

REGULAR MEETING – DECEMBER 16, 2014

A regular meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, December 16, 2014 and was called to order by Mayor Gayle Brill Mittler at 7:12 p.m. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler; Councilpersons Foster-Dublin, George, Millet, Potts, Welkovits, Borough Attorney Schmierer; Borough Administrator Kovach, Borough Clerk Hullings.

Absent: Councilman Erickson.

Council Reports:

Councilwoman Foster-Dublin reported that the Knights of Columbus recently honored the Public Safety Departments for their great work. The Highland Park Volunteer Fire Department visited 36 homes with Santa and hosted a party on Sunday with 80 people in attendance. She wished everyone a Happy Holiday.

Councilman Potts reported that the Annual Holiday Dinner will be held on December 25th from 1:00 to 3:0 PM at the Senior Center. There will be an afternoon of music, food, fun and Santa.

Councilwoman Welkovits wished everyone a Happy Chanukah and reported on the Kwanzaa Kenorah lighting. The Martin Luther King event will be held on January 19, 2015 from 7:00-9:00 PM at the Senior Center. The Board of Health will host another healthcare signup in February. The Highland Park Public Library and the Friends of the Library are currently fundraising. She thanked the Food Pantry for their continued efforts and thanked those who have made donations. She also thanked Public Works Employees Michael Wieczorkiewicz and Frank Troy for their assistance in picking up food and turkeys for distribution for the holidays.

Councilman George wished everyone a happy and safe holiday season and a happy new year. Working on donation program for benches/bus stops and will coordinate with Main Street Highland Park. Has met with Shade Tree Advisory Committee and will be reviewing donation program.

Councilman Millet reported on the new motion sensor exterior lighting recently installed at the Environmental Education Center.

Mayor Brill Mittler reported that pending no rain or snow, she will meet walkers at the corner of So. Adelaide Avenue and Raritan Avenue at 6:35 AM to walk through town; returning to the same spot. She noted that she plans to complete all of her holiday shopping in Highland Park. She commented that she is happy for Councilman Millet, but is sad for the Borough as this is his last Council meeting. He has been an incredible pleasure to work with, as he is creative and smart. Lastly, she wished everyone a Happy Chanukah.

Borough Administrator Kovach – No report.

Borough Attorney Schmierer – No report.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

No one appearing to be heard, the Mayor closed the public discussion session.

The Clerk reported advertising and notification of Main Street Highland Park 2014 Budget for consideration of passage on final reading by title.

On motion made by Councilman George, seconded by Councilman Millet, and carried by unanimous affirmative voice vote, the above entitled resolution was taken up on final reading by title.

Mayor Brill Mittler declared the public hearing on the Budget open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

No one appearing to be heard, the Mayor closed the public hearing.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted on motion made by Councilman George, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Abstained: None.

Absent: Councilman Erickson.

No. 12-14-372

WHEREAS, pursuant to Resolution No. 11-14-356 adopted by the Borough Council of the Borough of Highland Park on November 12, 2014, that approved the Main Street Highland Park Budget for the year 2014; and

WHEREAS, said Budget was advertised in the Home News Tribune issue of November 12, 2014 together with a notice of the public hearing on the Budget scheduled for December 16, 2014 at 7:00 PM in Borough Hall, 221 South 5th Avenue, Highland Park, NJ; and

WHEREAS, said Budget and Notice of Hearing had been posted in the Borough Hall where public notices are customarily posted and was made available to each person requesting the same prior to and during the public hearing; and

WHEREAS, notice had been served on all property owners within the Special Improvement District as certified by the Tax Assessor and as shown by the affidavit of the Borough Clerk attached hereto and a public hearing on the Budget was held on December 16, 2014;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the 2014 Main Street Highland Park Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of

Income	Government Grants	25,000.00
	Special Assessment (BID)	157,000.00
	Sponsorships	<u>57,018.00</u>
Total Income		\$239,018.00
Expense	Administration and General	\$ 181,921.00
	Program Expense	<u>57,097.00</u>
Total Expense		\$239,018.00
Budget Surplus/Carryover		\$0.00

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to Main Street Highland Park, the Tax Assessor, the Tax Collector and the Finance Director forthwith.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", CHAPTER 230, CONCERNING THE PLANNED UNIT RESIDENTIAL DEVELOPMENT-2 ZONE for consideration of passage on final reading by title and that affidavits of publication thereto are on file. She also reported that the ordinance had been posted and made available to the public, as required by law.

