

RULES AND REGULATIONS
OF THE
HIGHLAND PARK REDEVELOPMENT AGENCY
HIGHLAND PARK, NEW JERSEY

Adopted January 10, 2005

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ARTICLE I. ANNUAL REORGANIZATION MEETING; SELECTION OF OFFICERS;
ORDER OF VOTING

1.01 At the first meeting of the Agency of the calendar year, the Agency shall elect, from among its Commissioners, a Chairperson, Vice–Chairperson and Secretary. These officers shall serve for the calendar year and until their successors have been duly elected.

1.02 At said first meeting, the Agency may also appoint an Executive Director in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. which Executive Director shall serve as Secretary. The Agency shall enter into a contract for services with such person and such person shall serve in accordance with the terms of such contract.

1.03 At the first meeting, the Agency shall also appoint a member of the New Jersey Bar who is familiar with redevelopment matters as attorney for the Agency pursuant to the requirements of State law and Borough ordinance and will pay such attorney compensation agreed upon between the Agency and such person. The attorney shall serve at the pleasure of the Agency.

1.04 The Agency may also appoint such other officers and/or assistants and retain such experts or staff as it may deem necessary. Such experts and staff may include, but not be limited to, a Clerk, a professional engineer and a planner.

1.05 At the first meeting or at such time as the Chairperson shall designate, the Agency shall select from among its Commissioners and other individuals those persons who shall serve on the subcommittees of the Agency, as established under Section 3.07 of these Rules.

1.06 The Chairperson may also determine the order of roll call vote for the year.

1.07 At the first meeting, the Agency shall also determine which day(s) of the month shall be set aside for agenda meetings and work sessions. The Agency shall also decide which day of the month shall be tentatively set aside for possible special meetings.

1.08 All Agency Commissioners and Agency professionals shall file with the Agency Secretary a statement disclosing any interests such person may have in any property or matter that may be before the Agency. Said statement shall be made in accordance with the disclosure form provided by the Borough Clerk and shall be available for inspection by the public. Further, all Agency Commissioners and Agency professionals shall meet all educational requirements and shall file any required ethics statements.

1.09 The Rules shall be readopted at each annual reorganization meeting, with such modifications as may be approved by the Agency.

ARTICLE II. DUTIES OF AGENCY OFFICERS AND PERSONNEL

2.01 The Chairperson shall preside at all meetings and hearings of the Agency; shall decide all points of order and matters of procedure governing said meetings or hearings, and perform all the duties normally appertaining to his/her office and as required by law, ordinance, or these rules of the Agency. The Chairperson or his/her designee shall swear all witnesses giving testimony before the Agency.

2.02 The Vice-Chairperson shall preside at all Agency meetings and hearings in the absence of or disqualification of the Chairperson.

2.03 The Secretary shall preside at all Agency meetings and hearings in the absence of or disqualification of the Chairperson and Vice-Chairperson or as directed by the Chairperson.

2.04 The Clerk shall, under the direction of the Chairperson, generally perform the secretarial work of the Agency including, but not limited to, the following:

- A. Take roll call votes and note the yea or nay of each Commissioner as he/she votes and also note any abstentions and the reasons therefor.
- B. Keep minutes of the proceedings of each meeting (including work meetings) and hearing held by the Agency and to enter therein, with other proceedings, such resolutions and orders as are adopted by the Agency. The Clerk may delegate his/her responsibility hereunder to a Commissioner or Agency professional in the event the Clerk is not present at a given meeting.
- C. Conduct all official correspondence; compile the required records; keep and maintain in order the necessary files and indices with respect to the operation of the Agency; give all notices of meetings required to be given by the Open Public Meetings Act or any other applicable law or ordinance.
- D. Attend all meetings of the Agency; have custody and take care of all financial and other records, documents, maps, plans and papers of the Agency; provide for the care and custody of items for which no other provision is made by statute.
- E. Cause to be mailed or e-mailed to each Commissioner, at his/her residence

address and to the Agency's attorney and to the Borough Clerk (for public availability), within ten days after each meeting, a draft copy of the minutes of that meeting.

- F. Prepare an agenda and distribute same to the Agency and the public.
- G. Monitor Commissioners' swearing in, compliance with ethics standards, educational requirements and meeting attendance.
- H. Perform such other duties as usually appertain to this office.

ARTICLE III. MEETINGS

3.01 The regular meetings of the Agency shall be held at the Borough Hall, Highland Park, New Jersey at 7:30 p.m., on the first Wednesday of each calendar quarter, unless another date is selected by the Agency. If the regular meeting falls on a legal holiday, the meeting shall be held on the next succeeding business day or such other day as the Agency may select. The first regular meeting during the month of January of each year shall constitute the annual organizational meeting of the Agency. Whenever there are no matters to be considered at any regular meeting, other than the organizational meeting, the Chairperson may dispense with such meeting by causing the Executive Director or Clerk to notify each Commissioner at least twenty-four hours in advance of the time set for such meeting, and posting notice of the cancellation at Borough Hall and giving any other required notice in accordance with the Open Public Meetings Act. The Clerk shall annually furnish a copy of the regular meeting dates for the year to the news media designated by the municipal governing body in accordance with the Open Public Meetings Act.

3.02 Special meetings, work sessions and executive sessions as permitted by law, may be called by the Chairperson or in his/her absence by the Vice–Chairperson at any time or upon the written request of two Commissioners, provided that notice thereof be mailed or given to each Commissioner at least three days prior thereto and to the public, as required by law.

3.03 At all meetings of the Agency, a quorum for the conducting of any business shall consist of four (4) Commissioners. In the absence of a quorum, the Commissioners present shall adjourn the meeting and the hearing on any motion or petition to another date. Approval of any motion shall require the vote of a majority of the Commissioners present.

