

REGULAR MEETING – OCTOBER 16, 2012

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday, October 16, 2012 and was called to order by Mayor Minkoff at 7:05 PM. Mayor Minkoff read the Open Public Meetings Statement.

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

Absent: Councilpersons Foster-Dublin and Millet.

Mayor Minkoff commented that proclamations have been prepared for two people who have been invaluable to the Borough through their years of service. He and Councilwoman Welkovits presented proclamation to Albert Garlatti. The Mayor noted that he has been truly extraordinary in his leadership of the Housing Authority for the last 42 years. Councilwoman Welkovits noted that she has known the family most of her life and it has been a privilege to have worked with him.

Mayor Minkoff presented proclamation for Irene Dworeck to Diane Reh, who accepted on her behalf. He noted that he had the privilege of working with Rene and benefitted from her years of experience and wisdom serving on the Housing Authority, Council on Aging and CDBG Advisory Committee. She served with grace and dignity and will be a difficult act to follow. He wished her well and many years of good health.

Main Street Minute was presented by Jamie McCrone. He thanked everyone for their participation in the Arts in the Park Event and specifically thanked the Department of Public Works, Police Department, Recreation Department and the Borough for their assistance. He also gave thanks to the Main Street Highland Park volunteers. They have a record number of artists (10) signed up for next year. He will bring new business owners to the November meeting in coordination with the Borough Clerk. The Main Street Highland Park Board will have some new members. They will have a grand re-opening ceremony at the end of October/November to conclude the streetscape project. Restaurant Week will be October 23<sup>rd</sup> through October 28<sup>th</sup> and there are 5-6 restaurants signed up. They are looking to expand out to Sichuan Spring and the new Vietnamese restaurant. The Autumn in the Park event to be held on October 28<sup>th</sup> in conjunction with the Halloween party, which he will coordinate with Kim Perkins and Andrea Baay. Carriage rides will be along Raritan Avenue along with the games. Lastly, he reported that they have a new sponsor, Belvidere Pharmacy.

Mayor Minkoff asked the Council members to present their reports.

Councilman Potts reported that the annual Halloween parade will be held on October 28<sup>th</sup> from 2:00 to 5:00 pm on North 3<sup>rd</sup> Avenue between Raritan Avenue and Denison Street. Prizes will be awarded for best costumes.

Councilwoman Welkovits – No report.

Councilman Erickson – No report.

Council President Brill Mittler – No report.

Mayor Minkoff reported that they broke ground on the new public safety building. The old police building will be demolished and renovations will take place at the Fire Department. The Borough looks forward to the ribbon cutting when the project is completed. Officials from the County, Prosecutor Bruce Kaplan and Freeholder James Polos attended the event. He thanked Borough Administrator Kathy Kovach, Architect Eli Goldstein, Police Chief Stephen Rizco, Councilpersons Millet, Foster-Dublin and Morris and Code Enforcement Director Scott Luthman for their work on this project. He looks forward to reporting on the progress of the building. He noted that he does part time work at the Rutgers Business School and each semester students are required to do a marketing plan on real clients. Ten Highland Park businesses are participating and every block along Main Street is represented. He encouraged residents to shop local.

Borough Administrator – No report.

Borough Attorney – No report.

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, Mayor Minkoff closed the public discussion.

Consent Agenda Resolution Nos. 10-12-286 through 10-12-304 were duly adopted on motion made by Councilwoman Brill Mittler, seconded by Councilwoman Welkovits, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Brill Mittler, Erickson, Potts, Welkovits.

Opposed: None.

Absent: Councilpersons Foster-Dublin, Millet.

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

No. 10-12-286

WHEREAS, the Environmental Commission of the Borough of Highland Park and ANJEC have come up with a plan for the placement of signage within the Lower Raritan Access; and

WHEREAS, these signs shall be placed at The Environmental Education Center, as per the attached plan and as approved by the Borough of Highland Park; and

WHEREAS, ANJEC will provide the signage at no cost to the Borough with the understanding that the Borough will install the sign and maintain it at the Borough's cost;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Highland Park, that the Lower Raritan Access Signage Project be approved.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Environmental Commission and Superintendent of Public Works.

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

No. 10-12-287

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 Commissioners of the Highland Park Redevelopment Agency for a term to expire as indicated:

<u>Name</u>	<u>Term to Expire</u>
Gerald Pomper	July 11, 2017
Frances McDonald	July 11, 2017

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

No. 10-12-288

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of individual human beings ("natural person"), not corporations; and

WHEREAS, corporations are not people but instead are artificial entities created by the law of states and nations; and

WHEREAS, corporate misuse of the First Amendment and the Constitution reached an extreme conclusion in the United States Supreme Court's ruling in Citizens United v. Federal Election Commission (2010); and

WHEREAS, Citizens United v. FEC has in fact unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, contrary to the Citizens United majority's assumption that disclosure would allow for public accountability, half of the drastically increased spending during the 2010 elections was by secretive political committees not required to disclose their donations; and

