

**AGENDA MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
November 10, 2014**

(PAH) Call Meeting to Order Time: 7:31

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting with time change was made. It is posted on the bulletin board in the Municipal Center. Email and advertisement was placed in 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
NAPOLITANO(AN)	X	
EVANELLA (GE)	X	
PEDERSEN (JP)	X	
RYAN (MR)	X	
RUTIGLIANO(MRUT)	X	
CHUNG (JC)	x	

Also present:

**Ms. Ann H. Bistriz, Borough Clerk (ALB)
Mr. John R. Dineen, Borough Attorney (JRD)**

(PAH) Suspend the Regular Order of Business
Motion GE Second JP
Vote AIF

Legal Counsel led exploration of Master Plan Amendment brought to the Council after approval by the Planning Board.

Mr. Dineen explained that it relates to B1 and B2 zones. In 2009 an overlay zone (indicating property well suited to low-income housing) was designated and has not been reflected in Master Plan. Most clear change is gas stations are no longer allowed use. The Car Wash application is not affected as it is already in process. Amendment has been proposed to make Master Plan consistent with the Planners' contemporary thinking. After Mayor and Council introduction amendment returns to Planning Board for review.

This process will help clarify any confusion for use in the respective areas and provide for consistent development in the future.

Discussion followed addressing what is allowed and not including medical services and shops and stores with respect to limited parking issues.

AN inquired into the reasoning for addressing the United Water property. JRD stated that this is a large piece of land that may or not be considered in the future for low income development. This ordinance will help clarify development questions and abilities in that sensitive area.

AN introduced proposed ordinance 695 Amendment to the Master Plan by title (**Addendum H**) Ordinance shall be referred to Planning Board for comments and changes.

Second MRUT

Roll Call Vote-AIF

(PAH) Return to the Regular Order of Business

Motion GE

Second AN

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.

(GE) RA #240-Junior Woman's Club Harrington Park On Premise Raffle A

RA #241-Junior Woman's Club Harrington Park Off Premise Raffle B

(JP) Contract for Snow Plowing C

(MRUT) Transfer of Funds D

Tax Overpayment Malora E

Tax Overpayment DiMartini F

Tax Overpayment Callahan G

Motion JC

Second GE

GE asked for clarification on item C.

ALB explained that this is an annual contract to utilize outsider services to help plow Borough Streets in the quickest possible manner. This contract enables Mr. Falkenstern to be covered by municipal insurance since he is providing a service on the municipal roads.

Roll Call Vote AIF

Individual Committee Reports

(PAH) Mayor's Report

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

Building for October: \$3176, increase of 30% over last year. Up 4.9% for the year.

Ambulance for September: 25 calls; October: 30 calls.

AN has asked for more detailed report. Fire Dept report expected for next meeting.

The Mayor asked whether LOSAP protocol is in place. AN will follow up.

(GE) Police, Municipal Court, Personnel

Report held until general meeting; a few items for Closed Session.

(JP) DPW, Building and Grounds, Sanitation and Recycling

No report today.

(MR) Recreation Commission, Environmental Commission

More detailed report to come next week.

Thanks to everyone who helped with the cleanup of the Green Acres area at the Swim Club and Pondside. Car parts and asphalt were found at Pondside.

Jimmy Mohrwinkel is working toward Eagle Scout and has been working with the Environmental Commission and Mark Kiernan to establish a tree farm at upper Highland. The Mayor pointed out that there are environmentally sensitive areas up there. Care must be taken.

The Environmental Commission would like to gauge interest in solar panels.

MR will gather more information.

There is now improved asphalt that improves drainage, etc. The Mayor and Peter Ardito learned about it. Might be worth looking into for new paving. Perhaps Neglia can research.

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

Mr. Trivedi sent a report read by MRUT. The letter outlined updates in personnel and policies. Lisa Krivoruk is working well; there are processes in place for purchasing and escrow. He plans to change payroll companies.

Mr. Trivedi will be the new COAH liaison and will be trained soon. The Mayor commented that he is pleased with the CFOs work.

MR thanked the Finance Department for correcting a situation with the field maintenance provider.

(JC) Board of Health, Liaison to Board of Education, Public Information

Board of Health had a rabies vaccination clinic 11/8. Thanks to Dr. McCaffrey. It was well organized. Board of Health discussed Ebola; the Ambulance Corps is being proactive. Chris Wood would be happy to speak to Mayor and Council.

The Harrington Park School hosted Senator Booker on Wednesday, November 5 for a press conference with the student.

(ALB) Clerk/Administrator

COAH Liaisons (Primary Trust Preparers) Kunjesh Trivedi and Ann Bistriz ALB has been trained; now they want more than one person. Mr. Trivedi will be trained this Friday. Resolution will come to next meeting.

Marti Francis is resigning from Planning Board and Board of Adjustment.

BCUA Shred Date-Request April 25, 2014 Date has been requested.

Neglia will attend next meeting to discuss crossing by Swim Club. \$225,000 has been awarded for the project. Highland Field lights will also be discussed. There is an issue for Closed Session regarding Planning Board/Board of Adjustment personnel.

ALB and PAH explained that COAH rules change; the borough did nothing wrong.

Old Business

(GE) Old Burying Ground Bid Results

ALB reported that there will be an update next week. 10 bids were received with a wide range of bid amounts.

(MR) Environmental Resource Inventory Proposal

Neglia sent a proposal for and Environmental Resource Inventory. A resolution will be on the agenda for next week. The Commission would like to invite Mr. Polyniak to the December meeting. Mayor and Council members are welcome to attend- please let ALBN know so proper notification can be provided.

(MRUT) Bathrooms at Highland

MRUT has provided the police chief with a key. MR reported that a nearby town has a keypad rather than a lock.

New Business

(JC) Concerns about Garbage Pickup

Green Team members have reported that recyclables are being picked up when they should not. ALB has spoken to Miele Sanitation The main driver has picked up orange stickers for use on items that should not be collected by general garbage pick up.

GE asked whether there was a resolution concerning the loss of Green Sky Services. ALB confirmed that there has been. The new company picks up the items rather than having to deliver to the collection company. There is a \$90 fee per month for both the Borough Hall and the Police Department.

GE also commented on the fact that Mark is preparing the compost well and correctly.

(MR) Environmental Commission members discovered beer cans and very small plastic bags in Beechwoods The police were contacted.

Meeting Open to Public

Motion GE

Second JP

Vote All in favor

Meeting Closed to Public

Motion GE

Second JP

Vote All in favor

Closed Session 8:29pm

Motion GE

Second JC

Vote AIF

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. Police Contractual
2. Personnel-Land Use

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 9:05pm

Motion GE

Second JC

Adjournment-Time:9:06pm

Motion: MR

Second: MRUT

Vote AIF

**Addendum A
RESOLUTION**

On Premises Raffle License RA240 –Junior Woman’s Club of Harrington Park

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the On Premise Raffle Application RA # 240 for the Junior Woman’s Club of Harrington Park Home, to be held on December 6, 2014, 1:00pm 1 Spring Street Harrington Park be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to

**Addendum B
RESOLUTION**

Off Premises Raffle License RA241 –Junior Woman’s Club of Harrington Park

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Off Premise Raffle Application RA # 241 for the Junior Woman’s Club of Harrington Park Home, to be held on December 6, 2014, 1:00pm 1 Spring Street Harrington Park be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to

**Addendum C
RESOLUTION**

CONTRACTOR FOR SNOW PLOWING

WHEREAS, the Borough of Harrington Park is charged with the responsibility to ensure the safety, health and welfare of all its Borough residents;

WHEREAS, the Borough of Harrington Park has from time to time encountered weather emergencies in the nature of the accumulation of snow and ice on its roadways as well as downed trees and litter;

WHEREAS, William Falkenstern Inc. is a private contractor located in Norwood New Jersey who in the past has been hired by the Borough of Harrington Park to assist in plowing streets, removing snow & ice and downed trees and litter it is furthered demonstrated that they are most capable and responsible;

WHEREAS, the Director of the DPW has determined that from time to time based on urgency in immediate need, the services of William Falkenstern Inc. are required to maintain the safety, health and welfare of Borough residents;

WHEREAS, William Falkenstern Inc. offers their services at a most competitive level but that the current demands of the insurance market would either prevent him from engaging with the Borough of Harrington Park on a competitive basis or require that he not engage in such service;

WHEREAS, the Borough of Harrington Park in recognition of the service and efforts of William Falkenstern Inc. in the provision of these emergency services is both necessary and vital to all residents with in the Borough of Harrington Park and that further it wishes to have William Falkenstern Inc. covered by its General Liability Policy for the performance of the work done at the behest of the Borough of Harrington Park;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that:

The Mayor, Clerk or such other authorized person shall execute a contract with William for Falkenstern Inc. for the emergency services outlined herein for a period of one year on the terms and conditions stated therein and further providing that the Borough of Harrington Park shall take all such necessary action to make William Falkenstern Inc. an additional insured under the Borough of Harrington Park for services performed at the behest of the Borough of Harrington Park.

Addendum D
RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that upon the recommendation of the Chief Financial Officer, the following transfers be made at this time between 2014 Budget line items.

TRANSFER

From		To	
4-01-20-100-000-102	\$3,230.82	4-01-20-100-000-100	\$3,230.82
Municipal Clerk SW		Administrator SW	
4-01-20-145-000-104	\$1,400.00	4-01-20-130-000-110	\$1,400.00
Revenue Admin SW		Financial Admin SW	

4-01-20-150-000-236	\$1,730.05		
Tax Assessment OE			
4-01-20-100-000-299	\$ 368.85	4-01-20-150-000-102	\$2,098.90
Administration OE		Tax Assessment SW	
4-01-27-332-000-200	\$1,500.00	4-01-27-330-000-103	\$1,500.00
Board of Health OE		Board of Health SW	
	\$8,229.72		\$8,229.72

Addendum E

Refund Tax Overpayment of Taxes on Block 410 Lot 13

WHEREAS, the following homeowner is entitled to a refund of property tax for overpayment of the 4th quarter 2014;

BONNIE & GLENN MALORA

127 MARTIN DRIVE

HARRINGTON PARK, NJ 07640

WHEREAS, the total of the overpayment due to a county board judgment is in the amount of \$1,060.54.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Chief Financial Officer shall issue a refund in the amount of \$1,060.54 for overpayment of the 2014 property taxes.

Addendum F

Refund Tax Overpayment of Taxes on Block 715 Lot 12

WHEREAS, the following homeowner is entitled to a refund of property tax for overpayment of the 4th quarter 2014;

ROBERT & BRIDGET DI MARTINI

12 DORA STREET

HARRINGTON PARK, NJ 07640

WHEREAS, the total of the overpayment due to a county board adjustment judgment is in the amount of \$1,301.69.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Chief Financial Officer shall issue a refund in the amount of \$1,301.69 for overpayment of the 2014 property taxes.

Addendum G

Refund Tax Overpayment of Taxes on Block 408 Lot 6

WHEREAS, the following homeowner is entitled to a refund of property tax for overpayment of the 4th quarter 2014;

MICHAEL & REBECCA CALLAHAN
69 EHRET AVE
HARRINGTON PARK, NJ 07640

WHEREAS, the total of the overpayment due to a county credit is in the amount of \$827.17.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Chief Financial Officer shall issue a refund in the amount of \$827.17 for overpayment of the 2014 property taxes.

Addendum H

AN ORDINANCE TO AMEND THE MASTER PLAN OF THE BOROUGH OF HARRINGTON PARK

Whereas, the Mayor and Council of the Borough of Harrington Park are required by the MLUL 40:55D1, et seq. to periodically review the Master Plan to determine if the plan is consistent with desired development, growth and zoning; and

Whereas, the Mayor and Council of the Borough of Harrington Park have determined that the B-1 and B-2 zones within the Borough need to reflect current conditions both environmentally as well as compatibility with surrounding uses and to further provide that the Land Use element reference the housing overlay previously adopted by the Council;

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

- 1) Sections 350-13 and 350-14 of Chapter 350 of the Code of the Borough of Harrington Park are hereby deleted in their entirety and are hereby superseded by the Sections 350-13 and 350-14 listed below.
- 2) All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
- 3) This ordinance shall take effect immediately after passage and publication as provided by law.
- 4) All other parts of Chapter 350 of the Code of the Borough of Harrington Park not specifically amended herein shall remain in full force and effect.
- 5) Further, providing that this Ordinance be forwarded to the Planning Board for their review and comment before final adoption by the Mayor and Council.

'350-13 B-1 Districts

The following regulations shall apply in all B-1 Districts:

A. Uses permitted. The following uses are permitted in B-1 Districts:

- (1) All uses permitted in any residential district, subject to all the provisions specified for such residential districts.
- (2) Stores and shops for the conducting of any retail business.
- (3) Personal service shops, such as barbershops or beauty parlors.
- (4) Banks, theaters, offices, restaurants (excluding fast food establishments) and similar community service establishments.
- (5) Affordable housing, including special needs housing, provided it is in conformance with the Borough=s Fair Share Plan. This use is permitted on any or all floors of the building, and may be included in a mixed use building.
- (6) Accessory buildings and accessory uses.
- (7) Other uses, including mixed uses, which, in the opinion of the Board of Adjustment, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.

B. Uses conditionally permitted. The following uses are conditionally permitted in B-1 Districts:

[Added 12-17-1984 by Ord. No. 349]

- (1) A satellite antenna which complies with the following requirements:
 - (a) The surface area of any reflective dish shall not exceed 12 square feet.
 - (b) The dish shall be erected on a secure ground-mounted foundation.
 - (c) The overall height from the mean ground level to the highest point of the antenna or any attachments thereto when extended to their full height shall be no more than seven feet.
 - (d) The antenna shall be located in the rear yard and shall not violate the yard and setback requirements for the main building.
 - (e) The antenna shall be located and screened to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish

in an unobtrusive location and to minimize the noise impact on adjacent properties shall be a major factor in determining whether or not the conditional use is approved.

(f) The antenna shall be designed for use by occupants of the main building only.

(g) There shall be only one antenna per building lot.

(h) One roof mounted satellite antenna per building lot shall also be conditionally permitted provided it is fully screened from view by parapet walls or other similar devices.

C. Uses prohibited. The following uses are prohibited in B-1 Districts:

(1) Fast food establishments.

(2) Public garages and filling stations.

(3) Establishments for the servicing of vehicles including car washes, oil change facilities, and similar establishments. Not prohibited under this citation are retail establishments for sale of vehicle parts.

(4) Outdoor storage of any materials.

(5) Industrial uses, including but not limited to any facility used for the purpose of fabricating, manufacturing, converting, altering, assembling, storing or warehousing of articles except as incidental to the particular retail trade to be conducted.

D. Building height limit: not less than 10 feet and not more than 35 feet.

E. Required lot area. The minimum lot area for business purposes shall be 5,000 square. Any building used for residence purposes shall have a lot width and lot area at least equal to that required for a similar dwelling in the least restricted residence district.

F. Percentage of lot coverage. Any building, including accessory buildings, shall not cover more than 40% of the area of the lot. No building shall be erected having less than 1,000 sq feet of ground floor area.

G. Yards required. Each lot shall have front and rear yards not less than the following depths:

(1) Front yard: 25 feet.

(2) Side yard: 6 feet.

(3) Rear yard: 15 feet.

H. Principal building limit. Not more than one principal building shall be permitted on any lot described in this section. [Added 5-16-1988 by Ord. No. 398]

I. All uses or structures not specifically permitted are prohibited. [Added 6-23-2004 by Ord. No. 566]

' 350-14 B-2 Districts

The following regulations shall apply in all B-2 Districts:

A. Uses permitted. The following uses are permitted in B-2 Districts:

(1) All uses permitted in any residential district, subject to all the provisions specified for such residential districts.

(2) Stores and shops for the conducting of any retail business.

(3) Personal service shops, such as barbershops or beauty parlors.

(4) Banks, theaters, offices (excluding medical offices), restaurants (excluding fast food establishments) and similar community service establishments.

(5) Affordable housing, including special needs housing, provided it is in conformance with the Borough's Fair Share Plan. This use is permitted on upper floors of the building only, and may be included in a mixed use building.

(6) Accessory buildings and accessory uses.

(7) Other uses, including mixed uses, which, in the opinion of the Board of Adjustment, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.

B. Uses conditionally permitted. The following uses are conditionally permitted in B-2 Districts:

[Added 12-17-1984 by Ord. No. 349]

(1) A satellite antenna which complies with the following requirements:

(a) The surface area of any reflective dish shall not exceed 12 square feet.

(b) The dish shall be erected on a secure ground-mounted foundation.

(c) The overall height from the mean ground level to the highest point of the antenna or any attachments thereto when extended to their full height shall be no more than seven feet.

(d) The antenna shall be located in the rear yard and shall not violate the yard and setback requirements for the main building.

(e) The antenna shall be located and screened to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish in an unobtrusive location and to minimize the noise impact on adjacent properties shall be a major factor in determining whether or not the conditional use is approved.

(f) The antenna shall be designed for use by occupants of the main building only.

(g) There shall be only one antenna per building lot.

(h) One roof mounted satellite antenna per building lot shall also be conditionally permitted provided it is fully screened from view by parapet walls or other similar devices.

C. Uses prohibited. The following uses are prohibited in B-2 Districts:

(1) Fast food establishments.

(2) Public garages and filling stations.

(3) Establishments for the servicing of vehicles including car washes, oil change facilities, and similar establishments. Not prohibited under this citation are retail establishments for sale of vehicle parts.

(4) Outdoor storage of any materials.

(5) Industrial uses, including but not limited to any facility used for the purpose of fabricating, manufacturing, converting, altering, assembling, storing or warehousing of articles except as incidental to the particular retail trade to be conducted.

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