

**BOROUGH OF PROSPECT PARK**  
**MAYOR AND COUNCIL**  
**MINUTES OF WORK SESSION**  
**SEPTEMBER 9, 2013**

**Present:**

Councilman	Richard Esquiche
Councilman	Samir Hayek
Councilwoman	Felicia Ortiz
Councilwoman	Cristina Peralta
Councilman	Adnan Zakaria

**Absent:**

Mayor	Mohamed T. Khairullah
Council President	Robert Artis

**Also Present:**

Municipal Attorney	Denis Murphy
Municipal Clerk	Stephanie Evans

The meeting was called to order by Councilwoman Peralta at 7:06 PM.

The Flag Salute was led by Councilman Esquiche previously at the Special Meeting. The Prayer was led by Councilman Hayek previously at the Special Meeting.

**STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETING ACT**

Read by Municipal Clerk, Stephanie Evans.

The Mayor and Council of the Borough of Prospect Park will be conducting their Work Session on September 9, 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, 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.

**Motion To Excuse The Absence of Mayor Khairullah, and Council President Artis, with prior notice.**

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

**ROLL CALL:**

<b>AYES:</b>	<b>Esquiche, Hayek, Ortiz, Peralta, Zakaria</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Artis</b>

**PUBLIC PRESENTATIONS:**

Dr. Sean Hajo of Living Wellness informed the Mayor and Council that they need to perform Community Service, and would like to donate message time for the Borough employees. Dr. Hajo also offers chiropractic services.

**RESOLUTION:**

**RESOLUTION NO. 2013-128                      RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POTENTIAL LITIGATION AND MATTERS OF ATTORNEY-CLIENT PRIVILEGE.**

**Motion To Approve:**

**Motion by Councilwoman Ortiz, seconded by Councilman Hayek to enter into Executive Session @ 7:12 PM.**

**ROLL CALL:**

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

**Exit Executive Session and return to Work Session @ 7:26 PM.**

**After returning to the Work Session Councilman Zakaria exited meeting @7:27 PM.**

**Motion To Approve:**

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

**ROLL CALL:**

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

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**DEPARTMENT HEAD REPORTS AND DISCUSSION:**

**ENGINEER’S REPORT** – Thanked the Police and DPW for their cooperation during the Brown Ave project, which is now completed. The next 2 projects will be North 7<sup>th</sup> Street from Haledon Ave to Prescott; with a DOT Grant of \$210,000. The next one is Hofstra Park various improvements with a grant from Community Development Block Grant of \$245,000, and from Open Space a grant of \$50,000. This will include from Struyk Ave up to the Spray Park, the steps and railing going into the children’s play area, landscaping around the park, water lines to Field 1 and 2 with a sprinkler system, and other items for the Spray Park. This project will start next year.

**POLICE DEPARTMENT REPORT** - Would like to have a new crossing sworn in at next meeting, Conditional hiring based on medical and background check.

**HEALTH DEPARTMENT REPORT** – No report submitted

**DEPARTMENT OF PUBLIC WORKS REPORT** – Kenny wanted to thank Councilman Zakaria, Sergeant Marcoux, and Officer Koppenal for their help this past Friday night, early Saturday morning when trees fell down.

**FIRE DEPARTMENT REPORT** – No report submitted.

OFFICE OF EMERGENCY MANAGEMENT REPORT – No report submitted.

CONSTRUCTION/HOUSING DEPARTMENT REPORT – No report submitted.

RECREATION REPORT – Will be having a 9-11 Memorial Service at 6:30 PM in front of the Municipal Building, inviting everyone. Prospect Park Day this Saturday, the 14<sup>th</sup>, with a parade starting at Manchester, along Brown Ave, left on North 11<sup>th</sup> Street, left on Struyk Ave. into the park. The festival will start at 1PM, with a DJ, inflatable rides for the children, talent contest, vendors, Sheriff Department demos, and much more. We look forward for town residents to participate.

TREASURER’S REPORT – Referred to the recap summary regarding what the Engineer discussed regarding the Hofstra Park project. Total grant was \$245,000 which I have to amend to include another \$50,000 from Open Space. Basically the items mentioned total cost would be \$399,500.leaving a balance the Borough will have to pay. The next item below is general capital items, just for review not written in stone, these were items requested by Department Heads. Each department submitted a list of equipment. DPW asked for lawnmowers and trailer, Recreation and Police asked for a couple of items. The second page is the total cost for improvements for North 7<sup>th</sup> Street. The Engineer’s cost estimate is \$322,000; there is a DOT grant for \$210,000, the Borough will be responsible for the balance. Some items are just estimates since I didn’t receive any numbers. DPW and the Police did supply numbers. The one item that needs consideration if you want me to have Bond Counsel prepare a capital ordinance to be introduced at the next Council meeting for North 7<sup>th</sup> Street and Hofstra Park Improvements.

**MUNICIPAL CLERK’S AGENDA:**

**PROCLAMATIONS AND PRESENTATION –**

Annual Gardening Competition 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Place Winners

**APPOINTMENTS – Police Department – Crossing Guard**

**COMMUNICATIONS AND CORRESPONDENCE –**

DPW estimate for roof work/repairs – A-List Construction \$9,875.00.

2013 Best Practices Inventory – Completed and returned by October 25, 2013.

Police Department - Conditional hiring of a crossing guard.

**APPROVAL OF MINUTES –**

July 8, 2013	Special Meeting
July 8, 2013	Work Session
July 24, 2013	Regular Meeting

**ORDINANCES –**

Ordinance 2013-05 Annual Salaries of Officers and Employees Adoption

Ordinance 2013-06 Amend Chapter 85, Section 84-45 Entitled

Restriction of Spaces – Handicapped Spaces Introduction

**RESOLUTIONS –**

Resolution for the Annual Gardening Competition:

1 <sup>st</sup> Place Winner	\$250.00
2 <sup>nd</sup> Place Winner	\$150.00
3 <sup>rd</sup> Place Winner	\$100.00

Resolution Authorizing Interlocal Services Agreement with the City of Paterson  
for Health Services – July 1, 2012 – June 30, 2013.

