by the Code Enforcement Director in Final Pay Estimate No. 5, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer and Code Enforcement Director forthwith.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-273

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, NEW JERSEY, NAMING A CONDITIONAL REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS 31 RIVER ROAD AND IDENTIFIED AS BLOCK 183, LOT 24 ON THE TAX MAP OF THE BOROUGH, AND AUTHORIZING THE EXECUTION OF A CONDITIONAL REDEVELOPER'S AGREEMENT WITH RESPECT TO SAME

RESOLUTION: Economic Development and Planning Committee

WHEREAS, the Borough of Highland Park, a public body corporate and politic of the State of New Jersey (the "Borough") is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law") to determine whether certain parcels of land within the Borough constitute an "area in need of rehabilitation" or an "area in need of redevelopment"; and

WHEREAS, the Municipal Council of the Borough (the "Council"), pursuant to and in accordance with the Redevelopment Law, has designated the property commonly known as 31 River Road and identified as Block 183, Lot 24 on the official tax map of the Borough (the "Property") as "an area in need of rehabilitation"; and

WHEREAS, on \_\_\_\_\_, the Council, in accordance with the applicable provisions and requirements of the Redevelopment Law, adopted the 31 River Road Redevelopment Plan (the "Redevelopment Plan") for the Property; and

WHEREAS, K&K Developers, Inc. (the "Entity") seeks to be designated as the "Redeveloper" (as defined in the Redevelopment Law) of the Property, so as to redevelop the Property in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

WHEREAS, the Borough has determined that in order to coordinate the redevelopment of the Property in the most timely and efficient manner, it is in the best interests of the Borough to designate the Entity as the conditional redeveloper (the "Conditional Redeveloper") of the Property, pending the negotiation and execution of a redevelopment agreement (the "Redevelopment Agreement") with the Borough; and

WHEREAS, the Borough desires to authorize the execution of a conditional redeveloper's agreement with the Entity (the "Conditional Redeveloper's Agreement", in the form attached hereto as *Exhibit A*) for the purpose of creating a framework for the negotiation and execution of a Redevelopment Agreement.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. K&K Developers, Inc. is hereby designated as the Conditional Redeveloper of the Property pending the negotiation and execution of a Redevelopment Agreement with the Borough.

Section 3. The Mayor is authorized to execute the Conditional Redeveloper's Agreement as attached hereto as *Exhibit A*, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's counsel and professionals.

Section 4. This Resolution shall take effect immediately.

ADOPTED: October 9, 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 9<sup>th</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				

EXHIBIT A

Conditional Redeveloper's Agreement

DRAFT

BOROUGH OF HIGHLAND PARK  
NO. 10-18-274

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 10/9/2018 can be found in the Bills List Journal Book No. 37.

ADOPTED: October 9, 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 9<sup>th</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. 10-18-275

RESOLUTION: Finance Committee

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

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

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$30,000.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$30,000.00 be and the same is hereby appropriated under the caption of:

NJ Urban & Community Forestry (NJUCF) Stewardship Grant	\$30,000.00
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BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

ADOPTED: October 9, 2018

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

ABSTAINED:

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 9<sup>th</sup> day of October, 2018.

---

Joan Hullings, Borough Clerk

BOROUGH OF HIGHLAND PARK  
No. 10-18-276

RESOLUTION: Finance Committee

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

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

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$54,332.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$54,332.00 be and the same is hereby appropriated under the caption of:

HDSRF Grant – Rutgers Gun & Boat Shop	\$54,332.00
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BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

ADOPTED: October 9, 2018

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

ABSTAINED:

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 9<sup>th</sup> day of October, 2018.

---

Joan Hullings, Borough Clerk

BOROUGH OF HIGHLAND PARK  
No. 10-18-277

RESOLUTION: Finance Committee

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

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

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$54,432.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$54,432.00 be and the same is hereby appropriated under the caption of:

HDSRF Grant – Denison Street Vacant Lots	\$54,432.00
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BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

ADOPTED: October 9, 2018

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

ABSTAINED:

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 9<sup>th</sup> day of October, 2018.

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Joan Hullings, Borough Clerk

BOROUGH OF HIGHLAND PARK  
No. 10-18-278

RESOLUTION: Finance Committee

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

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

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$37,731.00, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$37,731.00 be and the same is hereby appropriated under the caption of:

HDSRF Grant – Classic Cleaners	\$37,731.00
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BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2018; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

ADOPTED: October 9, 2018

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

ABSTAINED:

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 9<sup>th</sup> day of October, 2018.

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Joan Hullings, Borough Clerk