

REGULAR MEETING – OCTOBER 2, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, October 2, 2012 and was called to order by Council President Brill Mittler at 7:03 PM. Council President Brill Mittler read the Open Public Meetings Statement.

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

Absent: Mayor Minkoff, Borough Clerk Hullings.

Council President Brill Mittler asked Councilwoman Welkovits to read a proclamation in honor of Donna Brightman and the staff of the Highland Park Housing Authority.

Council President Brill Mittler asked the Council members to present their reports.

Council President Brill Mittler reported that the Zoning Board approved the development of the Y property to go to site plan review. They are proposing town-homes with 2 COAH units. The Planning Board is still hearing the 7-Eleven application. The Streetscape project is nearing completion, and the tree grates are being installed for the trees and the rain gardens.

Councilwoman Foster-Dublin reported that former Borough employee and brother of Don Rish, Superintendent of Public Works, David Rish passed away. A moment of silence was observed in remembrance. The new Fire Truck will be in New Jersey next week. The Ground Breaking Ceremony for new Public Safety Building will be held on October 10th.

Councilman Potts reported that the Halloween Parade will be held on October 28th from 2-5pm. Contact Community Services department for more details.

Councilwoman Welkovits reported that the Borough Bike Rodeo was held on September 30th in the back parking lot of 315 Raritan Avenue. There was a rodeo course, bike inspections and giveaways. With the County grant funding they were able to give away helmets and with the Prosecutors Office grant they were able to give away bike locks.

Councilman Erickson reported that the budget process for 2013 has begun.

Councilman Millet reported that the Borough has received a grant to replace the catwalks on the North side and they are currently out to bid for the project which will be a shared service agreement with Edison. The work will be delayed until the spring.

Borough Administrator – No report.

Borough Attorney reported that they are currently coming up with a settlement date for the Affordable Housing lawsuit.

Maria Kaurous of Honeywell Corporation did a presentation regarding the cleanup of the River Road site. There has been TCP detected in the groundwater and metals and PCB's in the soil. They will be conducting an excavation of the site of about 850 cubic yards over a 2 week timeframe starting October 11th through October 25th. There will be between 20-25 trucks per day and they will be required to use tarps and there will be dust monitoring.

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

Lou Pichinson, 200 Jackson Avenue, asked if this would be the last remediation for the Honeywell Parcel. Councilman Millet answered yes. They expect to get clearance for the final area and a responsive action outcome clearance.

Sue Anderson, 63 Cleveland Avenue, asked whose responsibility it is to remove the slab on the Gross property. The Honeywell representative answered that it is Mr. G responsibility to remove the slab and Honeywell will conduct the clean up after the slab is removed.

No one else appearing to be heard, Council President Brill Mittler closed the public discussion.

The Clerk reported advertising an ordinance entitled, AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010" CHAPTER 230 CONCERNING PLANNED UNIT RESIDENTIAL DEVELOPMENT 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 for public inspection, as required by law.

On motion made by Councilman Millet, seconded by Councilwoman Foster-Dublin, and carried by affirmative voice vote of all Councilpersons present, the above-entitled ordinance was taken up on final reading by title.

Council President Gayle 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 Council President closed the public hearing.

On motion made by Councilman Millet, seconded by Councilman Erickson, the ordinance entitled as above, being Ordinance No. 12-1840, was duly adopted on final reading by title by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

The following resolution, introduced by the Economic Development and Planning Committee, was duly adopted on motion made by Councilman Millet, seconded by Councilman Erickson, and carried by affirmative voice vote of all Councilpersons present:

No. 9-12-269

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, PLANNED UNIT RESIDENTIAL DEVELOPMENT 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.

Consent Agenda Resolution Nos. 10-12-270 through 10-12-283 were duly adopted on motion made by Councilman Millet, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:

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

Opposed: None.

Absent: None.

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

No. 10-12-270

WHEREAS, pursuant to Resolution 2-12-67, adopted by the Borough Council on February 7, 2012, a contract was awarded to Pierce Manufacturing for the manufacture of an Aerial Platform; and

WHEREAS, said Aerial Platform has been ordered and assembled pursuant to Highland Park purchase order number 12-00425, and delivery is expected within 2 weeks; and

WHEREAS funds in the amount of \$997,821.00 are available in Account No. C-04-55-812-220 for this purpose, as reflected by the certification of funds by Chief Financial Officer, Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized and directed to pay to Pierce Manufacturing, Inc., 2600 American Drive, Appleton, Wisconsin, in an amount not to exceed \$997,821.00, which is the amount for the purchase of the aforesaid Aerial Platform; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to Chief Financial Officer, Kathleen Kovach and Fire Chief, Mike McMahon forthwith.

