

**REGULAR MONTHLY MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
July 15, 2013**

(PAH) Call Meeting to Order

Time: 7:04pm

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been mailed to the BERGEN RECORD, SUBURBANITE and THE NORTHERN VALLEY PRESS. A copy has been filed with the Borough Clerk, and copies have been mailed to individuals requesting the same.

(ALB) Roll Call:

	PRESENT	ABSENT
Council		
DUNLEA (JD)	X	
EVANELLA (GE)	X	
PEDERSEN (JP)	X	
RYAN (MR)	X	
NAPOLITANO(AN)	X	
CHUNG (JC)	x	

**Also present: Ann H. Bistriz, Borough Clerk (ALB)
Mr. John R. Dineen, Borough Attorney (JRD)
Mr. Gregory Polyniak, Neglia Engineering-Borough Engineer (GP)**

(ALB) Flag Salute

MEETING PROCEDURE:

- 1. Call Meeting to Order (Mayor)**
- 2. Mayor's Announcement (Mayor)**
- 3. Roll Call (Borough Clerk)**
- 4. Flag Salute (Borough Clerk)**
- 5. Minute Approval(s) (Mayor & Borough Clerk)**
- 6. Correspondence (Borough Clerk)**
- 7. Reports of Committees (Council Members)**
- 8. Old Business**
- 9. New Business**
- 10. Mayor's Report-Remarks, Announcements, Proclamations**
- 11. Public Discussion-Open-Motion**
- 12. Public Discussion-Close-Motion**
- 13. Ordinance (s)**
- 14. Ordinance (s) Second Reading**

15. Closed Session-Motion-Second

16. Adjournment

(PAH) Suspend Regular Order of Business

Motion GE

Second JD

Vote AIF

(PAH) Open to Public

Motion JD

Second GE

Vote AIF

Anne Baretz, Riker Avenue

Ms. Baretz presented extensive information to the Mayor and Council for consideration of possible action or involvement in the NVRHS District Random Drug Testing Program that is under development by the Board of Education. Resolutions from other towns were included. Whether the Council is for or against this issue, the question is that the process of approval has the appearance of being rushed and perhaps public opinion has not been fully considered. This is a policy that has been discussed in the past and rejected and now has reemerged and being pushed strongly by the Board of Education to approve as soon as possible. Public members have concerns about the information being presented, and the comparisons used are not appropriate.

Determinations need to be made on who will participate and how the criteria is used to make these decisions. All submissions need to be reviewed and possibly included in any presentation. The statistics used for evidence in many instances do not seem to be appropriate or accurate.

The Ipad Program that had years of study and an extreme amount of documentation has been pulled due to cost issues, but this program is now being pushed through in a hurry and the financial impact has not been addressed.

At this point, the public is requesting the Mayors and Councils to help slow the process down and make sure that all concerns are addressed on behalf of the students and parents. Perhaps an ad-hoc committee can be formed to work with the Board of Education and the public to help make an informed decision.

William Baretz, Riker Avenue

Mr. Baretz was shocked at the lack of transparency of the Board of Education. Their position seems to be directly opposite to the public that has come out to Board of Education meetings. This is all leading to an outcome that will definitely not be beneficial to our students.

PAH thanked Mr. and Mrs. Baretz for their presentation and appreciated their time and effort. PAH asked to be forwarded any information Ms. Baretz may have so Council can make an informed decision.

JP was concerned with rushed process by the Board of Education. Perhaps they should wait until the school year begins in September to ensure that the public has been properly informed.

MR thanked the Baretz's for their research and understands the need to slow the process and review all information appropriately.

Brian McElroy, Herring Street

Mr. McElroy thanked the Baretz's for their presentation. He was not fully aware of what had been taking place at the Board of Education regarding Random Drug Testing.

Mr. McElroy questioned the need for a Borough Administrator. PAH explained that it would be a part-time position and would help streamline and improve the daily activities of the Borough. Mr. McElroy asked if we could share an Administrator with another town. PAH explained that at this point, the Ordinance was written to create the position. If it is approved, then Council would have the option to place someone in that position or not.

Close to Public

Motion GE

Second JD

Vote AIF

Presentation from Mr. Gregory Polyniak, Neglia Engineering-Open Space Projects

Mr. Polyniak reviewed the July Engineering Report which included updates of the NJDOT paving and preliminary applications to the State for Open Space projects for the OBG for a retaining wall and stabilization.

Open Space projects to be considered by Council can include lighting for Highland Field. There is a possibility of \$27,000 matching grant. The Borough would be responsible to funding the balance of approximately \$100,000. Repairs or corrections to the fields are not projects to be considered for Open Space funds.

The Old Burying Ground (OBG) would also be a matching grant, but part of the process would be historical designation by the State which takes about a month, enhancing the County application.

Ramp paving on Harriot Avenue should begin this week followed by road paving by the County in the late summer. Paving will be starting at Parkside, moving towards the

tracks. MR thanked Mr. Polyniak for pushing our need for paving higher on the County list.

GE and Ms. Siobhan Bailey (Recreation Commission) inquired into the ability to file for multiple grants for Open Space. GP explained that the projects discussed are for two different categories. The OBG is passive recreation space that is open to the public. To receive funding for the retaining wall, the State needs to be involved with historic designation prior to submitting to the County for funding consideration. The amount estimated is about \$125,000. Handicapped accessibility is not required to be part of this project. Deadline to file is August 29, 2013.

Any projects awarded grants would not have to be completed until the Fall of 2015.

(PAH) Return to the Regular Order of Business

**Motion GE
Second JP
Vote AIF**

(PAH) Minute Approval

June 10, 2013

**Motion GE
Second JP**

MR requested correction in minutes from HAS to HSA (Home and School Association)

Vote AIF

June 18, 2013

**Motion MR
Second GE
Vote AIF, JD abstain**

(PAH) Consent Correspondence

SEE ADDENDUM "AA"

Consent Correspondence be accepted and become a part of this meeting without Discussion

**Motion JP
Second JC
Vote AIF**

(PAH) Consent Agenda-Resolutions

All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent

Agenda and will be considered separately under New or Old Business on the Agenda.

Addendums

(JD) Payment of Claims (A)

Motion JD

Second GE

Vote AIF, MR-No

Issuance of Certificate of Tax Redemption (B)

Tax Redemption (C)

(JP) Bergen Bike Tour (D)

(MR) Homes for Veterans (E)

(JC) Dog Waste Receptacle (F)

B-F Motion JP

Second JD

Vote AIF

Individual Committee Reports

(JD) Finance, Administration & Exec., Grants, Newsletter

A projection of year's expenditures will be available in August

(GE) DPW, Recycling, Building & Grounds

DPW has worked on Semmens Road placing a fence along the parking area designated for the post office employees. DPW has made a concerted effort to clean the fields from debris and branches.

PAH added they are doing an outstanding job.

(JP) Police, Municipal Court, Public Assistance

505 calls, 248 traffic details, 101 motor vehicle summonses/YTD 704

7 summonses have been issued through the use of the new automatic license plate detector.

(MR) Recreation Commission, Environmental Commission

Personnel & Performance Evaluations

Environmental Commission would like to possibly clean the trails in the Green Acres area by the Swim Club.

Environmental Commission would also like to work on strengthening the wording in the Tree Ordinance by working with Mr. Hakim, Borough Planner.

(AN) Planning Bd., Bd. of Adjustment, Construction, Fire

Building Department issued \$25,000 in permits for the month with YTD \$85,698. An increase over last year by 36.2%.

New Fire Truck is due to arrive on July 17, 2013 at 7:30pm

Congratulations to Robert Seco for passing the EMT Training Course at the top of his class.

**(JC) Board of Health, Sanitation
Liaison to Board of Education**

Board of Health Skin Cancer Screening was very successful. 65 people participated. Preethi Ramaswamy, M.D from Dr. Trokhan's office in Closter, New Jersey and Board Secretary Annie Mongelia were thanked for their hard work.

The Board of Education has approved of the Bid Specifications for the Borough. Borough Bid Advertisement will run in the Record on July 18, 2013.

(PAH) Mayor Hoelscher

Additional Municipality -Shared Service for Senior Van (G)

Mayor Heymann of Closter has shown interest in joining the shared services of the Harrington Park/ Haworth Senior Van. Services have declined and this may be a positive way to increase services to seniors and offset our costs.

MOTION

Motion was made by MR to approve the opening of discussions between Mayor Hoelscher and Mayor Heymann to extend the services of the Senior Van to the residents of Closter.

Second JP

Vote AIF

Planning Board Member Appointment-unexpired term

Ms. Lynnae Psaras has resigned from her membership to the Planning Board of almost 15 years. She will be moving and will not be able to finish her term.

Mayor Hoelscher would like to appoint Mr. Steven Lott who was a National Vice President of New York Life, and has his undergraduate degree in Accounting and his Graduate Degree in Business Administration and is a Certified Internal Auditor. His insight will be very beneficial to the Planning Board.

Motion for approval of appointment JP

Second GE

Vote AIF

Old Business

MR thanked Ms. Curran for the new format of the bill list. It is very easy to see what bills are being paid.

JC The language on the signage for the Lightening Detection System will be reviewed prior to having them printed and installed. Liability is an issue that needs to be determined.

New Business

None

(PAH) Mayor's Report

June 25, 2013 attended an Incident Command System seminar in Mahwah-A future meeting with the OEM is planned.

Two more championship sports teams in Harrington Park to be recognized after the summer:

The Major's Northern Valley Baseball team defeated Norwood

The Angel's Minor League defeated Old Tappan

July 16, 2013 a Northern Valley Mayor's meeting is planned to discuss Random Drug Testing in the High Schools.

PAH spoke with a representative from the Ombudsman Institute. This organization is available to help senior citizens with various projects or needs.

July 16, 2013 meeting is scheduled with JRD and Mr. Hakim, Borough Planner to discuss COAH recommendations.

ORDINANCES AND RESOLUTIONS

Second Reading - Ordinance #681-Creation of Borough Administrator

Addendum (H)

Meeting Open to Public Discussion

Motion JP

Second GE

Vote AIF

Meeting Closed to Public

Motion GE

Second JP

Vote AIF

Council Discussion

MR has several concerns over wording that may affect the governing powers of elected officials. Previous changes include adding such wording as "in conjunction with Mayor and Council" in sections 3E and under MATTERS DIRECTED TO BOROUGH

ADMINISTRATOR’S ATTENTION. Additional changes request is to add “prepare” to create agenda’s (Section 3B and 3E) and correct statute designation in section for Removal to 137. Additional wording would state at the pleasure of the governing body with 3 months’ notice.

Additional discussion followed under MATTERS DIRECTED, etal in which MR requested to change the section that pertains to policy and action to not include the administrator. JD interjected that this would diminish the intention of this position. JRD noted that the wording in the ordinance clearly states that the all policy decisions are set by the governing body without diminishing any authority of an elected official.

JRD determined that the wording changes made were de minimis and Council may move on Second reading to approve or not.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote						
DUNLEA (JD)			x			
EVANELLA (GE)		x	x			
PEDERSEN (JP)	x		x			
RYAN (MR)				x		
NAPOLITANO(AN)			x			
CHUNG (JC)			x			

Closed Session Time: 8:35pm

Motion GE

Second JD

Vote AIF

RESOLUTION
CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

1. Personnel (Building Department)
2. Potential Litigation (Building Department Fees)
(Police-Legal)
3. Contracts (Finance Office)

BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

Return to Open Session Time: 9:17pm

Motion GE

Second JP

Vote AIF

MOTION

Councilman Dunlea made motion to authorize the transfer of funds by Judith Curran, CFO from Open Space to cover the cost of the new fire truck in the amount of \$235,232.00 until Council authorizes the purchase of Bond Anticipation Notes to cover additional capital items

Second JP

Vote AIF

MOTION

Councilwoman Ryan made the motion to authorize Mr. John R. Dineen, Borough Attorney to review any allowable records pertaining to Cantone V. Harrington Park. On completion he shall make a determination and recommendation to the Mayor and Council.

Second GE

Vote AIF

Adjournment-Time: 9:20pm

Motion: GE

Second: JP

Vote:

ADDENDUM A

PAYMENT OF CLAIMS

PAYMENT OF CLAIMS CERTIFICATION

I hereby certify that funds are available for the following disbursements

2012 Appropriation Reserve	\$
2013 Current Fund	\$1,584,234.20
Payroll June 28 and July 12	\$ 199,427.23
Trust Fund	\$ 5,881.86
Dog Revenue Fund	\$ 7.80
Capital Fund	\$ 238,950.00

JUDITH CURRAN, CFO

Interest on Certificate:	426.79		
4% Redemption Penalty	283.22	1099:	
Subsequent Taxes	34,304.94	Sub. Interest:	\$ 13,072.99
Subsequent Interest	13,072.29	4%Penalty	283.22
Recording Fee	43.00	Interest on Certificate	426.79
Search Fee	12.00		
Total:	\$ 55,222.69	Total 1099:	\$ 13,783.00

July 15, 2013

ADDENDUM D
RESOLUTION

WHEREAS, the sponsors of the 18th Annual Bergen Bike Tour have applied for permission to use roadways within Harrington Park on Sunday, September 29, 2013 beginning at 7:30am from Darlington Park and ending approximately 1:00pm; and

WHEREAS, the proceeds raised by the event will be donated to the Tomorrows Children's Fund and the Volunteer Center of Bergen County; and

WHEREAS, the Bergen Bike Tour will use Harriot Avenue from the River Vale line to Schraalenburgh Road into Harrington Park.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that there is no objection to the Bergen Bike Tour using these roads on Sunday, September 29, 2013, as hereinbefore mentioned.

ADDENDUM E
RESOLUTION

WHEREAS, the sponsors of the 1st Annual Summer Fundraiser for Homes for Veterans have applied for permission to use Highland Field in Harrington Park on Saturday, August 17, 2013 (Rain Date August 18, 2013) beginning at 12 pm to 6pm; and

WHEREAS, the proceeds raised by the event will be donated to Homes for Veterans a 501 c (3) organization; and

WHEREAS, Escrow for overtime costs for DPW of \$500 will be paid in advance of event for field set up and clean up; and

WHEREAS, Chief Maalouf has donated his time to provide for police services for this event, and

WHEREAS, All appropriate licenses for raffles, food handling shall be applied for and paid in full prior to the event, and

WHEREAS, the event shall not encroach on any playing fields or other areas designated by the Recreation Commission; and

WHEREAS, a Certificate of Insurance shall be submitted to the Borough of Harrington Park prior to the event; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that there is no objection to Homes for Veterans using Highland Field for their Annual Fundraiser on August 17, 2013, as hereinbefore mentioned.

ADDENDUM F
RESOLUTION
PET WASTE RECEPTACLE

WHEREAS, the Harrington Park Board of Health is desirous to place a pet waste receptacle at the field on Columbus avenue; and

WHEREAS, this property is owned by United Water, 200 Old Hook Road, Harrington Park; and

WHEREAS, the Borough of Harrington Park has been granted permission to place a pet waste receptacle at the field on Columbus Avenue by United Water Resources; and

WHEREAS, an agreement has been provided by United Water Resources allowing this request which provides that the Borough of Harrington Park will empty and maintain such receptacle; and

THEREFORE BE IT RESOLVED, the Council of Harrington Park has authorized the Mayor to sign the agreement on behalf of the Borough of Harrington Park.

ADDENDUM G
RESOLUTION
SHARED SERVICE SENIOR VAN
Community Development Senior Van

WHEREAS, the Borough of Harrington Park and the Borough of Haworth participate in an Interlocal Agreement in connection with the sharing of a van providing transportation to senior citizens.

WHEREAS, the Borough of Closter has expressed interest in participating in the program conducted between the Boroughs of Harrington Park and Haworth; and

BE IT RESOLVED, Mayor Hoelscher shall meet with Mayor Heymann of Closter to further discuss this request for expanding an existing shared service between municipalities.

ADDENDUM H
PROPOSED ORDINANCE #681
AN ORDINANCE ESTABLISHING THE POSITION OF
BOROUGH ADMINISTRATOR

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Borough to have the position of Borough Administrator pursuant to NJSA 40A:9-137 to more ably continue in the provision of services to the citizens of the Borough of Harrington Park and to accomplish the objectives of orderly and proper administration of the policies and ordinances as expressed by the Mayor and Council of the Borough of Harrington Park.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Harrington Park, New Jersey, as follows:

That the Municipal Code of the Borough of Borough of Harrington Park at Chapter 53 Officers and Employees be and is hereby amended by adding the following new Sections to read to wit as follows:

1) AUTHORIZATION TO EMPLOY ADMINISTRATOR; APPOINTMENT.

The Mayor and Council are hereby authorized to employ a Borough Administrator. Such administrator shall be appointed by the Mayor with the advice and consent of the Council.

2) COMPENSATION. The Borough Administrator shall receive such compensation as per the salary ordinance range.

3) POWERS AND DUTIES OF ADMINISTRATOR. The Borough Administrator shall have the following powers and duties:

(A) Provide for the enforcement of all laws and ordinances within the Borough.

(B) Create/prepare the agenda for and attend all meetings of the Council and attend all meetings of the Borough except those from which the Mayor and Council determined that attendance is not required because of a conflict or other reason. The Borough Administrator shall have the right to take part in the discussion on all matters coming before the Council, but shall have no right to vote. The Borough Administrator shall be entitled to notice of all special and regular meetings of the Council.

(C) Recommend to the Council such measures as, in his or her judgment, he or she deems to be in the best interest of the Borough.

(D) Propose to the Mayor and Council such personnel rules and regulations as the Borough Administrator deems necessary to manage the Borough personnel. These rules may cover procedures and policies to govern the following:

- (1) The administration of the position description, classification and pay plans;
- (2) Assistance with recruitment, selection, promotion, evaluation, transfer, discipline and separation of Borough personnel;
- (3) Establishment of hours of work, attendance, leave regulations and working conditions;
- (4) Maintenance and use of necessary records and forms;
- (5) System of handling all grievances.

- (E) Assist with the collective bargaining processes of the Borough and recommend to the Mayor and Council collective bargaining agreements for consideration and approval by the Council, and administer all employee organization contracts reached through the collective bargaining process.
- (F) Direct, supervise and coordinate the activities of all departments, offices, and agencies of the Borough, except as otherwise provided by law, and to administer the affairs of the Borough to ensure that all Borough business is accomplished efficiently and economically.
- (G) Recommend to the Council the creating, consolidating, and combining of offices, positions, departments or units of the administrative and executive departments of the Borough.
- (H) Assist CFO and Finance Committee in preparing and submitting to the Mayor and Council a recommended annual budget for operations and recommended capital programs; and administer the approved budget after adoption.
- (I) Evaluate Borough projects, programs, agreements, equipment and services and make recommendations on modifications and improvements thereto.
- (J) Devote his or her entire time to the discharge of his or her official duties.
- (K) The Borough Administrator shall perform such other duties as may be required by the Council consistent with state statutes and the ordinances of the Borough.
- (L) Hold such other appointive offices as may be consistent with law, as the Mayor and Council may determine, and to faithfully and honestly discharge the duties and powers associated with such office;
- (M) The powers assigned to the Borough Administrator are not intended to diminish those powers otherwise assigned to other officers by statute or ordinance, including, but not limited to the Mayor and Council

MATTERS DIRECTED TO BOROUGH ADMINISTRATOR'S ATTENTION. All offices and departments shall submit all matters requiring Council action or attention to the Borough Administrator, who shall submit them to the Council with recommendations as may be deemed necessary. All departmental or employee requests shall be submitted to the Borough Administrator who shall provide instruction in conjunction with the Mayor and Council as to policy and action. Except as otherwise provided by state law or ordinance, elected and appointed Borough officers shall deal with the administrative services of the Borough through the Borough Administrator in conjunction with the Mayor and Council and shall not give orders to subordinates of the Borough Administrator, either publicly or privately.

REMOVAL. The Borough Administrator may be removed in accordance with law NJSA 40A:9-137 at the pleasure of the governing body with three months prior notice.

SECTION III. Repealer. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to be in compliance with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION IV. Effective date. This ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

ADDENDUM AA
CORRESPONDENCE

6/21/13

Board of Chosen Freeholders adopted Ordinances from June 5, 2013 meeting.
Authorization of shared service agreement has been approved by the County for the Lightning Detection System that shall be installed throughout the Northern Valley area.

6/25/13

Board of Chosen Freeholders Bond Ordinance introduction at the June 19, 2013 meeting.

6/26/13

Final close out package sent to NJDOT for Safe Streets project (Neglia).

6/27/13

COAH letter regarding a repeat of information already submitted on the Borough's behalf.
Board of Chosen Freeholders certified copies of Ordinances-June 19, 2013.

7/1/13

EPA Procurement form for submission (forwarded to CFO)

Borough of Closter Public Notice Ordinance Introduction-1148

NJDOT Project has started 6/18/13 NJDOT notification (Neglia Engineering).

OLV has received certification from County for Sediment Plan (81 Lynn Street).

7/8/13

Engineering Report June 2013-Neglia Engineering

Update on NJLM OPMA/OPRA Legislation.

NJLM Affordable Housing Update.

Resolution in Opposition to Random Drug Testing at NVRHS School District (Closter).

Transco Pipeline Emergency Information

Recycling Update July 2013 BCUA

Senior Guide Bergen County 2013 Edition

7/10/13

Cablevision updates 2013.

7/11/13

Investment Option Summary Nationwide.