On motion made by Councilman Millet, seconded by Councilman George, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

On motion made by Councilman Millet, seconded by Councilman George, and carried by unanimous affirmative voice vote, the above entitled ordinance was amended.

Mayor Brill Mittler declared the public hearing on the ordinance open to all officials and persons present and called upon all those wishing to speak for or against the ordinance to do so.

No one appearing to be heard and no objections having been received in writing, the Mayor closed the public hearing.

On motion made by Councilman Millet, seconded by Councilman George, the ordinance entitled as above, being Ordinance No. 14-1877, was duly adopted by the following roll call vote, to wit:

Ayes: Councilpersons Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Abstained: None.

Absent: Councilman Erickson.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted on motion made by Councilman Millet, seconded by Councilman George, and carried by unanimous affirmative voice vote:

No. 12-14-373

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010", CHAPTER 230, CONCERNING THE PLANNED UNIT RESIDENTIAL DEVELOPMENT-2 ZONE, passed on final reading at this meeting be delivered to the Mayor for his approval, and if approved by him, 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.

Resolution Nos. 12-14-374 through 12-14-385 were duly adopted on motion made by Councilman Millet, seconded by Councilman Potts, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Foster-Dublin, George, Millet, Potts, Welkovits.

Opposed: None.

Absent: Councilperson Welkovits.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 12-14-374

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that transfers of 2014 budget appropriation balances shall be made as follows:

	CURRENT FUND	
	OFFICE OF EMERGENCY	
4-01-25-252-219	MANAGEMENT	\$ - \$ 3,000.00
4-01-20-100-233	ADMIN – OE	\$ - \$ 2,000.00
4-01-20-316-210	CENTRAL SERVICES OE	\$ - \$ 2,000.00
4-01-25-265-102	FIRE DEPARTMENT - PT	\$ 7,000.00 \$ -
		\$ 7,000.00 \$ 7,000.00

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 12-14-375

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 12/16/2014, can be found in the Bills List Journal Book No. 34.

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The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 12-14-376

WHEREAS, Patrick Gavigan, Randy Shutz, Louis S. Nemes, Jr., Akmal Magrufkhodzhayev, Larry Wayne Sale, Frank Catalfamo, Ryan Patrick Dour, Henry Brugman, Lawrence Steven Dick, and Shaukat A. Bhatti have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2015; and

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

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

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

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 12-14-377

WHEREAS, Randy Shutz (Matnikel, LLC), Randy Shutz (MEM Eleven LLC), and Frank Catalfamo have filed with the Clerk of this Borough an application for an Owners License to operate taxicabs in this Borough under the provisions of the Ordinance providing for such licenses for the year 2015; and

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

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

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

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 12-14-378

WHEREAS, pursuant to Resolution No. 7-12-218 adopted by the Borough Council on July 17, 2012, a contract was awarded to H & S Construction & Mechanical, Inc., Elizabeth, NJ, for Highland Park New Police Building Capital Project; and

WHEREAS, pursuant to said resolution a contract was duly executed; and

WHEREAS, the Architect, The Goldstein Partnership, has prepared the attached Change Order Nos. 136 through 139 to the said contract for the additional work outlined below; and

