

**REGULAR AGENDA MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
July 9, 2018**

(PAH) Call Meeting to Order

Time: 7:01 pm

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 emailed to the BERGEN RECORD, SUBURBANITE and THE NORTHERN VALLEY PRESS. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

(ALB) Roll Call:

| | PRESENT | ABSENT |
|-----------------|---------|--------|
| | | |
| NAPOLITANO(AN) | x | |
| EVANELLA (GE) | x | |
| WALKER (DW) | | x |
| FITZGERALD (LF) | | x |
| PEDERSEN (JP) | x | |
| CHUNG (JC) | x | |

Also present:

Ms. Ann H. Bistriz, Borough Clerk (ALB)

(PAH) Suspend Regular Order of Business

Motion GE

Second JP

AIF

(PAH) Open to the Public

Motion GE

Second JP

AIF

Mr. Edward LeStrange, 43 Prospect Hill Road, Cuddleback, NY

Provided information on "illegal" organ donations in China. Currently the country does not have an organized program and allegedly arrange the deaths of prisoners, certain religious groups, and labor camps, claiming that the organs of these people or property of the State. This is a very silent issue and he is requesting that Council consider a resolution condemning this type of action.

Council reviewed the package and PAH explained that after further discussion he will be contacted.

Mr. LeStrange was thanked for his presentation

(PAH) Closed to Public

**Motion GE
Second JP
AIF**

**(PAH) Return to the Regular Order of Business
Motion GE
Second JP
AIF**

**(PAH) Approval of Minutes
June 18, 2018
Motion GE
Second AN
AIF-abstain JP**

**(PAH) Correspondence “AA”
Motion JC
Second AN
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 (A-F)

- A) Resolution 2018-109-Harrington Park Community Business Alliance Trust Fund**
- B) Resolution 2018-110- A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING THE BOROUGH TAX COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS**
- C) Resolution 2018-111-RESOLUTION AUTHORIZING PURCHASE CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a**
- D) Resolution 2018-112-A Resolution Urging the Legislature to Amend S-716, S-477 and S-1766**
- E) RESOLUTION-2018-113-Escape New York, Charity Bicycle Ride**
- F) Resolution -2018-114-Authorizing Execution of WOM003 Form for the Allegro Development Company, LLC Project**

**Motion AN
Second JC
No discussion
Roll Call Vote-AIF**

(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance
Building Department-\$10,826 (18 permits-13 Zoning Applications)

(GE) Police, Municipal Court, Personnel

(DW) DPW, Building & Grounds, Sanitation/Recycling

(LF) Board of Health, Environmental Commission

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

(JC) Recreation Commission, Liaison to Board of Education, Public Information

(ALB) Borough Clerk/Administrator

Old Business

The placement of boulders on school grounds is back on track. Dr. Fried was able to acquire more rocks. Working in conjunction with the Environmental Commission and Beautification Committee, not only will the school be getting some boulders, but possibly some will be placed at Highland Field to help direct traffic flow.

JC has reached out to DPW and has discussed with Chief of Police and Risk Manager. All should only cost the Borough DPW time, no funds out of pocket.

New Business

JC stated that kidnapping for organs is a huge issue in China, especially with Asian tourists that have the ability to travel freely in that region.

Ordinances

(AN) ORDINANCE NO. 723 – Second Reading (G)

An Ordinance Amending Chapter 303 the Code of the Borough of Harrington Park titled “Subdivision and Site Plan Review,” to Update the Provisions Requiring Performance and Maintenance Guarantees.

Motion AN

Second GE

No discussion

Vote AIF

Motion to Open to the Public for Ordinance #723 AN

Second GE

Vote AIF

Motion to Close to the Public AN
Second GE
Vote AIF

(JP) BOND ORDINANCE NUMBER 724-Second Reading (H)
BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS
MOBILE AND PORTABLE COMMUNICATION RADIOS AND RELATED
EQUIPMENT AND ACCESSORIES, BY THE BOROUGH OF HARRINGTON
PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY;
APPROPRIATING \$132,670 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$126,350 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF

Motion JP
Second AN
No Discussion
Vote AIF

Motion to Open to the Public for Ordinance #724 JP
Second GE
Vote AIF

Motion to Close to the Public GE
Second AN
Vote AIF

(AN) Ordinance. # 725-Second Reading –Driveway Amendment (I)
AN ORDINANCE TO AMEND ORDINANCE ARTICLE X § 331-41 E. ET SEQ.
SUPPLEMENTARY REGULATION OF THE BOROUGH CODE

Motion AN
Second GE
Vote AIF

Motion to Open to the Public for Ordinance #725 GE
Second AN
Vote AIF

Motion to Close to the Public GE
Second AN
Vote AIF

(GE) Ordinance # 726-Second Reading-Solicitation Amendment (J)
AN ORDINANCE TO AMEND ORDINANCE CHAPTER 237 ARTICLES I & II OF
THE BOROUGH CODE

Motion GE
Second JP

GE stated that the purpose of this amendment was so the Borough conforms to jurisprudence and our constitutional 1st and 14th amendment rights
Vote AIF

Motion to Open to the Public for Ordinance #726 GE
Second JP
Vote AIF

Motion to Close to the Public GE
Second AN
Vote AIF

Open to the Public – General Discussion
Meeting was open to the public at the beginning of the session.

(PAH) Motion for Closed Session Time: None

Adjournment-Time: 7:26pm
Motion: AN
Second: GE

Addendum A
Resolution 2018-109

Harrington Park Community Business Alliance Trust Fund

WHEREAS, N.J.S. 40A:4-39 provides that a municipality may dedicate certain revenues in any budget when the character of the revenue is not subject to reasonably accurate estimate in advance by including in said budget a statement dedicating such revenues to the purpose or purposes for which they are received; and

WHEREAS, the Borough will receive contributions under N.J.S.A. 40A:5-29 for the **Harrington Park Community Business Alliance Trust Fund** and these funds are to be used solely towards the purchase of supplies and to promote fundraising projects to support and modernize the downtown business district within the boundaries of the Borough of Harrington Park

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that revenues received for the **Harrington Park Community Business Alliance Trust Fund** are hereby dedicated and shall be made available to the Harrington Park Beautification Committee expenditures for the purpose stated above as and when received in cash during the fiscal year.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Harrington Park that two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services

Addendum B
Resolution 2018-110

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HARRINGTON PARK,
IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING THE BOROUGH TAX
COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS

Whereas, due to the late adoption of the 2018 Bergen County Budget, the Bergen County Board of Taxation is unable to certify tax rates for the year 2018 and

Whereas, without a 2018 certified tax rate the Tax Collector of the Borough of Harrington Park will be unable to issue 2018 tax bills on a timely basis;

Now, Therefore, Be it resolved by the Mayor and Council of the Borough of Harrington Park, as follows;

1. The Tax Collector of the Borough of Harrington Park is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Harrington Park for the third installment of 2018 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3
2. The entire estimated tax levy for 2016 is hereby set at \$25,447,187.90. The estimated tax rate for 2018 is hereby set at \$2.840.

| | 2018 Tax Rate | |
|----------------------|-------------------------|----------------|
| | | |
| | Estimate Tax Levy | Tax Rate |
| | | |
| County | \$ 2,404,263.84 | 0.2683% |
| county open space | \$ 99,599.62 | 0.0111% |
| Municipal Open Space | \$ 89,700.00 | 0.0100% |
| district school | \$ 12,139,888.00 | 1.3546% |
| Regional School Levy | \$ 5,467,506.00 | 0.6101% |
| Library Levy | \$ 331,106.44 | 0.0369% |
| Municipal Levy | \$ 4,915,124.00 | 0.5485% |
| Surplus | \$ 3,700.00 | |
| | \$ 25,450,887.90 | 2.8400% |
| | | |

Addendum C
Resolution 2018-111
RESOLUTION AUTHORIZING PURCHASE CONTRACTS WITH CERTAIN
APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12a

WHEREAS, pursuant to N.J.S.A. 40a:11-12A AND N.J.A.C. 5:34-7.29(c), the Borough may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Harrington Park has a need to purchase, on a timely basis, goods or services utilizing State contracts during 2018; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-To-Play Law N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Borough of Harrington Park plans to utilize the State Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore,