WHEREAS, the United States Supreme Court's ruling in Citizens United represents a serious and direct threat to our democracy; and

WHEREAS, in 1816 former President Thomas Jefferson and in 1910 former President Theodore Roosevelt both spoke out warning against the need to prevent corporations from undermining self-government and against the potential corporate influence and corruption of our politics; and

WHEREAS, Article V of the U.S. Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct egregious wrong decisions of the United States Supreme Court that go to the heart of the democracy and self-government; and

WHEREAS, legislators have a duty to protect democracy and guard against the potentially detrimental effect of corporate spending in local, state and federal elections; and

WHEREAS, Senator Bernie Sanders (I-Vermont) has introduced a constitutional amendment to overturn the Citizens United Decision by the Supreme Court and redefine "corporate personhood" and Representative Ted Deutch (D-FL) has introduced the same amendment in the House;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Highland Park, County of Middlesex, State of New Jersey, that it strongly supports a constitutional amendment calling for the overturning of Citizens United Decision of January 2010 and calls upon the Legislature to take action on same; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Senators Frank Lautenberg and Robert Menendez, Representative Frank Pallone, and the New Jersey State League of Municipalities.

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

No. 10-12-289

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. 1, 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 \$110,450.98 in accordance with said Pay Estimate No. 1 for work performed from July 30, 2012 to September 30, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-811-225 in the amount of \$110,450.98, 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 \$110,450.98, as certified by the Borough Engineer 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

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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. 10-12-290

WHEREAS, pursuant to P.L. 1997, Chapter 99, a municipality may hold a tax lien sale within the last month of a calendar year for any unpaid taxes or other municipal liens or charges that are in arrears as of the 11<sup>th</sup> day of the eleventh month of the calendar year; and

WHEREAS, the Finance Committee has advised the Borough Council that it is advisable for the Borough to hold such sale during December of 2012 in order to maximize the percentage tax collection rate in calendar year 2012, and minimize the budget requirement for the Reserve for Uncollected Taxes in calendar year 2013; and

WHEREAS, the Council acknowledges that all proper notification of taxpayers will still be made in accordance with applicable State regulations and that all taxpayers will be given ample opportunities to bring their accounts up to date;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Tax Collector is hereby authorized and directed to schedule and conduct a tax sale during December, 2012, for all taxes and municipal charges unpaid as of November 13, 2012; and

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 Finance Committee, was duly adopted as above:

No. 10-12-291

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Highland Park has a need for consulting services to assist with the 2012 Tax Sale; and

WHEREAS, the Borough would hold its Tax Sale on December 10, 2012 and would hire TAP Associates, Box 695, Davis, WV 26260 to oversee the Tax Sale starting on November 1, 2012; and

WHEREAS, TAP Associates will be acting as a consultant and not the Tax Collector and will be held harmless while overseeing the duties of the Tax Collector during the Tax Sale;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, that TAP Associates will serve as a consultant for the 2012 Tax Sale at an hourly rate of 65.00 per hour up to a maximum of twenty (20) hours per week not to exceed 6,000.00 starting November 1, 2012.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief Financial Officer/Tax Collector Kathleen Kovach.

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

No. 10-12-292

WHEREAS, the Borough of Highland Park Tax Collector will hold the 2012 Tax Sale on December 10, 2012; and

WHEREAS, the Borough of Highland Park Tax Collector shall collect and pay into the treasury of the municipality a fee for all costs incurred by the municipality in holding the sale. Pursuant to N.J.S.A. 54:5-38 the amount of the fee so paid shall be 2% of the existing lien as stated in R.S. 54:5-19 and R.S. 54:5-2, but not less than \$15.00 and not more than \$100.00 for each parcel sold; and

WHEREAS, the Borough of Highland Park Tax Collector pursuant to N.J.S.A. 54:5-26 shall charge a fee of \$25.00 per tax sale notice mailing to property owners in lieu of advertising notice in newspaper, said mailings not to exceed two (2).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the fees shall be added to the amount due to the municipality and shall form part of the lien.

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

No. 10-12-293

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:

JOHN SACHAU, Police Officer, at an annual salary of \$105,990.00, effective October 1, 2012.

DAVID SODEN, Police Officer, at an annual salary of \$105,990.00, effective October 1, 2012.

BRIAN O'MARA, Police Officer, at an annual salary of \$105,990.00, effective October 1, 2012.

STEPHEN RIZCO, Chief of Police, at an annual salary of \$148,492.75, effective January 1, 2012.

MARGARET TOMAN, Crossing Guard, at an annual salary of \$7,913.00, effective October 12, 2012.

MICHAEL STAZESKI, Crossing Guard, at an annual salary of \$7,913.00, effective October 12, 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 Finance Committee, was duly adopted as above:

No. 10-12-294

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for Risk Management Services for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for Risk Management Services for the Borough by a Request for Proposals.

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The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 10-12-295

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.

