REGULAR MONTLY MEETING Mayor and Council Borough of Harrington Park, New Jersey April 21, 2014

(PAH) Call Meeting to Order

Time: 7:03pm

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the scheduled meeting was made. It is posted on the bulletin board in the Municipal Center. Copies have been Emailed 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		
NAPOLITANO(AN)	х	
EVANELLA (GE)	х	
PEDERSEN (JP)	х	
RYAN (MR)	х	
RUTIGLIANO(MRUT)	х	
CHUNG (JC)	х	

Also present:

Ms. Ann H. Bistritz, Borough Clerk/Admin. (ALB) Mr. John Dineen, Borough Attorney (JRD) Ms. Judith Curran, CFO (JHC) Mr. Gregory Polyniak, Borough Engineer-Neglia Engineering

(ALB) Flag Salute

(PAH) Suspension of the Regular Order of Business Motion GE Second JP Vote All in Favor

(PAH) Lions Club Presentation of Peace Poster Winner.

The Mayor announced the Peace Poster contest winner with Judge Wilcox who congratulated Jacqueline Cho. The Mayor presented Jacqueline with a citation of Jacqueline Cho Day in Harrington Park.

Awarded to **Jacqueline Cho** 2013 THIRD PLACE PEACE POSTER CONTEST **DISTRICT 16-A** LIONS CLUB INTERNATIONAL **Congratulations** on an **Extraordinary Presentation** Be it known to all that in recognition of this accomplishment that APRIL 22, 2014 **BE DECLARED** JACQUELINE CHO DAY In the Borough of Harrington Park Presented April 21, 2014

(MRUT) Budget Hearing

MRUT moved to suspend the vote on the budget until May 5, 2014, second JC. MRUT apologized for the delay and stated that slight fine tuning was still needed. Roll Cal: AIF

Second Reading Proposed Ordinance #685 Calendar Year 2014 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (A) Motion MRUT Second MR Vote AIF

Public Discussion

Motion MRUT Second MR Vote AIF No Public Present for Discussion

Closed to Public Motion MRUT Closed MR Vote AIF Roll Call Vote-All in favor Ordinance #685 passed.

(PAH) Return to Regular Order of Business Motion GE Second JP Vote All in favor

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 (Act. 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) Minutes Approval March 10, 2014 March 17, 2014 GE moved to accept as amended Second JP Roll Call AIF

(PAH) Consent Correspondence

SEE ADDENDUM "AA"

Consent Correspondence be accepted and become a part of this meeting without Discussion Motion AN Second JP Roll Call 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. Motion JP Second MRUT Discussion Roll Call Vote AIF

Addendums LOSAP AUDIT REPORT B STORMWATER MANAGEMENT REPORT C NJDOT PARKSIDE ROAD (4)/HARRIOT PLACE-AWARD OF CONTRACT D CHANGE ORDER LAROCHE AVENUE IV/PARKSIDE ROAD III E CLOSE OUT OF PROJECT-LAROCHE AVENUE IV/PARKSIDE III F PAYMENT OF EMPLOYEE CONTRIBUTORY LIFE INSURANCE DEDUCTION CHARGE G PAYMENT OF CLAIMS H NEW HORIZONS COMMUNICATIONS CONTRACT I EMERGENCY APPROPRIATIONS J REFUND 2013 PROPERTY TAXES K CORRECTED RESOLUTIONS: AWARD OF CONTRACT FOR THE MAINTENANCE OF FIELDS L USE OF OPEN SPACE TRUCST FUND FOR FIELD MAINTENANCE M

Individual Committee Reports

(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance AN will email an update on the Ambulance and Fire Department.

(GE) DPW, Recycling, Building & Grounds, Sanitation/Recycling.

March is famous for being a transition period. The DPW is filling potholes. The plows have been removed from the trucks. The streets were swept. Mark Kiernan quickly addressed a thorny bramble situation at the Old Burying Ground. Many gallons of paint supplies were dumped improperly at the Recycling Center. The Police were notified.

(JP) Police, Municipal Court, Personnel.

Only 1 ¹/₂ sick days were taken in March. 2 juvenile incidents in March. 455 calls/details. 11 summonses due to auto plate reader.

(MR) Recreation Commission, Environmental Commission.

Recreation Commission did not meet. MR asked whether the Mayor and Council would be open to the possibility of a concert in the park if Recreation wanted to pursue.

MR made a motion that if Recreation wants to hold a concert in late May the Council would support.

MRUT second. Roll Call Vote AIF Tomorrow is Earth Day. MR, JC, and the Mayor will attend a tree dedication ceremony at Don Horsey Park tomorrow at 3:30. ALB was the first Earth Day poster winner in 1970.

(MRUT) Finance, Exec. & Admin., Grants.

MRUT encouraged Council members to reach out to him with budget questions and thanked MR and JC for their help and hard work.

(JC) Board of Health, Sanitation, Liaison to Board of Ed., Public Information. The cat license applications are down from last year. A Mini Health Fair will be held this Saturday April 26. There will be several guests.

Old Business

(AN) HPVAC-LOSAP

Mr. Dineen has reviewed case law. It has been determine that the Ordinance needs to have some legal parameters added. He will work on it if the Council wishes. MR asked whether there was cost to the Borough if there is an item added to the ballot. There is not an extra fee for printing the budget. ALB stated that there is extra money in the budget due to the fact that the school vote will be held in November. AN asked Mr. Dineen for additonal LOSAP information.

(GE) Inquired about the Old Burial Ground remediation.

Mr. Polyniak will reply when he makes his presentation.

(JP) Court Administrator Shared Service Agreement-Addendum N

Norwood and Harrington Park have agreed to enter into a new 3-year contract. The contract has the same terms as in the past.

Motion JP Second AN Roll Call Vote AIF

ALB has received permission from JIF to extend the approval of the Employee Handbook until May 12th so the Borough may receive a discount on the master insurance policy.

(MRUT) Correction Action Plan for 2013-Addendum O Motion MRUT Second JC Roll Call Vote AIF

(PAH) Protection of Palisades Viewshed-Addendum P

Motion MR Second GE AN asked if this was directed at LG or the town. MR stated that the goal was to ask LG to change their plan and redesign the building.

Roll Call Vote AIF

New Business

(GE) Mark Kiernan needs a replacement roll-off container (used for holding heavy materials such as metal recycling, logs, etc.). The oldest container needs to be replaced. Recycling trust proceeds can be used. It would cost approximately \$5,800.00.

GE moved to approve the purchase.

JP second. PAH asked that the funds be certified. This has been done. The previous container will be recycled.

Roll Call Vote AIF

(JP) Alternate Prosecutor Recommendation.

JP moved to retain Laura Nunink as an alternate prosecutor effective May 1, 2014 Mark Fierro endorses the recommendation. Second GE. Roll Call Vote AIF

JP reported that he was given some literature concerning a Ride-Along program Chief Maalouf would like to institute. Westwood has this program; JP has some concerns. JP will look into this and discuss with the Police Committee.

MAYOR'S REPORT

- The Mayor met with the Japanese exchange students from NVOT on March 26.
- March 30 he attended at a dinner honoring Congressman Pasquale hosted by the Tenafly Nature Center.
- March 31 he attended a Bergen County Environmental Commission meeting and passed information along to the Harrington Park EC and Green Team.
- May 8 Mayors' Breakfast Sherriff Saudino spoke about services such as inmates working on cleanups, etc. Jocelyn Gillman spoke about Red Cross services.
- The Riverside Co-op met last week. April 28^{th.} Advertising for road paving bids will be in the newspaper and they will be due May 20th.
- April 15 The Shared Service meeting, held at the County building, recommended many actions that the Borough is already taking.
- Assembly attendance at Old Tappan High School with Senator Booker, former resident of Harrington Park
- Councilwoman Schepisi was commended by PAH for being on top of things and responding so quickly to the bus route termination question.
- The Mayor invited the Council to forward questions that he may share with Councilman Garrett at a luncheon tomorrow.

ORDINANCES AND RESOLUTIONS

(GE) Minimum Riparian Zone #686 Addendum Q

Motion GE, who stated that HP was required to pass this Ordinance as part of our Stormwater Management plan. Second JP

Open to Public Motion GE Second JP Vote All in Favor Closed to Public Motion GE Second JP Vote All in Favor Roll Call Vote AIF

Steep Slope- #687 Addendum R Motion GE Second JP Open to Public Motion GE Second JP Vote All in Favor Closed to Public Motion GE Second JP Vote All in Favor

GE spoke about the relevance of this ordinance and how it pertains to current construction in various areas of the Borough such as the installation of silt fencing that has been placed at a current building site on Walter Court. **Roll Call Vote AIF**

(MRUT) Code Book Codification- #688 Addendum S

Motion MRUT Second GE Open to Public Motion MRUT Second GE Vote All in Favor Closed to Public Motion GE Second MRUT Vote All in Favor AIF Roll Call Vote AIF

Closed Session Time: 8:10pm

Motion Second Vote

RESOLUTION

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. Contracts: Open Space
- 2. Contracts: Municipal Fields/Board of Education
- 3. Personnel: Police
- 4. Litigation: Budget/Finance

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.

No action is expected after Closed Session.

Return to Open Session Time: 8:48pm Motion GE Second JP Vote AIF

Adjournment-Time: 8:49PM Motion: GE Second:JP Vote: AIF

Addendum A

Proposed Ordinance 685 CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Harrington Park in the County of Bergen finds its advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.0% increase in the budget of said year, amount to \$132,676 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Harrington Park, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2014 budget year, the final appropriations of the Borough of Harrington Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.0%, amounting to \$132,676, and that the 2014 municipal budget for the Borough of Harrington Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Addendum B RESOLUTION LOSAP 2013

WHEREAS, the Borough of Harrington Park has adopted a LOSAP program for the members of the volunteer Fire Department; and

WHEREAS, the Mayor and Council of the Borough of Harrington Park hereby authorizes the firm of Lerch, Vinci and Higgins LLP to issue an accountants report in accordance with Statements of Standards for Accounting.

THEREFORE BE IT RESOLVED, that the fee for such service is \$650.

Addendum C

RESOLUTION

WHEREAS, the Borough of Harrington Park is required by the NJDEP Municipal Stormwater Management Program to file an Annual Report for 2013; and

WHEREAS, the services of Neglia Engineering have been requested to provide engineering services for the above referenced project; and

WHEREAS, the cost for the agreement of engineering services will be completed on a lump sum basis for a cost of \$2310.00 and subject to provided standard terms and conditions; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services of Neglia Engineering, 34 Park Avenue, Lyndhurst, New Jersey to file the Year 2013 Annual Report for NJDEP Municipal Stormwater Management Program.

Addendum D RESOLUTION AWARD OF CONTRACT

Be it resolved by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Contract for:

Parkside Road (Section 4) and Harriot Place NJDOT MUNICIPAL AID PROGRAM

be awarded to Stanziale Construction, Co. for the bid amount of Eighty-Four Thousand Forty-Two Dollars and Seventy-Five Cents (\$84,042.75) (which represents the Base Bid, Alternate Bid 'A', Alternate Bid 'B') being the lowest of seven (7) bids submitted. This Resolution is to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

<u>Addendum E</u> <u>RESOLUTION</u> Change Order LaRoche Avenue IV/ Parkside Road III

Be it resolved by the Mayor and Council of the Borough of Harrington Park of Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

 TITLE OF JOB:
 LaRoche Avenue (Section IV) & Parkside Road (Section III)

CONTRACTOR: AJM Contractors, Inc., 300 Kuller Road, Clifton, NJ 07011

NJDOT CHANGE ORDER N°: 2 & Final

AMOUNT OF CHANGE THIS RESOLUTION: _-\$17,348.70 (15.71% Decrease)

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

Addendum F RESOLUTION Close Out of Project

Be it resolved by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey that the contract for the LaRoche Avenue (Section 4) – Parkside Road (Section 3) was constructed by <u>AJM Contractors, Inc.</u> in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The Contractor having supplied a 25% Guarantee Bond for a period of two (2) years from February 01, 2014. The said construction is hereby accepted and final payment in the amount of <u>Two Thousand Two</u> Hundred Twelve Dollars and Twenty Nine Cents (\$2,212.29) is hereby approved.

This Resolution to take effect immediately.

Addendum G RESOLUTION

PAYMENT OF MS. RIELLY'S ADDITIONAL CHARGE FOR CONTRIBUTORY LIFE INSURANCE DEDUCTION

WHEREAS, Ms. Reilly was hired to a full time position as of February 2013; and WHEREAS, Ms. Reilly has been trained as the Certifying Officer as per State requirement; and WHEREAS, Ms. Rielly's pension application was made in a timely manner WHEREAS, significant time was taken to approve Ms. Current CEO to be the Supervisory.

WHEREAS, significant time was taken to approve Ms. Curran, CFO to be the Supervisory Certifying Officer; and

WHEREAS, the State of New Jersey is requiring Ms. Rielly to pay the additional amount of \$140.04 to the Contributory Life Insurance Deduction plan due to the length of time it took to enlist in the State Pension System.

BE IT RESOLVED, that the Mayor and Council of Harrington Park have agreed to cover the addition charges due the State of New Jersey Department of Pensions in the amount of \$140.04 for Ms. Rielly since this situation was not due to any negligence on her behalf.

Addendum H <u>RESOLUTION</u> PAYMENT OF CLAIMS CERTIFICATION

I hereby certify that funds are available for the following disbursements:

2013 Appropriation Reserve	\$	25,154.65
2014 Current Fund	\$2	2,662,352.43
Payroll (March 21, Apr 4 & Apr 18)	\$	301,638.52
Trust Fund	\$	9,291.37
Capital Fund	\$	3,122.80

Dog Revenue	\$	211.80
Open Space	\$	
Payroll Deduction (Employer		
Share of Unemployment		
for April)	\$	93.78
Payroll Deduction		
(Employer Share of Social		
Security/Medicare for April)	\$	8,000.70
Interim Bill: EZ Pass	\$	200.00
(paid 4/7/14) replenish account		
TOTAL	\$3,0	10,066.05

JUDITH CURRAN, CFO, APRIL 21, 2014

Addendum I <u>RESOLUTION</u> AWARD OF CONTRACT

Be it resolved by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey that the Contract for:

New Horizon Communication Re-Contract Proposal For Borough of Harrington Park

be awarded in the annual amount of \$694.59. This Resolution is to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

Addendum J <u>RESOLUTION</u> EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to various appropriations listed below, and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned and

WHEREAS, the Borough of Harrington Park does not anticipate adopting its final budget for 2014 in time for the payment of the claims listed below;

WHEREAS, the total emergency temporary resolutions adopted in the year 2014 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$697,985.94

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. The following temporary appropriations be and the same are hereby made for

# 4-01-20-145-000-110 S&W CFO	\$2,000.00
#4-01-20-145-000-102 S&W Collector of Taxes	\$ 411.35
# 4-01-20-150-0200-101 S&W Tax Assessor	\$1,242.95
# 4-01-20-150-000-102 S&W Tax Assessor Clerk	\$ 600.00
# 4-01-21-185-000-101 S&W Zoning Officer	\$ 230.62
#4-01-22-195-000-103 S&W Clerk Construction	\$ 300.00
#4-01-25-240-000-104 School Crossing Guards	\$ 1,000.00
#4-01-26-290-000-110 S&W Police Regular	\$10,000.00
#4-01-26-290-103 Recycling	\$ 1,500.00
#4-01-43-490-000-102 S&W Judge	1,000.00
#4-01-36-471-000-220 PERS (Employer Share – Retro)	255.14
#4-01-29-390-000-299 Library	\$11,916.91

2. Said emergency temporary appropriation shall be provided for in full in the 2014 budget.

3. That one (1) certified copy of this Resolution be filed with the Director, Division of Local Government Services.

4. The effective date of this Resolution is immediate.

Addendum K <u>RESOLUTION</u> REFUND OF 2013 TAX OVERPAYMENTS

WHEREAS, the Tax Collector has determined that the following taxpayer has overpaid 2013 second quarter property taxes by the following amount:

Block 102, Lot 5	Niece, Joseph & Betty Ann	\$920.66
	34 First Street	
	Harrington Park, NJ 07640	

WHEREAS, the taxpayer's bank, Hudson City, has given authorization for these funds to be returned to the taxpayer, rather than to Hudson City,

BE IT RESOLVED, by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey, that the Borough Treasurer/Tax Collector be and is hereby authorized and directed to prepare the necessary check as listed above.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Borough Treasurer/Tax Collector.

Addendum L <u>RESOLUTION</u> AWARD OF CONTRACT FOR THE MAINTENANCE OF ATHLETIC FIELDS

Whereas, bids were received by the Municipal Clerk on March 14, 2014 for the provision of Field Maintenance; and

Whereas, the Mayor and Council has reviewed the recommendations made by the Recreation Commission on said bids; and

Whereas, the Chief Financial Officer has determined that there exists sufficient funds available to pay for the award of the contract referenced herein;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey that the contract for Field Maintenance is hereby awarded to Tri-State Athletic Field Services & Supplies, Inc. on their bid of \$44,985 per year.

Be It Further Resolved, that the Mayor, Clerk and such other authorized person are hereby authorized and directed to execute the contract for same.

Be it further resolved that the Municipal Clerk is hereby authorized and directed to return any bid bonds or checks received from any other bidders.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Harrington Park at a meeting held on April 14, 2014.

Addendum M RESOLUTION

USE OF OPEN SPACE FUNDS FOR FIELD MANTENANCE PROGRAM

WHEREAS, the Mayor and Council have considered the needs and requests of the Recreation Commission concerning the use and maintenance of Borough parks and athletic fields;

WHEREAS, the Recreation Commission had proposed to the Mayor and Council using for the year 2014 a budgeted amount from the Open Space Trust Fund, and the Mayor and Council previously approved such amount;

WHEREAS, the health and welfare of all Harrington Park residents is served by maintaining our parks and recreational facilities;

WHEREAS, the Mayor and Council have received on March 14, 2014 bids for work which was specified for the purpose of maintenance of the fields; and

WHEREAS, a favorable bid was received from Tri-State Atlantic Field Services & Supplies, Inc. pursuant to the bid specifications which provides for the provision of services for each year based upon the acceptance of programs #1, #2 & #3 for a total amount of \$44,985; and

WHEREAS, the amount of certified and available funds necessary to enter such contract are not currently collected in as much as The Recreation Commission will be collecting and accruing funding independently during the course of the contract to satisfy its budgetary obligation to the contract; and

WHEREAS, The Mayor and Council are desirous of entering a contract with Tri-State Atlantic Field

Services & Supplies, Inc. and therefore is willing to pledge from the Open Space Trust Fund such additional funds as are necessary up to and including \$44,985 to cover the Recreation Commissions obligation during the pendency of the contract but if and only if necessary;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey as follows:

> 1. The Mayor and Council hereby approve the expenditure of up to \$44,985 for the purpose of entering a contract with the successful bidder Tri-State Atlantic Field Services & Supplies, Inc. but only to the extent that The Recreation Commission falls short of its obligation to secure the additional funding as otherwise provided in its budget in anticipation of entering this contract and as previously provided to the Mayor and Council.

I hereby certify the foregoing was duly adopted by the Mayor and Council on this day of April , 2014.

Addendum N <u>RESOLUTION</u> <u>MUNICIPAL COURT ADMINISTRATOR</u>

WHEREAS, The Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 <u>et</u> <u>seq</u>., permits a local unit to enter into an agreement with another local unit to provide or receive any services that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Borough of Harrington Park has been provided with the services of a municipal court administrator pursuant to the terms of an Interlocal Service Agreement; and

WHEREAS, a Successor Agreement has been provided whereby the Borough would be provided such services by the Borough of Norwood for a three (3) year period retroactive to January 1, 2014; and

WHEREAS, the Governing Body has reviewed the Agreement.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that Mayor Paul A. Hoelscher and Borough Clerk Ann H. Bistritz be and are hereby authorized to execute said Agreement on behalf of the Borough.

Addendum O <u>RESOLUTION</u> Corrective Action Plan for Audit 2013

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to cause an annual audit of its books, accounts and financial transactions to be made and completed with six months after the close of its fiscal year, and,

WHEREAS, the audit for the fiscal year ending December 31, 2013 has been and completed and presented to the governing body, and

WHEREAS, in accordance with OMB Circular A-133, 98-07 and Local Finance Notice CFO 97-16, all local government units must prepare and submit a corrective action plan as part of the annual audit process, and,

WHEREAS, the Corrective Action Plan for 2013 has been submitted to the Mayor and Borough Council, and

WHEREAS, the Mayor and Borough Council have received and accepted the corrective action plan which is on file in the Borough Clerk's office,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Harrington Park that the corrective action along with a copy of this resolution be forwarded to the Division of Local Government Services of the Department of Community Affairs.

Addendum P <u>RESOLUTION</u> ENCOURAGING PROTECTION OF THE NEW JESRSY PALISADES VIEWSHED

WHEREAS, the New Jersey Palisades are among the most dramatic geologic features in the region, with lush, green, rugged cliffs that inspired many of the Hudson River School painters; and

WHEREAS, this landscape is so important that the National Park Service has designated the New Jersey Palisades as both National Natural Landmark and National Historic Landmark under the National Historic Preservation Act; and

WHEREAS, it is the responsibility of all New Jersey residents to be proud stewards of this naturally and historically significant treasure and fight for their continued protection; and

WHEREAS, the Palisades Interstate Park Commission has found that the height of the proposed LG USA Headquarters building above the tree line is not in accordance with its stewardship mission and the public trust to preserve the scenic beauty of the Palisades and would create a precedent inconsistent with its mission; and

WHEREAS, with a fourfold increase upon existing zoning, the 143-foot height of the proposed development of the LG USA Headquarters in Englewood Cliffs, New Jersey, poses a new threat and precedent to the scenic beauty of the Hudson River shoreline north of Fort Lee, and

WHEREAS, the development needs of an LG USA headquarters on this 27-acre site can be achieved at a lower building height that would not pose such a threat and precedent to the scenic beauty of the Palisades; and

WHEREAS, we are obligated to retain the vision of the Federation of Women's Clubs, which, one hundred years ago, collected funds from the residents of New York and New Jersey to purchase the land that would keep the Palisades pristine for all time;

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Harrington Park, Bergen County, New Jersey, that it opposes the height of the LG USA headquarters building, as currently planned, and strongly urges the management of LG USA, Inc. to lower the proposed height of the building to below the tree line in order to preserve the scenic beauty of the Palisades.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to **William Cho, CEO**, **LG Electronics USA**, **920 Sylvan Avenue, Englewood Cliffs, NJ 07632**, Governor Chris Christie, Senator Robert Menendez, Senator Cory Booker, Congressman Scott Garrett, Congressman Bill Pascrell, State Senator Gerald Cardinale, State Senator Loretta Weinberg, Assemblywoman Holly Schepisi, Assemblyman Robert Auth, Assemblywoman Valerie Huttle, Assemblyman Gordon Johnson, County Executive Kathleen Donovan, the Bergen County Board of Chosen Freeholders, and the governing bodies of eastern Bergen County municipalities..

<u>Addendum Q</u> <u>Proposed Ordinance #686</u> MINIMUM ACCEPTABLE RIPARIAN ZONE

I. Purpose and Authority II. Definitions III. Establishment and Protection of Riparian Zones IV. Variances V. Exceptions VI. Appeals, Conflicts, and Severability VII. Enforcement VIII. Effective Date I. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of Borough of Harrington Park and to comply with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones asdescribed herein. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

II. DEFINITIONS

Acid producing soils means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

Applicant means a person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

Category One waters or C1 waters shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality

characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

Disturbance means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Intermittent Stream means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Lake, pond, or reservoir means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

Perennial stream means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Riparian zone means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

Special Water Resource Protection Area or SWRPA means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Surface water body(ies) means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

Threatened or endangered species means a species identified pursuant to the Endangered and

Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

Trout maintenance water means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

III. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

A. Except as provided in Sections IV. and V. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water

(C1 water), and all upstream tributaries situated within the same HUC 14 watershed.

2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:

a. Any trout production water and all upstream waters (including tributaries);

b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and

d. Any segment of a water flowing through an area that contains acid producing soils.

3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

B. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;

2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;

3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and

4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Borough of Harrington Park in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

IV. VARIANCES

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), new disturbances for projects or activities in the riparian zone established by this Ordinance may be allowed through the Zoning Board of Adjustment review and approval of a variance, provided the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

A. Necessary to protect public health, safety or welfare;

B. To provide an environmental benefit;

C. To prevent extraordinary hardship on the property owner peculiar to the property; or

D. To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.

V. EXCEPTIONS

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this Ordinance are allowed:

A. Redevelopment within the limits of existing impervious surfaces;

B. Linear development with no feasible alternative route;

C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;

D. Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E; or

E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601 et seq.

VI. APPEALS, CONFLICTS, AND SEVERABILITY

A. Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Code Official in conjunction with the Borough Engineer under the provisions of this Ordinance.