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

No. 10-12-271

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:

KIBBY MAY, Crossing Guard, at an annual salary of \$7,913.00, effective September 4, 2012.

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 3, 2012 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:

COLEEN AU, Library Page, at an hourly rate of \$7.40, effective September 10, 2012.

BONNIE GOLDSTEIN, Reference Librarian, at an hourly rate of \$27.08, effective September 17, 2012.

KIMBERLY MCGRAW, Clerk Typist, at an hourly rate of \$14.00, effective September 14, 2012.

DONDRE WILBURN, Seasonal Recreation, at an hourly rate of \$7.25, effective September 23, 2012.

JUDEA MCDONALD, Seasonal Recreation, at an hourly rate of \$7.25, effective September 23, 2012.

ELIZABETH MURPHY, Seasonal Recreation, at an hourly rate of \$7.25, effective September 23, 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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 10-12-272

WHEREAS, Jason LeDuc of 424 South 5th Avenue made a duplicate payment to the Borough of Highland Park for his Water & Sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that there was a duplicate payment of the water and sewer bill; and

WHEREAS, the Tax Collector recommends that this account be refunded for the duplicate payment;

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 refund in the amount of \$86.31 for the water and \$75.10 for sewer, for a total of \$161.41 to the account of Jason LeDuc, 424 South 5th Avenue.

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 Public Works and Public Utilities Committee, was duly adopted as above:

No. 10-12-273

WHEREAS, Thomas J. & Delia DeBlass of 4 South 9th Avenue made a duplicate payment to the Borough of Highland Park for his Water & Sewer bill; and

WHEREAS, it has been determined by the Highland Park Water & Sewer Department that there was a duplicate payment of the water and sewer bill; and

WHEREAS, the Tax Collector recommends that this account be refunded for the duplicate payment;

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 refund in the amount of \$11.11 for the water and \$10.00 for sewer, for a total of \$21.11 to the account of Thomas J. & Delia DeBlass, 4 South 9th Avenue.

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 Safety Committee, was duly adopted as above:

No. 10-12-274

WHEREAS, pursuant to Resolution No. 7-12-207, adopted by the Borough Council on July 3, 2012, a contract was awarded to Savic Construction, Corp., Totowa, NJ, for Police and Fire Station Renovation – Asbestos Removal; and

WHEREAS, it appears from Pay Estimate No. 1, filed by the Capital Project Coordinator that certain work under said contract has been completed and approved, and there is due to Savic Construction, Corp. the sum of \$68,500.00 in accordance with said Pay Estimate No. 1 for work performed from July 9, 2012 to September 24, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-220 in the amount of \$68,500.00, 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 Savic Construction, Corp. the sum of \$68,500.00, as certified by the Capital Project Coordinator in Pay Estimate No. 1, 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 Capital Project Coordinator forthwith.

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

No. 10-12-275

WHEREAS, Thomas Anthony Sena has 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 2012; and

WHEREAS, the Chief of Police 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 applicant is 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 applicant.

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

No. 10-12-276

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following shall be and is hereby appointed to serve as a Member of the Highland Park Redevelopment Agency for a term to expire as indicated:

<u>Name</u>	<u>Term to Expire</u>
Randall Solomon	July 11, 2016

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

No. 10-12-277

WHEREAS, on September 14, 2009, Congregation Ahavas Achim, heretofore posted with the Borough of Highland Park a surety performance bond, No. SB0347700, issued by Pennsylvania National Mutual Casualty Insurance Company in the amount of \$105,832.44 and a cash surety bond (check #1047) in the amount of \$11,759.18, for a total amount of \$117,591.60, in connection with a site plan and variance application on the property known as Block 9, Lots 4, 5 and 6, also known as 212 South 1st Avenue, in the Borough of Highland Park; and

WHEREAS, the developer of the project has requested that said Performance Bond be released; and

WHEREAS, CME Associates, Borough Engineer, has reviewed the site in the field and found all of the required work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the cash surety bond and performance bond heretofore posted by Congregation Ahavas Achim, in the amount of \$11,759.18 (cash surety bond) and \$23,518.00 (performance bond) for the Site Plan, shall be and is hereby released subject to the posting of a maintenance bond in the amount of \$17,638.74 for a period of two (2) years, as well as the payment of any outstanding engineering inspection or other Borough fees.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Finance Department, Borough Engineer, Construction Official, and Congregation Ahavas Achim.

