

REGULAR MEETING – FEBRUARY 19, 2013

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, February 19, 2013 and was called to order by Mayor Minkoff at 7:04 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

Absent: None

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that the Gun Safety Task Force will meet on February 26th at 7PM, with special guests in attendance to explain gun safety laws. They will have Cheryl Glazer of the Prosecutor's Office and Reginald Johnson. The Mayor's Valentine's Day luncheon will also be the Chinese New Year Celebration. Food donated by Sultan Wok. She had opportunity to visit China in November. She brought back tea and a huge fan that says welcome to Highland Park in Chinese. She also brought back a map from the People's Republic of China that was displayed at the luncheon. The participants in the luncheon came up to the map to identify where they were from. This was a great way to connect the Chinese citizens with American citizens.

Councilman Potts reported that the Recreation Department is taking sign-ups for track and field, the Buddy Ball program, bowling and basketball. Forms are available on the Borough website or at the Senior/Youth Recreation Center. The Mayor's Teen Advisory Committee will meet on March 7th and they are working on a fundraiser talent show to be held on March 9th at the Highland Park High School cafeteria. Mayor Minkoff added that the Teen Advisory Committee will attend future Council meeting to report back about their progress.

Councilwoman Welkovits reported that the Library will be offering two musical performances this month. The Food Pantry had a successful food drive and will be doing another food drive on March 15th at Stop and Shop. The Mayor's Wellness Campaign held their first meeting on Monday at 7:45 PM. The Commission for Universal Access will meet on Thursday and then schedule will change to the 1st Thursday of every month beginning in March. The 4th Graders from Bartle School will visit Borough Hall on March 13th.

Councilwoman Brill Mittler reported that the Planning Board will meet on Thursday and will hopefully vote on the 7-Eleven project. Main Street Highland Park will meet tomorrow night at 6:30 PM. Tonight Main Street Highland Park is hosting a webinar on how to beautify your downtown.

Councilman Erickson reported that on the consent agenda there is a resolution to approve CDBG request for funding of \$82,000.00 for various projects including senior projects, Main Street Highland Park lighting, summer camp program, teen youth program and food pantry grant. Borough will receive a fraction of the \$82,000.00 that was requested.

Councilman Millet – No report.

Borough Administrator – No report.

Borough Attorney Schmierer – No report.

Mayor Minkoff reported that he met last week with Dr. Barchi, President of Rutgers University. It was a terrific first meeting.

Mayor Minkoff opened the meeting for public discussion for a fifteen minute period and called upon all those wishing to speak to identify themselves.

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

Consent Agenda Resolution Nos. 2-13-71 through 2-13-86 were duly adopted on motion made by Councilman Millet, seconded by Councilman Erickson, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

Abstain: None,

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 2-13-71

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Resolution No. 2-13-52 adopted by said Council on February 5, 2013, shall be and is hereby amended to read as follows:

“WHEREAS, Joseph Spezio, Sergeant, has retired from the Highland Park Police Department effective February 1, 2013; and

WHEREAS, per the requirements of the Borough's Personnel Manual, Joseph Spezio is entitled to unused accrued time payments in the amount as calculated below.

	Calculation	Amount Due
Comp Time	20 hrs. x \$62.77	\$1,255.40
Vacation	209.30 x \$62.77	\$13,137.76
Sick	223.67 x \$62.20	\$13,912.07
Personal Day	0	0.00

Total Payment		\$28,305.23
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NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that the unused accrued time payment in an amount not to exceed \$28,305.23 be approved and distributed in the next available pay cycle.”

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 2-13-72

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 Orders Nos. 22-27 to the said contract for the additional work outlined below that was not anticipated at the time that plans and specifications were prepared for \$12,081.26; and

<u>CHANGE ORDER</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
#22	\$ 6,754.39	Level pre-existing concrete floor temp. dispatch
#23	\$ 0.00	Construct dispatch wall w/bulletproof drywall
#24	\$ 2,708.25	Perform miscellaneous site work tasks
#25	\$ 5,911.78	Building piping into walls of storage room
#26	\$ 3,262.08	Provide toilet accessories in added toilet rooms
#27	\$ 9,610.87	Replace code violating receptacles sleeping qtrs.