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough and its residents to publicly bid for the services of its Professionals, including but not limited to, the Borough Attorney, Bond Attorney, Labor Attorney, Auditor, Engineer, Planner, Planning Board Attorney, Board of Adjustment Attorney, Planning Board Engineer, Board of Adjustment Engineer, Tax Appeal Attorney, Prosecutor, and Public Defender to perform services for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to publicly bid for the services of its Professionals to perform professional services for the Borough by a Request for Qualifications.

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

No. 10-12-296

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the following contract items:

1. Annual Tree Maintenance Contract for 2013 and 2014;

and

BE IT FURTHER RESOLVED that said bids will be received at a date and time to be determined by the Borough Clerk and the Superintendent of the Public Works Department, said bids to be in accordance with specifications prepared by the Public Works Department.

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

No. 10-12-297

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for the following contract items:

1. Sanitary Sewer Inspection and Maintenance Contract for 2013 and 2014;
2. Water Main and/or Sanitary Sewer Repairs for 2013 and 2014;

and

BE IT FURTHER RESOLVED that said bids will be received at a date and time to be determined by the Borough Clerk and the Superintendent of Public Works and Public Utilities, said bids to be in accordance with specifications prepared by the Public Works Department.

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

No. 10-12-298

BE IT RESOLVED, by the Borough Council of the Borough of Highland Park that the Borough Clerk shall be and is hereby authorized and directed to advertise for receipt of bids for water quality testing services for the Highland Park Water & Sewer Department, said bids to be received at a date and time to be determined by the Borough Clerk and the Superintendent of Public Works and Public Utility.

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

No. 10-12-299

WHEREAS, regulatory agencies require that the water distribution and sewer collection systems require a licensed operator with both W-2 and C-2 licenses to oversee these systems; and

WHEREAS, Middlesex Water Company, who provides the treated water used in the Borough's water distribution system, also provides licensed operator services to other municipal water and sewer systems and possess the required W-2 and C-2 licenses necessary to operate the Borough systems; and

WHEREAS, the Borough intends to award this contract as a professional service agreement; and

WHEREAS, the Borough desires to enter into an agreement with the Water Company for these services,

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 Middlesex Water Company 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 the following:

Richard M. Risoldi, Vice President, Subsidiary Operations, Middlesex Water Company, 1500 Ronson Road, Iselin, NJ 08830-3020.

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 Finance Committee, was duly adopted as above:  
No. 10-12-300

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 2012 3rd quarter taxes for the property indicated:

<u>BLOCK LOT</u>	<u>REMITTEE</u>	<u>PERIOD</u>	<u>AMOUNT TO BE REMITTED</u>
168 32	Tod & Margaret Marder 226 Harrison Ave. Highland Park, NJ 08904	3rd Qtr.	\$3,151.48

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

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

No. 10-12-301

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 the buy back of 2012 vacation time for the Borough Administrator:

	Calculation	Amount Due
Vacation	5 days x \$514.46	\$2,572.31
Total Payment		\$2,572.31

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

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

No. 10-12-302

WHEREAS, pursuant to Resolution No. 7-11-204, adopted by the Borough Council on July 19, 2011, a contract was awarded to ConQuest Industries, LLC, Westwood, NJ, for Highland Park Streetscape: Raritan Avenue Phase I Project; and

WHEREAS, it appears from Pay Estimate No. 10, filed by the Borough Engineer that certain work under said contract has been completed and approved, and there is due to ConQuest Industries, LLC the sum of \$122,679.44 in accordance with said Pay Estimate No. 11 for work performed from July 27, 2012 to October 12, 2012; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-801-200, in the amount of \$122,679.44, 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 ConQuest Industries, LLC the sum of \$122,679.44, as certified by the Borough Engineer in Pay Estimate No. 11, 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 Borough Engineer forthwith.

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

No. 10-12-303

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 10/16/12, can be found in the Bills List Journal Book No. 30.

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

No. 10-12-304

WHEREAS, Congregation Ahavas Achim has made application to the Borough Council of the Borough of Highland Park for a license to hold, operate and conduct a Off-Premises Raffle in accordance with the Raffles Licensing Law (NSJA 5:8-50 to 76), on December 23, 2012; and

WHEREAS, the Borough Council has made or caused to be made an investigation of the qualifications of said applicant and the merits of said application and have determined that said applicant is qualified to hold, operate and conduct Raffles in accordance with the Raffles Licensing Law and the findings set forth in the attached Form 5A of the Legalized Games of Chance Control Commission;

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue a license to Congregation Ahavas Achim for the holding, operation and conduct of a raffle on the above date upon payment of a legal fee therefor, subject to the provisions of the Raffles Licensing Law and the rules, regulations and amendments thereto promulgated by said Control Commission.

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, Mayor Minkoff closed the public discussion.

There being no further business, on motion made by Councilwoman Welkovits, seconded by Councilman Erickson, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned to the Conference Meeting at 7:33 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk