

REGULAR MEETING – APRIL 17, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, April 17, 2012 and was called to order by Mayor Minkoff at 7:00 PM. Mayor Minkoff read the Open Public Meetings Statement.

Present: Mayor Minkoff; Councilpersons Erickson, Millet, Welkovits; Borough Attorney Schmierer; Borough Administrator Kovach; Borough Clerk Hullings.

Absent: Councilpersons Brill Mittler, Foster-Dublin, Morris.

Main Street Minute was presented by Paul Lanaris. He thanked resident and Freeholder Jim Polos. His company sent a huge crew over to paint their new space. He sits on the Board and was a huge help. Main Street and Highland Park is very fortunate to have such wonderful volunteers.

Mayor Minkoff asked the Council members to present their reports.

Councilwoman Welkovits noted that the Earth Day/Health Fair will be held at the Highland Park High School on April 22<sup>nd</sup> from 1-4PM.

Councilman Millet thanked Paul Lanaris and Main Street Highland Park for their work. Still in negotiations for Mt. Laurel litigation. Motions were put off until May 11<sup>th</sup>.

Councilman Erickson noted that the Earth Day/Health Fair event is important as they are launching the "It's in our Power" Campaign. Residents can sign up for energy audits.

Borough Administrator – No Report.

Borough Attorney Schmierer noted that they will appear on May 11<sup>th</sup> before Judge Paley.

Mayor Minkoff reported that a real estate agent visited Main Street Highland Park that specializes in bringing businesses (i.e. small regional chains). He also met with Andrea Baay about the Mayor's Teen Advisory Council. She will discuss this matter with Department Heads and the Recreation Advisory Committee to launch in the fall of the upcoming school year. This group will have a liaison from the Governing Body. Lastly, he reported that he shared lunch with approximately 100 seniors. He was thrilled to meet with them and they had many questions. He was grateful for the opportunity to spend time with them and will meet with them again on a recurring basis.

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

Ruth Bickhardt, 307 Magnolia Street, commented that she is a strong advocate for sidewalk safety. She is now visually impaired. She is pleading that the Council educate residents about bike safety. Mayor Minkoff noted that this topic came up at the senior luncheon. He noted that there is a newly constituted bicycle/pedestrian task force. Councilwoman Welkovits noted that they started a new group consisting of 2 representatives from the Board of Health, Chief Rizco and Sgt. Hammill. They talked about safety and education, bells/lights on bicycles and requirements for riding on streets and sidewalks. They talked extensively about education and will get information put on the website. They are preparing pamphlets and having them transcribed into other languages. She asked that Ms. Bickhardt join them so that she can provide input. Ms. Bickhardt noted that she has posters available in English, Spanish and Chinese. Chief Rizco noted that they are reviewing ordinances from other towns. State law mandates light and audible devices. No State law about riding on the sidewalk. It would have to be done by municipal ordinance. Ms. Bickhardt suggested that they make 1 side of the Albany Street bridge for pedestrians and one 1 side for bicycle riders. She also asked that they compel people to trim their hedges back because sidewalks are narrow.

Allan Williams, 319 Harrison Avenue, noted that they will be showing 2 environmental films at Borough Hall on April 22<sup>nd</sup> at 7PM.

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

The Clerk reported advertising an ordinance entitled, BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 1810 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON MAY 3, 2011 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE RENOVATION OF THE PUBLIC SAFETY BUILDING, BY AND IN THE BOROUGH OF HIGHLAND PARK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE " B APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,809,523 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$2,900,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$2,761,904 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF, 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 Erickson seconded by Councilman Millet, and carried by unanimous affirmative voice vote, the above entitled ordinance was taken up on final reading by title.

Mayor Minkoff 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.

Matter to be voted on again at 5/1/12 meeting due to the fact that there are not enough Council Members present to vote on adoption of the ordinance.

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Consent Agenda Resolution Nos. 4-12-140 through 4-12-147 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 Erickson, Millet, Welkovits.  
Opposed: None.  
Absent: Councilpersons Brill Mittler, Foster-Dublin, Morris.  
Abstain: None.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 4-12-140

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 4/17/12, can be found in the Bills List Journal Book No. 31.

The following resolution, introduced by the Recreation and Arts Committee, was duly adopted as above:  
No. 4-12-141

WHEREAS, pursuant to a duly advertised Notice to Bidders, in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., seven (7) bids were received on April 3, 2012 for completion of the Highland Park Library HVAC System Project ("Project") as follows:

1. Envirocon, LLC	\$67,421.00
2. EACM Corp.	\$74,475.00
3. Meyer & Depew	\$99,948.00
4. WHL Enterprises, Inc.	\$104,000.00
5. AMCO Enterprises, Inc.	\$128,000.00
6. Air Control Technology, Inc.	\$132,500.00
7. K & D Contractors, LLC	\$147,600.00

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-4, requires that the award of a contract for this Project be made to the lowest responsible and responsive bidder; and

WHEREAS, the Code Enforcement Director recommends that the award of the contract be made to Envirocon, LLC; and

WHEREAS, the Borough Attorney finds Envirocon's bid documents to be in order; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available for this Project; and

WHEREAS, funds for this contract are included in the appropriations authorized in Account No. C -04-55-816-210;

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

1. The contract for the Highland Park Library HVAC System Project is hereby awarded to Envirocon, LLC as the lowest responsible and responsive bidder.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Envirocon, LLC for completion of the Highland Park Library HVAC System Project for the contract price of \$67,421.00.00.
3. A copy of this Resolution and the agreement shall be placed on file in the Office of the Borough Clerk, and shall be available for public inspection.

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

No. 4-12-142

WHEREAS, William Propst of 700 Magnolia Street received an erroneous water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that the water and sewer usage was over estimated 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 in the amount of \$281.39 for the water and \$170.06 for the sewer, for a total of \$451.45 to the account of William Probst, 700 Magnolia Street.

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. 4-12-143

WHEREAS, Eric Chinchilla of 804 Benner Street received an erroneous water and sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that there was an incorrect meter reading 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 in the amount of \$59.82 for the water and \$37.64 for sewer, for a total of \$97.46 to the account of Eric Chinchilla, 804 Benner Street.

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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. 4-12-144

WHEREAS, the Borough of Highland Park is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at [www.govdeals.com](http://www.govdeals.com) and also available from the Borough Clerk's Office in the Borough of Highland Park.
- (2) The sale will be conducted online and the address of the auction site is [www.govdeals.com](http://www.govdeals.com).
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is attached to the original of this resolution.
- (5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Highland Park reserves the right to accept or reject any bid submitted.

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

No. 4-12-145

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that CME Associates is hereby authorized and directed to prepare specifications and bid documents in connection with the Manor Sidewalk Project;

BE IT FURTHER RESOLVED that said bids shall be received at a date and time to be determined by the Engineer and Borough Clerk.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to CME Associates forthwith.

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

No. 4-12-146

BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 3, 2012 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis, there have been the following changes, to wit:

GAETANO PALUMBO, JR., Police Officer, at an annual salary of \$40,643.00, effective May 1, 2012.

BE IT FURTHER RESOLVED that the Finance Director be and he 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.

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

No. 4-12-147

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that approval is hereby given to Main Street Highland Park to hold its Annual Street Fair activities on May 20, 2012, from 9:00 AM to 6:00 PM; and

BE IT FURTHER RESOLVED that permission is hereby granted to the Highland Park Police Department to make application to the New Jersey Department of Transportation for a permit to close a portion of Raritan Avenue (Route #27) between 2nd and 5th Avenues on May 20, 2012, between 9:00 AM and 6:00 PM; and

BE IT FURTHER RESOLVED that Main Street Highland Park will work in close cooperation with the Highland Park Police Department to insure minimum inconvenience to Borough residents; and

BE IT FURTHER RESOLVED that the Borough Council hereby waives the Transient Merchant permit fees and other Borough fees for vendors who register to participate in the Street Fair; and

BE IT FURTHER RESOLVED certified copies of this resolution be forwarded to Paul Lanaris, Main Street Highland Park; Stephen Rizco, Chief of Police; Police Traffic Safety Bureau; Highland Park First Aid Squad Capt.; Jeff Morris, Emergency Management Coordinator; Donald Rish, Dept. of Public Works Supt.; Lt. Gary Panichella.

The Clerk reported notification of the election of Volunteer Firefighters Luis Rosado and Paul Lanaris to the Highland Park Volunteer Fire Department.

On motion made by Councilman Erickson, seconded by Councilman Millet, the above elections were confirmed by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Millet, Welkovits.

Opposed: None.

Absent: Councilpersons Brill Mittler, Foster-Dublin, Morris.

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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.

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

No. 4-12-148

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 two matters 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 5:00 P.M. on April 17, 2012, 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 Councilwoman Welkovits, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 7:23 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk