

BOROUGH OF PROSPECT PARK
MAYOR AND COINCIL
MINUTES OF REGULAR MEETING
OCTOBER 28, 2013

Present:

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

Absent:

Councilwoman	Cristina Peralta
Councilman	Adnan Zakaria

Also Present:

Municipal Attorney	Denis Murphy
Municipal Clerk	Stephanie Evans

The meeting was called to order by Mayor Mohamed T. Khairullah at 6:38 pm.

The Flag Salute was led by Council President Artis, and the Prayer was 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 will be conducting their Regular Meeting on October 28, 2013 in the Council Chambers of the Municipal Building located at 106 Brown Avenue, Prospect Park, New Jersey at 6:30PM as originally noticed in the Annual Schedule of Meetings approved at the Re-Organization Meeting of the Mayor and Council on January 5, 2013.

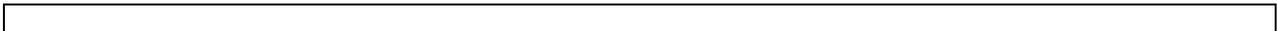
This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was included in a notice sent to The Hawthorne Press, Herald News, and The Record on January 7, 2013, posted on the bulletin board in the Municipal Building and has remained continuously posted 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 Councilwoman Peralta, Councilman Zakaria
Motion by Councilman Hayek, seconded by Councilman Esquiche to Approve.**

ROLL CALL:

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



PUBLIC PRESENTATION:

Mr. George Stafford, Outreach Director, New Jersey Highlands Coalition. He has been going around asking for communities to support a resolution to support the “2004 Highlands Water Protection and Planning Act”. This act is under a great deal of pressure from forces within the New Jersey Highlands, this involves 5 million people who receive their drinking water, and 288 towns. It’s the job of the Council to balance the act of the people of the Highlands and the people who receive water. This area includes the Passaic water system, the Passaic River. The Coalition wants to make sure that there is an adequate supply, and that we don’t add the flooding problems that already exist. The act emphasizes the redevelopment in the Highlands, the brown fields and gray fields, if you pave over, roof over, the areas gets 45 inches of rain yearly that is 4 million gallons of run off for every acre, that is what is unusable and doesn’t enter back into the system. During Sandy Governor Christie wanted water from the Wanaque Reservoir dumped so we didn’t get water back. We didn’t get a lot of rain with Sandy. We don’t get a lot of surplus in the Highlands; we use everything we get, so we have to maintain flow. I have a hand out for everyone; this is not a time sensitive issue. Thirty towns have agreed to support the resolution, and we about twenty five/ thirty that are pending.

AWARD PRESENTATION AND RESOLUTION

RESOLUTION NO. 2013-151 RESOLUTION AUTHORIZING PAYMENT TO THE WINNERS OF THE 2013 PROSPECT PARK DAY TALENT SHOW: 1ST, 2ND, 3RD PLACE WINNERS
Motion To Approve:
Motion by Councilman Hayek, seconded by Councilwoman Ortiz to Approve.

ROLL CALL:

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

Awards for 2013 Prospect Park Day Talent Show Contest – No winners were present.

APPOINTMENTS AND OATH OF OFFICES ADMINSTERED

Mayor Khairullah requests the advice and consent of the Borough Council for the following Appointment: CLASS II SPECIAL POLICE OFFICER

RESOLUTION NO. 2013-152 RESOLUTION APPOINTING CRAIG BONAGURA AS A CLASS II POLICE OFFICER FOR THE BOROUGH OF PROSPECT PARK
Motion To Approve:
Motion by Councilman Hayek, seconded by Council President Artis to Approve.

ROLL CALL:

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

The Oath of Office will be administered by Mayor Mohamed T. Khairullah.

Mayor Khairullah requests the advice and consent of the Borough Council for the Following Appointment:

RESOLUTON NO. 2013-153

**RESOLUTION APPOINTING ASHGAN ELHAMMRULY
AS A SUBSTITUTE CROSSING GUARD FOR THE
BOROUGH OF PROSPECT PARK**

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

The Oath of Office will be administered by Mayor Mohamed T. Khairullah.

APPROVAL OF MINUTES

September 9, 2013 Special Session
September 9, 2013 Work Meeting
September 23, 2013 Regular Meeting

Motion To Approve:

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

ROLL CALL

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

ORDINANCE – ADOPTION OF ORDINANCES

**MOTION FOR SECOND AND FINAL READING OF ORDINANCE 2013-06
(AMEND HANDICAPPED SPACES)**

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

The Clerk will read Ordinance 2013-06 by Title:

**BOROUGH OF PROSPECT PARK
ORDINANCE 2013-06
AN ORDINANCE AMENDING CHAPTER 85, SECTION 84-45 ENTITLED
“RESTRICTION OF SPACES”**

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE 2013-06

Motion To Approve:

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

ROLL CALL:

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

No public comments for Ordinance 2013-06.

MOTION TO CLOSE PUBLIC HEARING ON ORDINANCE 2013-06

Motion To Approve:

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

ROLL CALL:

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

MOTION TO ADOPT ORDINANCE 2013-06

Motion To Approve:

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

ROLL CALL:

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

**MOTION FOR SECOND AND FINAL READING OF ORDINANCE 2013-07
(VARIOUS IMPROVEMENTS TO HOFSTRA PARK – APPROPRIATION \$400,000)**

Motion To Approve:

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

ROLLCALL:

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

The Clerk will read Ordinance 2013-07 by Title:

**BOROUGH OF PROSPECT PARK
ORDINANCE 2013-07
BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$400,000 FOR VARIOUS IMPROVEMENTS TO HOFSTRA PARK, FOR AND BY
THE BOROUGH OF PROSPECT PARK, IN THE COUNTY OF PASSAIC, NEW
JERSEY AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE 2013-07

Motion To Approve:

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

ROLL CALL:

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

Karl Hoffmann, 125 North 17th Street – He felt that the public only knows about the ordinances after they are passed by the council. He wanted to know if the council understood the specifics of the ordinances. Mayor Khairullah replied by saying yes the council does discuss these ordinances at the work sessions prior to the regular meeting. The way we come about these projects is I ask the council for ideas of what they wanted to happen in town. So yes the council is very involved from the get-go in this process. This is not the first they see it. Denis Murphy went on to further explain that what was passed was a bond ordinance; the first was an ordinance to add and delete parking spaces. These ordinances were passed on the first reading, this is not the first time nor was the work shop the first time the council had the ordinances. The ordinances were published as required by law. The public hearing regarding this ordinance 2013-07, it was passed on first reading, published, there was a motion to open public hearing, it has not been finally adopted. If you go through the agenda, after they close the public hearing, then there is a motion to adopt. That was done on the prior ordinance as well. The Mayor also added that this is the second month this was discussed, it published, discussed at last month's work shop, last month's meeting, this month's work shop, this month's meeting. This is not the first time the council or the public has seen it.

John Vander Molen, 220 Fairview Ave. – Wanted to know what the improvements entailed for this ordinance. Farah Gilani, Borough Engineer, explained that the improvements in Hofstra Park would include resurfacing the roadway, the step into the children's play area, landscaping, and other amenities. Stephen Sanzari concluded by saying that the Borough's portion is \$100,000, and the bond is for 20 years.

MOTION TO CLOSE PUBLIC HEARING ON ORDINANCE 2013-07

Motion To Approve:

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

ROLL CALL:

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

MOTION TO ADOPT ORDINANCE 2013-07.

Motion To Approve:

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

ROLL CALL:

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



**MOTION FOR SECOND AND FINAL READING OF ORDINANCE 2013-08
(NORTH 7TH STREET IMPROVEMENTS –APPRPRIATION \$322,000)**

Motion To Approve:

Motion by Councilman Hayek, seconded by Councilwoman Ortiz to Approve

ROLLCALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

The Clerk will read Ordinance 2013-08 by Title:

**BOROUGH OF PROSPECT PARK
ORDINANCE 2013-08
BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$322,000 FOR VARIOUS IMPROVEMENTS TO NORTH
7TH STREET FOR AND BY THE BOROUGH OF PROSPECT PARK,
IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHORIZING
THE ISSUANCE OF \$106,000 BONDS OR NOTES OF THE BOROUGH
FOR FINANCING PART OF THE APPROPRIATION**

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE 2013-08

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

No public comments for Ordinance 2013-07.

MOTION TO CLOSE PUBLIC HEARING ON ORDINANCE 2013-08

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

MOTION TO ADOPT ORDINANCE 2013-08

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria



**MOTION FOR SECOND AND FINAL READING OF ORDINANCE 2013-09
(VARIOUS CAPITAL IMPROVEMENTS – APPROPRIATION AMOUNT \$134,000)**

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

The Clerk will read Ordinance 2013-09 by Title:

**BOROUGH OF PROSPECT PARK
ORDINANCE 2013-09
BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$134,000 FOR VARIOUS CAPITAL IMPROVEMENTS
FOR AND BY THE BOROUGH OF PROSPECT PARK,
IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHORIZING
THE ISSUANCE OF \$127,000 BONDS OR NOTES OF THE BOROUGH
FOR FINANCING PART OF THE APPROPRIATION**

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE 2013-09

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

No public comments for Ordinance 2013-09

MOTION TO CLOSE PUBLIC HEARING ON ORDINANCE 2013-09

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

MOTION TO ADOPT ORDINANCE 2013-09

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

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ORDINANCE – INTRODUCTION OF ORDINANCE

**MOTION TO READ THE INTRODUCTION OF ORDINANCE 2013-10
(AMEND HANDICAPPED SPACES)**

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

The Clerk will read Ordinance 2013-10 by Title:

**BOROUGH OF PROSPECT PARK
ORDINANCE 2013-10
AN ORDINANCE AMENDING CHAPTER 85, SECTION 84-45 ENTITLED
“RESTRICTION OF SPACES”**

**MOTION TO ADOPT ON FIRST READING AND AUTHORIZE CLERK TO
ADVERTISE FOR A PUBLIC HEARING TO BE HELD ON NOVEMBER 25, 2013.**

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

RESOLUTIONS

CONSENT AGENDA

**RESOLUTIONS NUMBERS 2013-154 – 2013-157 THROUGH 2013-159-2013-166
WILL BE ADOPTED BY A CONSENT AGENDA, WITH ONE VOTE BY THE
BOROUGH COUNCIL AND WILL BE READ BY TITLE ONLY.**

**RESOLUTION NO. 2013-154 RESOLUTION IN SUPPORT OF BALLOT
QUESTION #2 AMENDING NEW JERSEY’S
STATE CONSTITUTION TO INCREASE THE
MINIMUM WAGE**

**RESOLUTION NO. 2013-155 RESOLUTION APPROVING THE BOROUGH
OF PROSPECT PARK VOLUNTEER FIRE
DEPARTMENT TO HOLD A FUND DRIVE IN
THE BOROUGH OF PROSPECT PARK**

**RESOLUTION NO. 2013-156 RESOLUTION AUTHORIZING MUNICIPAL
TO ADVERTISE FOR QUALIFICATIONS
FOR PROFESSIONAL SERVICES UNDER THE
FAIR AND OPEN PROCESS**

**RESOLUTION NO. 2013-157 RESOLUTION AUTHORIZING THE AUCTION
AND SALE OF A VEHICLE (2006 CHEVEROLET
IMPALA) WHICH WAS OBTAINED BY WAY OF**

**FORFEITURE PURSUANT TO N.J.S.A 2C:66-3(C)
TO THE HIGHEST BIDDER AT PUBLIC AUCTION**

**RESOLUTION NO. 2013-158 WAS REMOVED FROM CONSENT AGENDA
MOTION TO APPROVE.**

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

**RESOLUTION NO. 2013-158 RESOLUTION OPPOSING THE CLOSING OF
THE NORTH JERSEY DEVELOPMENT CENTER
AND THE WOODBRIDGE DEVELOPMENT CENTER**

**RESOLUTION NO. 2013-159 RESOLUTION AUTHORIZING TREASURER TO
PAY BILLS FOR THE MONTH OF OCTOBER
\$1,504,471.84**

**RESOLUTION NO. 2013-160 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 157 BROWN AVE.**

**RESOLUTION NO. 2013-161 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 59 HOPPER ST.**

**RESOLUTION NO. 2013-162 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 292 NO. 8TH ST.**

**RESOLUTION NO. 2013-163 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 337 NO. 10TH ST.**

**RESOLUTION NO. 2013-164 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 402 NO. 10TH ST.**

**RESOLUTION NO. 2013-165 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 380 NO. 11TH ST.**

**RESOLUTION NO. 2013-166 RESOLUTION APPROVING REQUEST FOR
HANDICAPPED PARKING: 68 STRUYK AVE.**

Motion To Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

NON-CONSENT AGENDA

**RESOLUTION NO. 2013-158 RESOLUTION OPPOSING THE CLOSING OF
THE NORTH JERSEY DEVELOPMENT CENTER
AND THE WOODBRIDGE DEVELOPMENT CENTER**

Motion To Approve.

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

ROLL CALL:

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

COUNCIL AND COMMITTEE REPORTS

LEGAL UPDATE – DENIS MURPHY, MUNICIPAL ATTORNEY – No report.

COUNCIL PRESIDENT ARTIS (Public Safety) – No report.

COUNCILMAN ESQUICHE (Housing/Health & Welfare) – September’s construction report permits 10, inspections 18, total fees \$1,175.00. October’s construction report permits 9, inspection 10, total fees \$945.00. Housing report for September CO/COCS 7, inspections 18, total fees \$875.00, October’s report CO/COCS 5, inspections 24, total fees \$450.00

COUNCILMAN HAYEK (Communications/Ordinances) – No report.

COUNCILWOMAN ORTIZ (Finance/Insurance) – Finance report for September current fund collection 2013 current taxes \$66,427.19, delinquent taxes \$1,644.11, prepaid taxes \$22.12, interest and costs on taxes \$8,332.23, fees & permits \$7,391.61, tax title liens \$30,752.94, energy receipts taxes \$82,254.90, CMPTRA \$19, 455.40, construction code fees \$1,938.00, cell tower rents \$5,574.88, budget credits \$1,683.32, interfunds receivable \$10,000. Total Collection \$234,476.70 Disbursements 2012 budget reserves \$8,073.13, 2013 budget appropriations \$416,596.36, tax title liens \$37,137.22, regional high school taxes \$424,435.48, local school taxes \$286,424.50, total disbursements \$1,172,666.69. Cash on hand 9/30/13 \$1,834,407.36

COUNCILWOMAN PERALTA (Parks & Recreation/Building & Grounds) – Was presented by Councilwoman Ortiz, Councilwoman Peralta wanted to thank everyone one for their help during the October 26th event.

CONCILMAN ZAKARIA (Public Service) – Was presented by Councilman Esquiche, the DPW’s report for the month of October stated trees in the area of Hofstra Park children’s play location need to be trimmed, quotes need to be obtained, getting trucks ready for leaf season, and 1 truck ready for winter, get small trucks ready for salting. And worked with County to remove three trees.

MAYOR MOHAMED T. KHAIRULLAH – Wanted to thank Diana and the recreation committee for the outstanding job on the Haunted Hayride. Over 400 people went on the ride. Reminder everyone to go out and vote on November 5th. Regarding the quarry land we have some movement with the developer asking for the area to be designated for improvement, it went to the Land Use Board and they agreed to start an investigation. Hopefully this project when we work on it and do it right it should be of tremendous help to the taxpayers. Regarding the Manchester situation we filed an appealed regarding the latest decision along with Haledon. We will need to start an unfortunate battle, but we keep you up to date as to what happens.

ENGINEER’S REPORT – No report.

TREASURER’S UPDATE – No report.

PUBLIC HEARING

(Privilege of the floor)

Motion to Open the Public Hearing

Motion To Approve:

Motion by Council President Artis, seconded by Council Esquiche to Approve.

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYES: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

Al Demarest, 368 North 9th Street – The fire dept. had demonstrations at the school, and the children loved it. Officer Singer also had a presentation on bullying that held their interest.

John Vander Molen, 220 Fairview Ave. – Wanted to know the status of the investigation of the fire dept.

Denis Murphy answered the question stating that he believed a final report has not been issued yet but he believes it is forthcoming and will be at the next council meeting. A final draft is being prepared.

Karl Hoffmann, 125 North 17th Street – Wanted to commend the Mayor and Council for going against Manchester. The town has been taxed to the hilt because of Trenton and the way the school board does things.

Motion to Close the Public Hearing

Motion to Approve:

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

ADJOURN MEETING

Motion To Adjourn

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

ROLL CALL:

AYES: Artis, Esquiche, Hayek, Ortiz

NAYS: None

ABSTAIN: None

ABSENT: Peralta, Zakaria

Mohamed T. Khairullah
Mayor

Stephanie Evans, RMC
Municipal Clerk