BE IT RESOLVED, by the Council of the Borough of Harrington Park, in the County of Bergen, that the Borough is hereby authorized to purchase goods or services in 2018 from the approved New Jersey State Contract Vendors on the following list, pursuant to all conditions of the individual State contracts:

| <u>Commodity / Service</u> | <u>State Contract Vendors</u> <u>Vendor Name</u> <u>Contract #</u> | <u>State</u> |
|--------------------------------------|---|--------------|
| Police/Fire Car Lights/ Equipment | East Coast Emergency Lighting 200 Meco Drive Millstone Township, NJ 08535 | 81338 |

Addendum D
Resolution 2018-112
A Resolution Urging the Legislature to Amend S-716, S-477 and S-1766

Whereas: While it is commendable that legislation is being considered to provide additional compensation to Firefighters with cancer, S-716 as currently written, without responsible amendments, will prove to be very expensive to municipalities and taxpayers, and

Whereas: While it is also commendable that the statute of limitations is being extended for claims involving sexual abuse, S-477 as currently written would eliminate the statute of limitations entirely leaving officials and volunteers with the near impossible task of defending a claim that is decades old.

Whereas: Under current law family members can already collect substantial compensation for actual losses such as medical bills, lost income as well as loss of companionship.

Whereas: Without appropriate amendments, the combined impact of these bills would devastate local government insurance budgets at a time when the local taxpayers are being squeezed because of changes in the Federal Tax code.

Now therefore be it resolved by the Borough of Harrington Park that:

- S-716 be amended to provide that the cancer presumption be limited to types of cancer that scientific evidence establishes that Firefighters develop at a higher rate than the general public, and
- S-716 be amended to end the presumption at age 65 when the firefighter becomes eligible for Medicare. Alternatively, S-716 should be amended to remove volunteers and establish a special program for them along the lines recently adopted by New York, Connecticut, Michigan, Colorado and Georgia, and
- S-716 also be amended so that the standard to rebut the presumption remains at the current “preponderance of the evidence”, and
- S-477 be amended to increase statute of limitation on claims involving sexual molestation against public entities to 7 years, subject to no limitation against the molester, and
- S-1766 be amended to remove public entities from “emotional distress” compensation for wrongful death claims subject to Title 59, and

Addendum E
RESOLUTION
2018-113

Escape New York, Charity Bicycle Ride

WHEREAS, the New York Bicycle Club has applied for permission to use roadways within Harrington Park to conduct their Escape New York Charity Bicycle Ride on September 22, 2018 between the hours of 11am-4pm; and

WHEREAS, the proceeds raised by the event will be used to support I Challenge Myself and Recycle-a-Bicycle’s Kids Ride Club; and

WHEREAS, the New York Bicycle Club will encompass many towns in Bergen County commencing and ending in Manhattan, New York, and

WHEREAS, the bike tour will pass through the Borough of Harrington Park involving at least 1000 riders; and

BE IT RESOLVED, that the Harrington Park Police Department, the Harrington Park Volunteer Fire Department and the Harrington Park Volunteer Ambulance Corps be notified of the event and proper insurance be filed with the Borough; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that there is no objection to the conducting of the New York Bicycle Club's Escape New York, Charity Bicycle Ride, as hereinbefore mentioned.

**Addendum F
Resolution
2018-114**

**RESOLUTION AUTHORIZING EXECUTION OF WQM003 FORM FOR THE
ALLEGRO DEVELOPMENT COMPANY, LLC PROJECT**

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that Mayor Paul A. Hoelscher be and is hereby authorized to execute on behalf of the Borough of Harrington Park the New Jersey Department of Environmental Protection Statements of Consent form WQM003 for the Treatment Works Approval Application for the sanitary sewer connection associated with the Allegro Development Company, LLC project located at Block 1601, Lot 1, 200 Old Hook Road in the Borough of Harrington Park

**Addendum G
ORDINANCE NO. 723**

**An Ordinance Amending Chapter 303 the Code of the
Borough of Harrington Park titled "Subdivision and Site Plan
Review," to Update the Provisions Requiring Performance and
Maintenance Guarantees.**

WHEREAS, the Mayor and Council of the Borough of Harrington Park is authorized to create and from time to time modify land use regulations consistent with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) ("MLUL"), and the purpose of this ordinance is to amend the Borough's regulations requiring developers and successor developers to furnish performance and maintenance guarantees, in response to P.L. 2017, Chapter 312, revising the applicable MLUL provisions, to better enforce the provisions of the Harrington Park land use ordinances, as authorized by the MLUL, and to advance the public health, safety, and welfare of Harrington Park's residents and property owners.

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

Article VII: Section 303-46-48 of the Code of the Borough of Harrington Park (“Code”) is amended to state:

§303-46. On-tract Improvements: Guarantees Required.

The Borough, as a condition of final site plan approval, may require the developer to furnish and shall accept in accordance with the standards adopted by this Code and the regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) a performance guarantee, for the purpose of assuring the installation and maintenance of certain on-tract improvements, and a maintenance guarantee, both in accordance with paragraphs (1) and (2) of this subsection. Successor developers shall furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, and the Borough shall accept the replacement performance guarantee in accordance with the standards adopted by this Code and the regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(a) The developer shall furnish a performance guarantee in favor of the Borough in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer’s agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Borough engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor’s monuments, as shown on the final map and required by “the map filing law,” P.L. 1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The Borough engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) The developer also will furnish a performance guarantee to include, within an approved phase or section of a development privately-

owned perimeter buffer landscaping, as imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

If the developer seeks a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Borough in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building, or phase of development, and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development of which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer and Borough engineer. The Borough will not hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the zoning officer, or the Borough engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

A developer shall furnish to the Borough a "safety and stabilization guarantee," in favor of the Borough. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Borough solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

Work has not recommenced within 30 days following the provision of written notice by the Borough to the developer of the Borough's intent to claim payment under the guarantee. The Borough shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Borough shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

- \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000, up to \$1,000,000, plus
- one percent of bonded improvement costs in excess of \$1,000,000.

The Borough shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee that includes a line item for safety and stabilization in the amount required under this paragraph.

The Borough shall release a "safety and stabilization guarantee" upon the Borough engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(a) The developer shall post with the Borough, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the Borough upon the inspection and issuance of final approval of the following private site improvements by the Borough engineer, a maintenance guarantee in an

amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

If other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.

The time allowed for installation of the bonded improvements for which a performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increase or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough for the reasonable cost of the improvements not completed or corrected and the Borough may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

- (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Borough clerk, that the Borough engineer prepare, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to subsection A of this section, a list of all incomplete or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the Borough

engineer. The request shall indicate which improvements have been completed and which improvements remain incomplete in the judgment of the obligor. Thereupon the Borough engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the Borough engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Borough engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to subsection A of this section.

- (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Borough engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to subsection A of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the

total amount for each such improvement in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to subsection A of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Borough may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee” to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Borough below 30 percent.

(2) If the obligor has made a cash deposit with the Borough as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee provided that if the developer has furnished a “safety and stabilization guarantee” the Borough may retain cash equal to the amount of the remaining safety and stabilization guarantee,” the Borough may retain cash equal to the amount of the remaining safety and stabilization guarantee.

If any portion of the required bonded improvements is rejected, the Borough may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

- (1) The obligor shall reimburse the Borough for reasonable inspection fees paid to the Borough engineer for the foregoing inspection of improvements, which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Borough may require the developer to post the inspection fees in escrow in an amount:

Not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection A of this section; and

Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection A of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 20% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

If the Borough determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Borough may require the developer to deposit additional funds in escrow provided that the Borough delivers to the developer a written inspection escrow deposit request, signed by the Borough engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

If final approval is by stages or sections of development pursuant to subsection a of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

If any of the improvements have been dedicated to the Borough on a subdivision plat or site plan, the governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection A of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plan and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Borough engineer.

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

This ordinance will take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d), and copies will be served on the County Planning Board and the Borough's tax assessor within thirty days of adoption.