Resolutions Approving Handicapped Parking Spaces.

Resolution Authorizing Refund of Redemption Monies to Outside Lienholder.

Resolution Appointing Crossing Guard.

GENERAL DISCUSSION – No matters of discussion.

**COUNCIL AND COMMITTEE REPORTS:**

LEGAL UPDATES – DENIS MURPHY, MUNICIPAL ATTORNEY – Comments will be brief, Mr. Magura's description of the decision of the Commissioner of Education in the Manchester School District very accurately. Last week the Commissioner of Education made a determination relating to the funding formula. I am just going to take a step back all the way to the beginning, just so everyone is clear on where we started, where we were and where we are now. About 10 years ago North Haledon sought to withdraw from Manchester Regional School District and in doing so they followed Statute and regulations, basically it was a referendum, and they were successful. At that point in time Manchester, Haledon, as well as Prospect Park, and if memory serves me correctly, it was not only the towns, but also the Board of Education, appealed that decision. One of the bases for that appeal was that their withdraw would cause a racial imbalance within the school district. Aside from the detrimental financial impact on Haledon, and North Haledon. We were, Prospect Park, Haledon, as well as the school district, were successful in preventing the withdraw from the school system. It didn't end at the Commissioner's level; it went to the Appellate Division, not by Prospect Park or Haledon's decision, but by North Haledon's decision. It went to the Appellate Division up to the Supreme Court; the New Jersey Supreme Court decided they were not going to allow North Haledon to leave Manchester Regional School District. However what the Supreme Court did do was advice that the Commissioner review the current funding formula to insure that it was equitable. The interpretations of that decision from both sides of the litigation differ. It was our position as well as North Haledon that that didn't mean it was a mandate from the Supreme Court that the current funding formula is pursuant to Statute as Mr. Magura stated was to be based 100% equalized value of the properties. But what ended up happening was it was remanded back to the Commissioner of Education, the Commissioner of Education took some side turns as well and ended up revising the formula to a 67% assessed value and a 33% percent per pupil value. It fluctuates based upon Manchester's budget as well as the number of students we have coming from Prospect Park, North Haledon, and Haledon. That decision was appealed and it didn't end there, it was then Commissioner Davey who then remanded the case to an Administrative Law Judge who held hearings. We presented an expert and North Haledon presented their expert and the Administrative Law Judge recommended a 67/33 percent formula be switched, to 67% per pupil and 33% equalized value. The Administrative Law Judge also made comments, but they can only make recommendation not make decisions, only the Commissioner can make decisions. The Administrative Law Judge did recommend that the formula be 80% per pupil, and 20% assessed value. The reason I bring this up, is to let you know that decision was appealed by all parties. It will go before the Commissioner of Education, who will review the recommendation and the record, and make a determination. The Commission of Education just last week revised it from 33/67 to 50/50. From a financial impact, at present time we don't a precise number of pupils, assessed value, or budget. But the

estimated cost is \$400,000 for the Borough of Prospect Park. The Commissioner did state that there may be in a phase in of two years. This affects Haledon to the amount of about \$125,000. I just wanted to point out that if the decision “stayed” at 67/33, the recommendations of the ALJ the difference would be \$850,000, it moved to 80/20 the amount would be \$900,000. My understanding, and I can’t speak for North Haledon, they were seeking 80/20, although they believe it should be 100% per pupil. If it was 100% per pupil the amount would be \$1.3 \$1.4 million to the Borough of Prospect Park. You do not have a full Council, it’s only a work session, and we didn’t provide special notice, so I am seeking authorization tonight, however, it is something I anticipate discussing further at the Regular Meeting, in 2 weeks, September 23.

COUNCIL PRESIDENT ARTIS – Not present

COUNCILMAN ESQUICHE – Will present report at next meeting.

COUNCILMAN HAYEK – Nothing at this time.

COUNCILWOMAN ORTIZ – At the next meeting.

COUNCILWOMAN PERALTA – Reported under Recreation Department.

COUNCILMAN ZAKARIA – Not present.

### **PUBLIC HEARING**

#### **(Privilege of the floor)**

**Motion to Open the Public Hearing.**

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

**ROLL CALL:**

**AYES: Esquiche, Hayek, Ortiz, Peralta**

**NAYS: None**

**ABSTAIN: None**

**ABSENT: Artis, Zakaria**

Betty Van Eeuwen, 336 North 7<sup>th</sup> Street – If Manchester goes through with a million dollar business, then we will have a lot of foreclosures. Issue with recycling not being picked up two Saturdays ago.

Councilwoman Ortiz informed her that there was an issue with their truck, they came the next day.

Tom Magura, 263 North 8<sup>th</sup> Street – Thanked Mayor and Council for the open discussions during the meetings.

**Motion to Close the Public Hearing.**

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

**ROLL CALL:**

**AYES: Esquiche, Hayek, Ortiz, Peralta**

**NAYS: None**

**ABSTAIN: None**

**ABSENT: Artis, Zakaria**

**ADJOURN MEETING @ 7:55 pm**

**Motion To Adjourn.**

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

**ROLL CALL:**

**AYES: Esquiche, Hayek, Ortiz, Peralta**

**NAYS: None**

**ABSTAIN: None**

**ABSENT: Artis, Zakaria**

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Mohamed T. Khairullah  
Mayor

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Stephanie Evans, RMC  
Municipal Clerk