The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

B. Any party aggrieved by any determination or decision of the Code Official under this Ordinance may appeal to the Planning Board or the Board of Adjustment of Borough of Harrington Park. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

C. **Conflicts:** All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

D. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VII. ENFORCEMENT

A prompt investigation shall be made by Code Official/Borough Engineer of the Borough of Harrington Park of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Borough of Harrington Park, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in

Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law on [insert date] the date it is filed with the County Planning Board after adoption

<u>Addendum R</u> <u>Proposed Ordinance #687</u> STEEP SLOPE MODEL ORDINANCE

I. PURPOSE

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping

terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

II. BACKGROUND

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation

of water quality and loss of aquatic life support. Related effects include soil loss,

changes in natural topography and drainage patterns, increased flooding potential, further

fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and

quantity, and the environmental integrity of landscapes.

III. APPLICABILITY

This ordinance shall be applicable to new development or land disturbance on a steep slope within Borough of Harrington Park.

IV. DEFINITIONS

"Disturbance" means the placement of impervious surface, the exposure or movement of

soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

"Redevelopment" means the construction of structures or improvements on areas which previously contained structures or other improvements.

"Steep Slopes" means any slope equal to or greater than 20 percent as measured over any

minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

V. DESIGNATION OF AREAS

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope

shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a twofoot

rise over a 10-foot horizontal run constitutes a 20 percent slope.

VI. STEEP SLOPE LIMITS

For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces; and

2. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.

The applicant shall demonstrate through site plans depicting proposed development and

topography that new disturbance is not located in areas with a 20 percent or greater slope.

VII. CONFLICTS AND SEVERABILITY

A. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent

of any inconsistency or conflict, and the provisions of this ordinance apply.

B. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VIII. ENFORCEMENT, VIOLATION AND PENALTIES

A prompt investigation shall be made by the appropriate personnel of Borough of Harrington Park of any person or entity believed to be in violation hereof. If, upon inspection, a condition

which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of *[municipality]*, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of

any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

IX. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law on *[date]*.

<u>Addendum S</u>

Proposed Ordinance # 688

ORDINANCE TO SPREAD THE COST OF CODIFICATION OVER A 5 YEAR PERIOD THROUGH AN EMERGENCY APPROPRIATION

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S.A. 40A:4-53 FOR THE PURPOSE OF PREPARING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF HARRINGTON PARK

Be it ordained by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey as follows:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$14,500.00 is hereby appropriated for the purpose of the preparation of a revision and codification of the ordinances of the Borough of Harrington Park and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

Section 3. This ordinance shall take effect upon its passage, approval, publication and filing according to law.

AA Correspondence

Correspondence April 2014 3/17/14 Tax Appeal 452 Harriot Avenue, 432 Harriot Avenue 67 Adams Street Affordable Housing Resolution-Borough of Closter Public Hearing-April 9, 2014. Additional information request from ABC-License owners are not responsive. 3/21/14 Tax Appeal 45 Greenway 33 Heron Court 3/24/14 Tax Appeals: 72 Kohring Circle 33 Riker Avenue Authorized Sale of Property-47 Lakeside Road NJLM Quarterly updates. 3/25/14 Tax Appeal: 20 Blanch Avenue E107 3/26/14 Correspondence from Mr. Dineen regarding Saturday garbage collection. (Confidential) Correspondence received re: garbage collection litigation. COI Kens Tree Care 3/27/14 Tax Appeals: 5 Lee Avenue 139 Guy Street Meals on Wheels Bike Tour request. 3/28/14 Tax Appeals: 382 Parkside Avenue 135 Dean Street 317 Parkside Road 174 Harriot Avenue Hackensack Tidelines Spring 2014

Foreclosure Notice 63 1st Street.

3/31/14

Resolution New Milford supporting Watershed Flood Prevention.

Tax Appeal 41 Giles

4/7/14

Correspondence received from the Borough of Norwood:

Thanking for support of sharing services and equipment to help them regroup after their fire at the DPW.

Lightening Detection procedure/Ordinance received to be distributed to Recreation Commission.

Tax Appeals:58 George Street

33 Thomas Street 309 Parkside Road 44 Lincoln Terrace 53 Ehret Avenue

PSEG public notice for hearing on April 28, 30 and May 1

4/9/14

Tax Appeal 52 Harriot Avenue.

Notice of Proposed Rate Increase O & R

4/10/14

Tort Claim Hearing scheduled for June 2, 2014 (Confidential)

4/14/14

Court Decision regarding State Election litigation.

As built-15 Florence Road.

4/17/14

Close out and change order for Parkside LaRoche (Neglia).