<u>CHANGE ORDER</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
136	\$(-13,584.00)	Cancel out a portion of Change Order #127
137	\$ 2,616.00	Perform Patching Associated with Recent Change Orders
138	\$ 3,004.00	Provide Additional Concrete Sidewalks
139	\$ 1,459.00	Add Panic Button in 2 nd Floor Interview Room

WHEREAS, the above mentioned Change Orders results in a decrease of \$6,505.00 in the contracted amount;

WHEREAS, the Borough Council has reviewed the proposed Change Orders for this contract and has approved the same;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Mayor Gayle Brill Mittler be and is hereby authorized and directed to execute Change Order Nos. 136 through 139 to the contract of H & S Construction & Mechanical, Inc.; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to The Goldstein Partnership, H & S Construction & Mechanical, Inc., and the Finance Director forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 12-14-379

WHEREAS, the following grant receivables and appropriation balances remain unexpended:

<u>Grant</u>		<u>Receivables to be Canceled</u>	<u>Appropriations to be Canceled</u>
EPA (Cherry Hill) Grant	4-02-117-03-105-EPA		275.65
EPA (Cherry Hill) Grant	4-02-213-41-289-EPA	275.65	
Law Enforcement – Prosecutor’s	4-02-117-03-105-LA2		986.00
Law Enforcement – Prosecutor’s	4-02-213-41-289-LA2	986.00	
Law Enforcement to the Comm	4-02-117-03-105-LA1		108.25
Middlesex County History – 2009	4-02-117-03-105-MH9		550.00
Middlesex County History – 2009	4-02-213-41-289-MH9	550.00	
Municipal Alliance - 2012	4-02-213-41-289-M12	1.79	
Municipal Alliance – 2012	4-02-117-03-105-M12		1.79
Municipal Alliance – 2010	4-02-213-41-289-M10	109.45	
Municipal Alliance – 2010	4-02-117-03-105-MA0		109.45
Municipal Alliance – 2011	4-02-117-03-105-MAI		24.34
Municipal Alliance – 2011	4-02-213-41-289-M11	24.34	

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Recycling Enhancement – 2008	4-02-117-03-105-RE8		3,224.34
Recreation Trails Grant – 2005	4-02-117-03-105-RP5		2.99
Stat. Gathering & Info Sharing	4-02-117-03-105-ST8		8,020.00
Stat. Gathering & Info Sharing	4-02-213-41-289-ST8	8,020.00	
SLAEHOP 2003	4-02-213-41-289-SLA	2,402.72	
Sustainable Jersey – Walmart	4-02-213-41-289-SU9	92.99	
	4-02-213-41-289-		
Storm Water Mgmt. 2005-2006	SW5	598.19	
	4-02-213-41-289-		
Storm Water Mgmt. 2007	SW7	5,104.00	
Violence Against (STOP) 2001	4-02-213-41-289-VA0	1,127.00	
Visiting Nurses	4-02-213-41-289-VNA	803.00	
Vital Statistic 2001	4-02-213-41-289-VS1	500.00	
Storm Water Grant 2004	4-02-117-03-105-SW4		2,552.00
Assistance to Firefighters	4-02-213-41-289-AF5	48.30	
Business Stimulus Grant 2009	4-02-213-41-289-BU0	7,000.00	
Clean Communities 2012	4-02-117-03-105-CC2		1,599.53
PNC Checking to Current	4-02-100-01		10,189.09
		27,643.43	27,643.43

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus or returned to awarding agency if required.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the above listed unexpended balances as above shall be and is hereby canceled.

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 12-14-380

WHEREAS, Roselyn Bell, 130 Valentine Street, received an extremely high water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the water meter malfunctioned thereby causing the issuance of an erroneous water and sewer bill; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to Account #20191515-0 of \$77.39 for water and \$46.79 for sewer for a total amount of \$124.18, plus any interest charges, to the water and sewer account of Roselyn Bell, 130 Valentine Street, Highland Park, NJ 08904.

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

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 12-14-381

WHEREAS, Leon Kroll, 6 Elbert Court, received an extremely high water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the water meter malfunctioned thereby causing the issuance of an erroneous water and sewer bill; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to Account #20110420-0 of \$953.10 for water and \$576.03 for sewer for a total amount of \$1,529.13, plus any interest charges, to the water and sewer account of Leon Kroll, 130 Valentine Street, Highland Park, NJ 08904.

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

The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 12-14-382

WHEREAS, Jacqueline Brandt, 148 Amherst Street, received an extremely high water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the water meter malfunctioned thereby causing the issuance of an erroneous water and sewer bill; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized to issue a credit to Account #10061980-0 of \$80.88 for water and \$48.89 for sewer for a total amount of \$129.77, plus any interest charges, to the water and sewer account of Jacqueline Brandt, 148 Amherst Street, Highland Park, NJ 08904.

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

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The following resolution, introduced by the Council as a Whole, was duly adopted as above:

No. 12-14-383

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that an Adjourned Meeting of the Mayor and Borough Council will be held at Borough Hall, 221 South 5th Avenue, Highland Park, NJ on Tuesday, January 6, 2015, at 6:30 PM.

BE IT FURTHER RESOLVED that the Organization Meeting of the Borough Council for the Year 2015 will be held at Borough Hall, 221 South 5th Avenue, Highland Park, NJ on Tuesday, January 6, 2015 at 7:00 PM.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:

No. 12-14-384

WHEREAS, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

WHEREAS, 22% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 5 through January 2, 2015; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highland Park declares its support for the *Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown* from December 5, 2014 through January 2, 2015 and pledges to increase awareness of the dangers of drinking and driving.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted as above:

No. 12-14-385

WHEREAS, pursuant to Resolution No. 7-12-218, adopted by the Borough Council on July 17, 2012, a contract was awarded to H & S Construction & Mechanical, Inc. Elizabeth, NJ, for Highland Park New Police Building Capital Project; and

WHEREAS, it appears from Pay Estimate No. 27, filed by the Goldstein Partnership, architects that certain work under said contract has been completed and approved, and there is due to H & S Construction & Mechanical, Inc. the sum of \$68,189.77 in accordance with said Pay Estimate for work performed from November 1, 2014 to November 30, 2014; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$68,189.77, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, 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 H & S Construction & Mechanical, Inc. the sum of \$68,189.77, as certified by the Architect in Pay Estimate No. 27, 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 Chief Financial Officer Kathleen Kovach and the Goldstein Partnership forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 12-14-386

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 2014 in the sum of \$5,000.00, 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 \$5,000.00 be and the same is hereby appropriated under the caption of:

Middlesex County Outreach \$5,000.00

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2014; 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.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

No one appearing to be heard, the Mayor closed the public discussion.

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The following resolution, introduced by the Council as a Whole, was duly adopted on motion made by Councilman Millet, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present:

No. 12-14-387

WHEREAS, the Mayor and Council are mindful of the right of the public to attend and witness meetings of governmental bodies at which public business is discussed, and to be involved in all phases of governmental action; and

WHEREAS, the Open Public Meetings Act nonetheless recognizes the authority of a public body to exclude the public from meetings in certain enumerated instances in which disclosure of matters discussed could endanger public safety, property or other public interest, or invade individual privacy; and

WHEREAS, as authorized by the Open Public Meetings Act, N.J.S.A. 10:4-12(B), the Mayor and Council have a need to meet in private session to discuss one matter affecting pending or anticipated litigation to which the public body may be party; matters within the attorney client privilege.

BE IT RESOLVED that the Mayor and Council will meet in private session at 6:33 P.M. on December 16, 2014, to discuss the above mentioned items.

BE IT FURTHER RESOLVED that the matters so discussed will be disclosed to the public when no longer deemed confidential.

There being no further business, on motion made by Councilman Millet, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 7:31 p.m.

Respectfully submitted,

Joan Hullings
Borough Clerk