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

No. 10-12-278

WHEREAS, it is critical that the Mayor and Council of the Borough of Highland Park strive to better communicate with teens living in the Borough of Highland Park; and

WHEREAS, there is a need to explore the unique issues related to teens living in the Borough of Highland Park; and

WHEREAS, there is a need to facilitate better communication between teens living in the Borough of Highland Park and the Mayor and Council of the Borough of Highland Park; and

WHEREAS, there is a need to facilitate involvement of teens living in the Borough of Highland Park in the Borough's government and local activities; and

WHEREAS, the Mayor and Borough Council wish to establish a Teen Advisory Committee ("TAC") to explore the unique issues related to teens living in the Borough of Highland Park, foster better communication with teens living in the Borough of Highland Park and facilitate more teen involvement in the Borough of Highland Park; and

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

A. Mission

The purpose of the TAC of the Borough of Highland Park shall be to explore the unique issues of teens throughout the Borough and to include teens as active participants in the Borough's activities including, but not limited to:

1. Developing a "Teen Classified" section on the Borough's website to assist teens with Summer and part-time employment opportunities; and
2. Presenting recommendations at Borough Council meetings.

B. Membership & Organization

1. The TAC shall be comprised of an Executive Committee and a General Membership as follows:
 - a. The Executive Committee shall be comprised of seven (7) members:
 - i. Two (2) of the seven (7) members shall be adult advisors appointed by the Mayor during the term of the Mayor's Office; and
 - ii. The remaining five (5) members shall be chosen by a majority vote of the General Membership.
 - b. The General Membership shall be comprised of teen and adult volunteers, who may apply for membership at the Borough of Highland Park's Borough Hall.
2. All members of the TAC, in both the Executive Committee and the General Membership, shall participate in the TAC without compensation.

C. Term

The term of office for members of the Executive Committee shall be as follows:

1. A term of two (2) years for the two (2) adult supervisors appointed by the Mayor to the Executive Committee, to serve until the appointment and qualification of their successors; and
2. A term of two (2) years for two (2) of the remaining five (5) members of the Executive Committee, elected by the General Membership, to serve until the election and qualification of their successors; and
3. A term of one (1) year for three (3) of the remaining five (5) members of the Executive Committee, elected by the General Membership, to serve until the election and qualification of their successors.

D. Duties

The TAC shall administer, plan, and manage the teen and youth initiatives of the Borough of Highland Park. The TAC shall be a strictly advisory body with no power to regulate or promulgate rules and regulations. The Executive Committee shall report to the Council of the Borough of Highland Park on a regular basis regarding the TAC's activities.

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

No. 10-12-279

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 10/2/12, can be found in the Bills List Journal Book No. 31.

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

No. 10-12-280

WHEREAS, Donald Maiorano, has 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 2012; and

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

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determined that said applicants are 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.

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

No. 10-12-281

WHEREAS, as per Resolution No. 2-12-88, the Borough of Highland Park entered into a contract with Ciel Power, LLC to provide residential energy audit services ; and

WHEREAS, the Borough desires to extend this contract with Ciel Power, LLC for these services until December 31, 2012;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, that it does hereby authorize the Mayor to execute an agreement with Ciel Power, LLC in a form approved by the Borough Attorney and consisting of terms and conditions consistent with the attached contract outline.

BE IT FURTHER RESOLVED that the Borough Clerk shall send certified copies of this resolution to Ciel Power, LLC at 78 Mountainview Avenue, Nutley, New Jersey 07110.

BE IT FURTHER RESOLVED that the Borough Clerk publish a notice of this award or contract in accordance with the requirements of the Local Public Contracts Law.

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

No. 10-12-282

WHEREAS, the Borough of Highland Park desires to apply for and obtain a Grant from the Cultural & Heritage Commission;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized and directed to execute and submit the application for the Cultural & Heritage Commission Grant for an ethnic appreciation Café Nights program;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator.

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

No. 10-12-283

WHEREAS, the Borough of Highland Park desires to apply for and obtain a Grant from the Cultural & Heritage Commission;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized and directed to execute and submit the application for the Cultural & Heritage Commission Grant for a Theater Arts program for adults with disabilities;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilwoman Foster-Dublin, seconded by Councilman Millet, and carried by the following roll call vote, to wit:

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

NAYS: none

ABSENT: none

ABSTAINED: none

No. 10-12-284

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 2012 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:

Law Enforcement Prosecutor's Grant \$5,000.00

BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2012; 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.

Council President Bill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

Lois Lebbing, North 2nd Avenue, commented that in July and August she asked about the details of sidewalk statue 65.1 and needs an answer. Borough Attorney Schmierer advised that he would have an answer for her at the next meeting.

No one else appearing to be heard, Council President Brill Mittler closed the public discussion.

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 8:05 PM.

Respectfully submitted,

Erin Martin
Deputy Borough Clerk