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$28,247.37, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

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 Gary Minkoff be and is hereby authorized and directed to execute Change Order Nos. 22-27, for \$28,247.37 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 Economic Development and Planning Committee, was duly adopted as above:

No. 2-13-73

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. 5, 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 \$134,731.06 in accordance with said Pay Estimate for work performed from January 1, 2012 to January 31, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$134,731.06, 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 to H & S Construction & Mechanical, Inc. the sum of \$134,731.06, as certified by the Architect in 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 Chief Financial Officer Kathleen Kovach and the Goldstein Partnership forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:
No. 2-13-74

WHEREAS, the Borough of Highland Park has need of the services of a Municipal Engineer for the calendar year of 2013; 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, David J. Samuel, of CME Associates, is a licensed engineer of the State of New Jersey with extensive experience in municipal engineering and has heretofore been appointed Borough Engineer for 2013; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation for the Borough Engineer; and

WHEREAS, funds for this purpose are not to exceed \$9,500.00 or the amount specified in agreements for specific projects; and

WHEREAS, funds will be available for this purpose in the amount of \$9,500.00 in Account No.3-01-20-165-2EN, upon adoption of the 2013 municipal budget, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

NOW, THEREFORE, 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, an Agreement for professional services with David J. Samuel, CME Associates, a copy of which is attached hereto, 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.

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

No. 2-13-75

WHEREAS, the Borough of Highland Park has need of the services of a Special Counsel for Mt. Laurel Litigation; 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, Jeffrey R. Surenian and Associates, LLC, is an Attorney at Law Firm of the State of New Jersey with experience in municipal law and has heretofore been appointed as Special Counsel for the above mentioned period; and

WHEREAS, the Mayor and Council desire to provide a written agreement providing for the compensation of the Special Counsel; and

WHEREAS, the Mayor and Council desire to provide for the method of compensation for the Special Counsel as per the attached Agreement; and

NOW, THEREFORE, 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, an Agreement for professional services with Jeffrey R. Surenian and Associates, LLC, a copy of which is attached hereto, 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.

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

No. 2-13-76

WHEREAS, the Borough of Highland Park has need of the services of a Special Planning Consultant for the calendar year of 2013 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, Philip B. Caton is a licensed professional planner of the State of New Jersey with extensive experience in municipal land use and planning matters and has heretofore been appointed as Special Planner for 2013; and

WHEREAS, the Mayor and Council desire to provide a written agreement providing for the compensation of Special Planner; and

WHEREAS, the Mayor and Council desire to provide for the a method of compensation for the Special Planner as per the attached Agreement;

NOW, THEREFORE, 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, an Agreement for professional services with Philip B. Caton, Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08608, a copy of which is attached hereto, 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.

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

No. 2-13-77

WHEREAS, 4th quarter taxes were posted to the account for J. Swenberg, 31 Cedar Avenue, after the due date; and

WHEREAS, due to a severe storm, Borough Hall was closed and mail delivery was delayed and therefore the taxes were paid after the due date; and

NOW, THEREFORE, BE IT RESOLVED that the interest accrued on the late payment due to the severe storm shall be and hereby is waived.

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

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

No. 2-13-78

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2013 1st quarter taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
135	5	Ezra Bannett 20 No. 10 th Avenue Highland Park, NJ 08904	\$3,383.94

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

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

No. 2-13-79

WHEREAS, Brian Mooney, Michael Nicholson and Dominic DeFrank 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 2013; 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.

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

No. 2-13-80

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 2/19/13, can be found in the Bills List Journal Book No. 32.

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

No. 2-13-81

WHEREAS, 4th quarter taxes were posted to the account for Alice Long, 269 So. 9th Avenue, after the due date; and

WHEREAS, due to a severe storm, Borough Hall was closed and mail delivery was delayed and therefore the taxes were paid after the due date; and

NOW, THEREFORE, BE IT RESOLVED that the interest accrued on the late payment due to the severe storm shall be and hereby is waived.

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

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

No. 2-13-82

WHEREAS, 4th quarter taxes were posted to the account for Jocelyn Berman, 241 So. 4th Avenue, after the due date; and

WHEREAS, due to a severe storm, Borough Hall was closed and mail delivery was delayed and therefore the taxes were paid after the due date; and

NOW, THEREFORE, BE IT RESOLVED that the interest accrued on the late payment due to the severe storm shall be and hereby is waived.

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

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

No. 2-13-83

WHEREAS, 4th quarter taxes were paid by Loren and Robert Muldowney, for property located at 1711 Parker Road, Block 112, Lot 12; and

WHEREAS, due to a bank error their check was returned for insufficient funds;

NOW, THEREFORE, BE IT RESOLVED that the insufficient fund charge of \$20.00 shall be and hereby is reversed.

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

The following resolution, introduced by the Health and Welfare Committee, was duly adopted as above:

No. 2-13-84

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the By-Laws of the Highland Park Municipal Alliance, and on file in the office of the Borough Clerk shall be and are hereby adopted as the By-Laws of the Municipal Alliance for the year 2013.

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

No. 2-13-85

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following schedule of proposed use of CDBG funds allocated to the Borough of Highland Park for the funding period 2013-2014 be and the same is hereby approved and a certified copy hereof be submitted to the Middlesex County Housing and Community Development Committee for their approval. If there is a reduction in the CDBG allocation, the reduction should be divided evenly to each project.

Main Street Highland Park – Downtown	16,500.00
Lighting & Pedestrian Safety Program	
Dept. of Recreation & Arts: Senior Transportation	10,000.00
Dept. of Recreation & Arts: Senior Outreach Program	15,000.00
Dept. of Recreation & Arts: Senior Medical Transportation	10,000.00
Dept. of Recreation & Arts: Summer Camp Program	15,000.00
Dept. of Recreation & Arts: Teen Youth Programming/Outreach	10,000.00
Highland Park Community Food Pantry Food Pantry Improvements	5,500.00
TOTAL	\$82,000.00

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The following resolution, introduced by the Public Safety Committee, was duly adopted as above:
No. 2-13-86

WHEREAS, on November 14, 2012 charges of misconduct were brought against volunteer firefighter Mike Cataldo seeking his expulsion from the Fire Department; and

WHEREAS, the Fire Department provided Cataldo with notice of the charges and an opportunity to be heard; and

WHEREAS, Cataldo did not appear before the Advisory Board of the Fire Department to be heard on his charges; and

WHEREAS, the Advisory Board recommended Cataldo's expulsion from the Highland Park Volunteer Fire Department, and the members of the Fire Department voted and approved the recommendation of the Advisory Board; and

WHEREAS, the Fire Chief has notified the Borough of the misconduct of Cataldo and the expulsion of Cataldo; and

WHEREAS, the Borough Council has undertaken its own review of Cataldo's misconduct and the recommended expulsion;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that, effective upon receipt of letter dated February 7, 2013, mailed standard mail and certified mail, Mike Cataldo is hereby permanently expelled from the Highland Park Fire Department. He shall not access Fire Department property, appear at Fire Department emergency calls, or hold himself out as a Highland Park firefighter, or represent the Highland Park Fire Department in any manner; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Highland Park, that we do hereby direct the Borough Administrator to advise the Fire Chief and Mike Cataldo of this Resolution and provide them with a certified copy of this Resolution. This Resolution shall be effective immediately.

The Clerk reported receipt of notification of the election of Volunteer Firefighters Karenann Wortman and Kaan Akyol to the rolls of the Highland Park Volunteer Fire Department.

On motion made by Councilman Millet, seconded by Councilwoman Welkovits, the above confirmation was confirmed by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Foster-Dublin, Millet, Potts, Welkovits.

Opposed: None.

Absent: None.

Mayor Minkoff 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.

There being no further business, on motion made by Councilman Millet, seconded by Councilwoman Brill Mittler, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 7:20 PM.

Respectfully submitted,

Joan Hullings
Borough Clerk

The following resolution was adopted at the Conference Meeting:
No. 2-13-88

WHEREAS, in an effort to reduce New Jersey's reliance on institutional care, the Task Force on the Closure of State Developmental Centers was created by the state legislature including but not limited to the local economic impact of losing a center; the ability of a community to provide or develop services for those leaving who wanted to leave or didn't oppose moving outside the region; the state's ability to maintain operations, and projected repair and maintenance of each center; and

WHEREAS, among the seven state-operated facilities for this purpose is the Woodbridge Developmental Center (hereafter referred to as WDC), a residential facility, established in 1965 for persons with developmental disabilities and located on 68 acres in the Avenel section of Woodbridge Township; and

WHEREAS, in July 2012, the task force recommended WDC (and North Jersey Developmental Center in Passaic County) be shuttered in 2017; and

WHEREAS, while indicating that no one piece of information or experience was a determining factor in which of the seven states-operated facilities would be recommended for closure, there are other factors that should have been considered before making their decision. These factors include the rights (federal law requires government to meet the needs of the individual) of the clients at WDC to have treating professionals make judgments about how their needs are best met and that transferring clients from long-term institutional care to community housing has its own set of problems including higher rates of mortality and an increased likelihood of abuse in a community; and

WHEREAS, the Borough Council of Highland Park is deeply concerned by not only the recommendation by the task force to displace WDC clients but the wide-reaching economic effect with the loss of approximately 1600 jobs in our area.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of Highland Park, that it expresses its disagreement with the findings and conclusion of the Task Force on the Closure of Developmental Centers; opposing the closure of the WDC as it is a vital and valuable resource that should be kept in operation for the benefit of its clients and employees; and

BE IT FURTHER RESOLVED by the Borough Council of Highland Park, that certified copies of this Resolution be forwarded to Governor Chris Christie, 18th District Senator Barbara Buono, Assemblymen Patrick Diegnan and Peter Barnes, and the surrounding communities of Highland Park.