3.04 Unless an Agency Commissioner is disqualified from hearing and/or voting on a specific motion, every Commissioner shall be expected to cast a yea or nay vote on any motion before the Agency. If any Commissioner feels constrained to abstain from casting a vote, the reason for such abstention shall be clearly set forth on the record and the Clerk shall note in the minutes the reasons given for such abstention.

3.05 The order of business of all regular meetings of the Agency shall be, subject to the Chairperson's discretion to modify, as follows:

- A. Call to Order.
- B. Roll Call in the order as previously specified by the Chairperson and Poll of Attendance at next meeting.
- C. Statement of Compliance with Open Public Meetings Act.

- D. Announcement of location of fire exits.
- E. Approval of minutes of previous meetings.
- F. Memorialization of resolutions.
- G. Motions for adjournments of any scheduled matters and any other motions.
- H. Chairperson, Executive Director, Committee reports
- I. Correspondence
- J. Public comment not related to agenda items.
- K. Unfinished or adjourned matters.
- L. Hearing of new agenda items.
- M. Action on any other business.
- N. Adjournment.

3.06 All meetings, hearings and actions taken by the Agency, except executive sessions pursuant to statute, shall be open to the public.

3.07 The Chairperson may establish subcommittees which will report to the Agency on all matters directed to them for review. Such subcommittees may include, but not be limited to, Marketing/Public Relations, Economic Development, and Requests for Proposals, Negotiation and Oversight. All subcommittees established pursuant to this section shall meet on a monthly

basis if they have matters to consider. Such subcommittees shall review all matters referred to them and make recommendations to the entire Agency for further action. Members of such subcommittees shall be selected on an annual basis by the Chairperson at the reorganization meeting of the Agency and serve at the discretion of the Chairperson. Members of such subcommittees shall be chosen from among the Agency's Commissioners and/or the Agency's professional advisers or staff and/or members of the general public.

ARTICLE IV. CONDUCT OF MEETINGS

4.01 Any Agency Commissioner or professional representing the Agency shall disqualify him/herself from proceedings involving any application in which he/she has any personal, financial or other disqualifying interest as such interest is defined under the Local Government Ethics Law. Any such disqualification or statement of interest shall be made on the record at the earlier of commencement of the hearing or upon first knowledge thereof. When an Agency Commissioner is in doubt concerning a potential conflict, advice of the Agency's attorney should be sought. Further, all Commissioners and Agency employees shall comply with Section 11(c) of the Local Redevelopment and Housing Law.

4.02 All persons giving testimony at the hearing shall be sworn by the Chairperson or his/her designee before giving any testimony.

4.03 With respect to each matter on the agenda, the Chairperson shall allow members of the public to ask questions and comment. Where a group of interested parties are represented by an attorney, the attorney shall present to the Chairperson a list of the persons he represents and such persons shall participate in the proceeding only through their attorney.

- A. Any Commissioner may place evidence before the Agency as to any relevant matter which he/she has personal or official knowledge, strictly for the purpose of amplifying the record, including facts ascertained from a viewing of the premises in question and the general area.
- B. The Agency may also take the testimony of any expert witness employed by it and such expert shall be subject to questioning by the public.

4.04 When all interested persons have had an opportunity to be heard, the Chairperson shall determine if the hearing shall be closed.

4.05 The Board on its own motion may, at any time, request a written report on any particular matter from any office, board or agency in connection with a pending matter.

4.06 The formal rules of evidence are not enforced before the Agency.

ARTICLE V. AGENCY DECISIONS

5.01 Decisions rendered by the Agency shall be in the form of a resolution. The written decision may be provided at the meeting at which the Agency takes its action, or by a "resolution of memorialization". Such resolution of memorialization shall be adopted by a majority vote of the Commissioners who voted in favor of the action previously taken.

ARTICLE VI. MISCELLANEOUS PROVISIONS

6.01 The Chairperson of the Agency or his/her designee may issue subpoenas to compel the attendance of witnesses and the production of relevant evidence. Upon failure of a person under such subpoena to comply with its requirements, the Agency may apply to the

Superior Court for an order to compel him/her to do so.

6.02 Any person who shall willfully give false testimony under oath in the course of any hearing held before the Agency shall, in accordance with the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.), be guilty of perjury.

6.03 In the event of any conflict between these Rules and the provisions of the Local Redevelopment and Housing Law, the latter shall govern.

6.04 The Agency may from time to time amend any part or parts of these rules and regulations at any regular meeting, provided notice of such amendment has been given, in writing, to each Commissioner at least three days prior to such meeting. In no case, however, shall any rule as amended be applicable to any action commenced prior to the adoption of such amendment where the application thereof would result in surprise, hardship or injustice to any interested persons.

6.05 Each Commissioner shall serve as an ambassador for redevelopment in the Borough and endeavor to create interest in the development community to investigate redevelopment opportunities in the Borough. This activity may be done by a Commissioner, on his or her own, whenever the opportunity presents itself. This includes providing general information about the Borough and the goals the Agency is trying to achieve through implementation of the redevelopment plan. At such time as a potential developer presents a concept plan for a specific site through to the execution of a redevelopment agreement, the Chairperson, or his or her designee, together with the Agency Attorney, shall be the sole source of interaction between such person or entity and the Agency.

Unless invited by the Planning Board or Borough Council, Commissioners shall refrain from

public comment at Planning Board or Borough Council hearings on redevelopment projects pending before or approved by the Agency.

No Commissioner (including the Chairperson) nor the Agency's Attorney may seek to commit the Agency to any condition, price or term for a given redevelopment project.