

BOROUGH OF PROSPECT PARK
MAYOR & COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 25, 2013

Present:

Mayor	Mohamed T. Khairullah
Council President	Robert Artis
Councilman	Richard Esquiche
Councilman	Samir Hayek
Councilwoman	Felicia Ortiz
Councilwoman	Cristina Peralta
Councilman	Adnan Zakaria

Absent:

None

Also Present:

Municipal Attorney	Denis Murphy
Municipal Clerk	Stephanie Evans

This meeting was called to order by Mayor Mohamed T. Khairullah at 6:35 pm

The meeting was opened with the Flag Salute led by Council President Artis, and followed by a Prayer led by Councilman Hayek.

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETING ACT

Read by the Municipal Clerk, Stephanie Evans.

The Mayor and Council of the Borough of Prospect Park conducted their Regular Meeting on February 25, 2013 in the Council Chambers of the Municipal Building located at 106 Brown Avenue, Prospect Park, New Jersey at 6:30PM as noticed in the Annual Schedule of Meetings approved at the Re-Organization Meeting of the Mayor and Council on January 5, 2013.

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was included in a notice sent to The Hawthorne Press, The Herald News and The Record on January 7, 2013, posted on the bulletin board in the Municipal Building and has remained continuously posted as the required notices under the Statute. Copies of the above mentioned notice is available to the public and on file in the office of the Municipal Clerk.

Proper notice having been given, the Municipal Clerk is directed to include this statement in the minutes of this meeting.

PRESENTATION AND PROCLAMATIONS

Passaic County Sheriff Richard Berdnik was present to donate a 2005 vehicle. Sheriff Berdnik stated how everyone is trying to do more with less, and the vehicle has been serviced, new tires and cleaned for the Prospect Park Police Department. It is a great working relationship and hopes to continue in the future.

Chief Atie stated that Passaic County Sheriff's Department has always been there for Prospect Park and he wanted to thank Sheriff Berdnik personally for always being there for this community, providing services during emergencies, we have a great working relationship and hopes to continue this working relationship.

Mayor and each Council member thanked Sheriff Berdnik for all his help, services, and donation of the vehicle.

Presentation to 1st Place Winner for the 2012 Holiday Home Decorating Contest to Mr. Carlos Jiga in the amount of \$100.00.

Proclamation for "Read Across America" Day.

PUBLIC HEARING – PASSAIC COUNTY OPEN SPACE GRANT

(Privilege of the floor)

Motion to Open the Public Hearing

Motion by Councilman Hayek, seconded by Councilman Esquiche to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

No Public Comments prior to presentation.

Len Carney of Capital Alternatives Corporation, Demarest House, 618 River Road, New Milford, New Jersey 07646 conducted the presentation.

Mr. Carney started his presentation with the Hofstra Park improvements that were shown on the map explaining what Prospect Park would like to do for the children in Hofstra Park. The map is broken down into 5 areas, explaining the activities that we wish to do in those 5 areas. They are numbered 1-6, 1 is duplicated because its landscaping activity over by the restrooms and the children's play area, we are looking to do some benches and other amenities over by the children's spray park, which I believe this will be its first year to be fully active. Also looking to improve the quality of the playing fields, baseball fields 1 & 2, where currently there's no water to do seed and grow. I think the community spends more money than it should be spending trying to maintain those fields for play. We have come up with ideas to minimize the cost that we are asking for through the Passaic County Open Space Grant, and be able to have a positive impact on the area's most necessary to do the project that are for the benefit of the children of Prospect Park. If you look at the map we're addressing the 6 areas, the restrooms which are brand new, also the basketball court that is very actively used, it floods. It needs drainage; we intend to repair whatever flooding damage there is, so in the future it can be utilized safely. The children's play area will have improvements also, some amenities for safety purposes for the smaller children. Would like to install sprinkler system for baseball fields 1 & 2, along with a water line to be delivered from the restrooms to the ball fields. We will try to get a grant for most of these improvements. Whatever we do get it, will reduce the maintenance costs vastly, they won't have to be maintained to the same degree as today's costs. Any questions can be addressed to me or Farah Gilani, the Borough Engineer.

Mr. Hans De Bruyn, 82 Savoy Place – Last time the council applied for a grant only half it was approved by the county, and the other half was obtained by municipal bond. My concern is the interest, I just got my new tax bill, and I'm sure part of it is that new bond's interest. Are we going to do that again with this one?

Mr. Carney explained that Passaic County Open Space Program only pays 50% of the grant amount that is approved; there are other programs that pay 100%, but not the Passaic County Open Space. What we tried to do to list as many things that are eligible under other programs for Prospect Park, and Hofstra Park. There is safety and amenities issues that are for the benefit of anyone who utilizes the park, I'm here quite a bit during the summer, and it's an active park, it's well utilized.

Mr. De Bruyn, agrees that the park does need improvements, not just the areas you mentioned but the rest of the park. There are rusty old sheds up there that need to be removed, a green trailer near the playground, telephone poles that are completely rotted, are any thoughts about replacing them and making the park look descent? We're making this one particular little area look descent, but the rest of the park looks horrible.

Mr. Carney replied that his job is to obtain the money; I don't tell people what should or shouldn't do.

Mr. De Bruyn that there should be more points on the list of improvements. He felt that only half of the issues were being addressed.

Mr. Carney stated that he was addressing what was possible in the programs that were out there right now. That's the only thing I can do, there are limitations on dollars, so what we are trying to do and it can years and years. Before I arrived in the community, 1995, there was nothing in that park, until we starting picking away at it, doing things one by one, it took years, and I am here now 17 years, and I'm not satisfied.

Mr. De Bruyn stated that Tilcon was supposed to maintain the park, which was a bad deal. Some of the things I mentioned are costless, like the sheds. The poles can probably be donated by the utility companies. There are improvements that won't cost a fortune and have the whole place look better especially for an upcoming summer. I'm not happy, I live around the corner from the park, and I drive up there and see the DPW dumping ground. DPW is dumping their yard waste there; the pile is taller than this building. This should be part of the park improvements. Add a number 6 for these items.

Mayor Khairullah stated he would respond to Mr. De Bruyn's concerns once Mr. Carney was done, and if there were any other questions.

Mr. Carney asked if there were any further questions or any issues.

No were no further comments from the public

Mayor Khairullah stated that in terms of the sheds, I agree with you, it has probably been there since 2006, it wasn't left there by the municipal government, but I will tell you one thing, it will be gone tomorrow. I left it there for many considerations, but it will be gone

tomorrow. In terms of the telephone pole, the ones in a circle, I will have Kenny contact the utility companies requesting new ones. As Len said, he is the grant writer; he gets the money for us. When you talk about grants and bonds, we don't just apply for one grant,

we usually apply for more, sometimes that one grant that only covers 50%, sometimes we cover part or all of the other 50% by another grant, so just rest assured that we not just going to go for 50%. Any projects that we look at on average participation by taxpayers through bonds is a lot less than 50%. We try to find as many possible grants. If you look at the Spray Park right now I have been in meetings with Recreation, the Committee, and the Chairperson for the past two weeks, to think how to turn this not only a recreation aspect of the park but into a money generating part of the park. We can no longer afford to give things for free; we will have to do minimal fees. So we are looking for ways to generate revenue, while trying to the park into a nicer area. Just like you we want the park to be nicer, it costs money, and we need to do it very slowly. The cosmetic things you mentioned can be taken care quickly.

Mr. Carney wanted to make further point, starting maybe in March or April paving will start on Struck Ave. into the park, this year we hope to take up to the restrooms, and next year we hope to take it to the Spray Park, a brand new roadway. Again this will be over a 2 year period, but it will be done. This will help improve the look of the park. Once some of the amenities are added in the park, you will feel better about all the effort that has been going on of so many years, seeing improvement after improvement, with whatever programs that are out there that we can tap into that are the lowest cost totally to the borough and its residents. We have your full interest at heart. We will try to make this things come so that Prospect Park, with whatever you wish to do, within the park itself or even in other areas, will make you happy and proud to say "I come from Prospect Park, I also enjoy Hofstra Park".

Mr. De Bruyn asked if sidewalks were going to be installed?

Farah Gilani informed everyone that no sidewalks were not going to be installed because the grade is too high.

Mr. De Bruyn stated that someone really cut down the trees and scrubs on the right side of the hill, I don't know why the needs was there, unless you were going to put sidewalks in. I also want to bring up the fact that the sidewalk on the north side of Savoy Place runs dead. Which is again brings up an issue with ADA, I would suggest that if you are going to do anything at all, that you extend that sidewalk on the north side up Savoy Place meet the corner of your new roadway, have a proper disability ramp there. The corner could be fixed up with a retaining wall, a nice garden, and put our sign back up there.

Mr. Carney replied that there is a pending application for the last 2 – 2 ½ years with the Department of Transportation discretionary programs to redo your street. Dealing with tight funds, relying on one and other to get things done as quickly as possible with the money we do have. The application is still active, we haven't heard anything yet, but the State has its problems, so the amount of the funding has been retracted over the years. However the Governor has loosened up some of the discretionary money, so maybe this year we may be able to do Savoy Place.

Mr. De Bruyn was addressing just that one section that doesn't meet Federal law, it needs to be addressed. We have two people with motorized that go to the deli every day.

Mr. Carney your street and all the ADA issues will be addressed once the funding comes through, it has to be taken care of, both federally and state.

Mr. De Bruyn wanted to know if we are not going to have a sidewalk on the road up to the park why has the vegetation been destroyed?

Mayor Khairullah informed the public that it was not being done by the town, but if it is being done by an individual, than we need to know about it.

Mr. De Bruyn stated it looks as if someone is planning a sidewalk, which is why he brought it up.

Ms. Gilani stated there would be a lot of rock excavation to make it flat

Mayor Khairullah stated that he fought with them and was shocked to find out that by regulation a sidewalk couldn't be done. Even if it looks like stairs, the answer was still no, because it would not handicap accessible. We can do a new smooth road, but not a sidewalk since it wouldn't be ADA accessible. And they wouldn't let us do a slanted one either.

Ms. Gilani informed everyone there would be a lot of rock excavation to make it flat.

Mr. De Bruyn I was happy when I heard about the repaving, thinking inaudible.

Mayor Khairullah told Mr. De Bruyn he was glad he came and that he fought that battle already and lost due to regulations. We had it here and we talked about it and told we couldn't have it due to regulation. It didn't make sense to me.

Councilman Esquiche responded by stating that many years ago there was an idea floating around "Adopt a Park" program where local landscapers would come in and maintain pieces of the park. Almost like a competition, allowing them to put up a small plaque with their names. It won't cost the borough anything; it's free advertising for them.

Mayor Khairullah thanked everyone for their comments and stated that some of the things will be taken care of right away, while others will be one shortly.

Mayor Khairullah asked if there were any further questions regarding the Passaic County Open Space Grant?

Being no other public comments

Motion to Close the Public Hearing On Passaic County Open Space Grant

Motion by Councilman Zakaria, seconded by Councilman Esquiche to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTIONS;

CONSENT AGENDA

THE FOLLOWING RESOLUTIONS, NUMBERED 2013-036 THROUGH 2013-046 WILL BE ADOPTED BY A CONSENT AGENDA, WITH ONE VOTE BY THE BOROUGH COUNCIL AND WILL BE READ BY TITLE ONLY.

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| RESOLUTION NO. 2013-036 | Resolution Accepting Agreement To Renew Membership In The Suburban Essex Joint Insurance Fund |
| RESOLUTION NO. 2013-037 | Resolution Accepting 2013 Mayor's Council Committee Appointments |
| RESOLUTION NO. 2013-038 | Resolution Authoring The Cancellation Of Capital Ordinance Balances of Completed Projects |
| RESOLUTION NO. 2013-039 | Resolution Establishing Petty Cash For The Municipal Clerk's Office |
| RESOLUTION NO. 2013-040 | Resolution Appointing The Borough's Fund Commissioner And Alternate Fund Commissioner To The Suburban Essex Joint Insurance Fund |
| RESOLUTION NO. 2013-041 | Resolution Authorizing Submission Of Municipal Alliance Grant Application – 2013 |
| RESOLUTION NO. 2013-042 | Resolution Authorizing Municipal Alliance Committee Members For 2013 – Term 1 Year – January 1, 2013 – December 31, 2013 |
| RESOLUTION NO. 2013-043 | Resolution Approving Participation With The State Of New Jersey In A Safe And Secure Communities Program Administered By The Division Of Criminal Justice, Department Of Law And Public Safety |
| RESOLUTION NO. 2013-044 | Resolution Authorizing Refund For 2013 Tax Overpayment to Homeowner |
| RESOLUTION NO. 2013-045 | Resolution Authorizing Refund For 2013 Tax Overpayment to Homeowner |
| RESOLUTION NO. 2013-046 | Resolution Approving February's 2013 Bill List |

Motion To Approve Consent Agenda

Motion by Council President Artis, seconded by Councilwoman Ortiz to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL COMMITTEE REPORTS

Council President Artis (Public Safety) – Monthly Operation Report, Police Services \$395.00. Motor Vehicle Violations – Parking \$150.00, Moving Violations \$174.00, Radar – 1, Seat Belt - 20, Car Ordinances – 1, Arrest total – 34, Total cases investigated by the Sheriff's Department – 361, Cases completed – 275, Opened – 84. January's individuals arrested and \$618.00 in bail collected.

Councilman Esquiche (Public Service) – Building and Construction for the month of January – Construction permits 15, inspections 11, total revenues received \$2,898.00. Housing activities - inspections 6, complaints 14, registrations for COC's, CO's, and house sales \$300.00. House values are going up. The gas station on Haledon Ave., will resume its business shortly. I try to meet with Mr. Birch once or twice a week; Mr. Birch does try to work with our residents on solving the issues.

Councilman Hayek (Communications/Ordinances) – I tried to contact Andres Ospina, regarding an update on the website, he still has not responded. Regarding ordinances, it was agreed to wait on redrafting any ordinances.

Councilwoman Ortiz (Finance/Insurance) – No report at present.

Councilwoman Peralta (Parks & Recreation/Building & Grounds) – We had a meeting on Saturday with the community discussing the upcoming event, March 23 the Easter Egg Hunt, rain date will be in the gym, waiting for date. We would like donations of baskets and other items for the baskets brought to the Clerk's office. We have formed an Advisory Board; will provide names so they can be sworn in at the next meeting. If anyone has any type of suggestions, please let us hear from you; let us know what you what. Thank you.

Councilman Zakaria (Housing/Health & Welfare) – Last month we had a snow storm, I want to thank the DPW workers for their hard work in town. I also wanted to express appreciation to the Police Department for their efforts during this time.

Mayor's Report – As was mentioned, I have been meeting the Recreation Director and Committee Chairperson, to discuss the ordinance utilizing the Spray Park and it will be forwarded to the Ordinance Committee as soon as we are done. As mentioned also by Councilman Esquiche I have to intervene on behalf of the new owner of the gas station on Haledon Ave., with the County in order for us to expedite some paperwork so he can continue with his project. I also meet with some members from the community who

wish to bring their faith base organization to a tri-town church organization to help with recreation so our recreation director will sit on their board, and they will sit on our

committee we can work with each other and to also let you know we did receive our new podium from Passaic County Technical Institute. I don't know if anyone has seen it, if not maybe someone can take a picture and send it out. They built us a really nice podium. That's the extent of my report.

Engineer's Report – No report at present time.

PUBLIC HEARING

(Privilege of the floor)

Motion to Open the Public Hearing

Motion by Councilwoman Ortiz, seconded by Councilman Zakaria to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

Mr. Al Demarest, 386 North 9th Street – as you know they had an event at the school, because you were there, among a few other supporters. Also I spoke with the Ms. Angermeyer regarding Zumba, you will probably have Wednesday, and she will notify Recreation. Officer Singer continues to improve security measures for the school.

Motion to Close the Public Hearing

Motion by Councilman Esquiche, seconded by Councilwoman Peralta to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTIONS

NON-CONSENT AGENDA

RESOLUTION NO. 2013-047

Resolution Authorizing Borough Of Passaic Park To Submit An Application To Passaic County Community Development Grant For Various Projects – 2013

Motion to Approve:

Motion by Councilman Hayek, seconded Councilman Esquiche to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION NO. 2013-048

Resolution Authorizing Borough of Prospect Park To Submit An Application To Passaic County Department Of Economic Development

**For Aid Under The Passaic County Community
Development Block Grant Program**

Motion To Approve:

Motion by Councilman Hayek, seconded by Council President Artis to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION NO. 2013-049

**Resolution Authorizing Borough Of Prospect Park To
Submit An Application To Passaic County Open Space
And Farmland Preservation Trust Fund -2013**

Motion To Approve:

Motion by Councilwoman Ortiz, seconded by Councilman Esquiche to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION NO. 2013-050

**Resolution Authorizing Borough Of Prospect Park
To Submit An Application To Passaic County Open
Space And Farmland Preservation Trust Fund For
Outdoor Recreation -2013**

Motion To Approve:

Motion by Councilman Hayek, seconded by Councilwoman Peralta to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION NO. 2013-051

**Resolution Awarding Contract For The Hofstra Park
Ball Field Repair Project To Z-Tech Contracting LLC**

Motion To Approve:

Motion by Councilman Hayek, seconded by Councilwoman Ortiz to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria

NAYS: None

ABSTAIN; None

ABSENT: None

RESOLUTION NO. 2013-052

**Resolution Authorizing The Use Of The Competitive
Contracting Process To Seek Proposals For The Use Of
The Borough Of Prospect Parks Baseball Fields**

Motion To Approve:

Motion by Councilwoman Ortiz, seconded by Councilman Hayek to Approve:

Motion To Approve: v. Novartis Corporation, Et Al.
Motion by Councilwoman Ortiz, seconded by Councilwoman Peralta to Approve
ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria
NAYS: None
ABSTAIN: None
ABSENT: None

Mayor Khairullah asked if there were any further items, being no one had anything to add, the Mayor called for adjournment.

ADJOURN MEETING at 8:03PM

Motion To Adjourn.

Motion by Councilman Zakaria, seconded by Councilman Esquiche to Approve.

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz, Peralta, Zakaria
NAYS: None
ABSTAIN: None
ABSENT: None

Mohamed T. Khairullah
Mayor

Stephanie Evans, RMC
Municipal Clerk