Addendum H

**BOROUGH OF HARRINGTON PARK
BOND ORDINANCE NUMBER 724**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS MOBILE AND PORTABLE COMMUNICATION RADIOS AND RELATED EQUIPMENT AND ACCESSORIES, BY THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$132,670 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$126,350 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Harrington Park, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$132,670, said sum being inclusive of a down payment in the amount of \$6,320 now available for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$132,670 appropriation not provided for by the down payment referred to in Section 1 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$126,350 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$126,350 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is for the acquisition of various mobile and portable communication radios, and related equipment and accessories, to be used by the Police Department for communicating with the various police departments of adjacent municipalities which are part of the Inter-Borough Radio Group, including, as applicable, all work, materials, equipment and appurtenances necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$126,350.

(c) The estimated cost of said improvements or purposes is \$132,670, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of \$6,320, which is the down payment available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully

undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 7 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$126,350 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$6,315 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year following the reimbursement of any expenditures with bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of

its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$126,350. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Addendum I

Ordinance. # 725

AN ORDINANCE TO AMEND ORDINANCE ARTICLE X § 331-41 E. ET SEQ. SUPPLEMENTARY REGULATION OF THE BOROUGH CODE

Whereas, the Mayor and Council of the Borough of Harrington Park have determined that it is in the best interest of the Borough to amend certain existing ordinances to include provisions providing for better safety, zoning and traffic regulation within the Borough; and

Whereas, the amendment to the pertinent provisions of the code have been made after discussion, investigation and recommendation by the Zoning Official;

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

- 1) Ordinance § 331-41 E. shall be amended to read as follows:
In the residential zoning districts, each lot shall be provided with a paved, stoned, concrete or concrete paver driveway connection with a public street. Such driveway shall connect directly to the public street and shall be no wider than 20' feet for a single car garage or any residence without a garage (formerly 12' feet) or 24' feet for a two-car garage with entry facing the public roadway. In the event of a side entry garage the driveway from the road to the building setback shall not be greater than 12 feet.

Be it further ordained that a copy of this ordinance be forwarded to the planning board for their review and approval.

Addendum J

Ordinance # 726

AN ORDINANCE TO AMEND ORDINANCE CHAPTER 237 ARTICLES I & II OF THE BOROUGH CODE

Whereas, the Mayor and Council of the Borough of Harrington Park have determined that it is in the best interest of the Borough to amend certain existing licensee ordinances to include provisions providing for better safety, policing and traffic regulation within the Borough; and

Whereas, the amendment to the pertinent provisions of the code have been made after discussion, investigation and recommendation by the general counsel;

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

- 1) Chapter 237 article I shall be amended as follows:
237-3 (G) shall read “A statement as to whether or not the applicant has ever been convicted of any crime, other than traffic regulations, and the nature of the offense.
- 2) Chapter 237-4 (A) shall read “Upon receipt of an application by an applicant seeking to solicit, canvass, poll take and/or survey take or for any reason regulated under this Article or for any purpose, the police department shall, for the protection of the public welfare, investigate the applicant’s business and moral character.”

Chapter 237-4 (B) shall be amended and read “Upon receipt of an application by any applicant for a license under this article, the police department shall, for the protection of the public welfare, investigate his/her business and moral character.”

- 3) Chapter 237-6 (A) shall be amended to read “Any person who is licensed to solicit, canvass, poll take, survey take or for any reason under this article shall do so only between the hours of 10:00 a.m. and 9:00 p.m.”

Chapter 237-6 (B) shall be deleted in its entirety.

- 4) Chapter 237-10 (E) shall be deleted in its entirety

- 5) Article II chapter 237-13 shall be amended as follows: “all persons regulated by this chapter shall only conduct their canvassing/solicitation within the Borough within the hours of 10:00 a.m. and 9:00 p.m.

Chapter 237-14 shall be amended to read “All persons to which this chapter applies shall not conduct any canvassing/solicitation within the Borough at any premise that has a visible “No Knock sign on their property” or who has registered with the Harrington Park Police Department as a property to which no canvassing/solicitation shall occur. “The No-Knock list”.

Chapter 237-15 shall be amended to read “Any group or individual regulated by this chapter shall not within the Borough disturb residents who have registered their names on a No Knock list maintained by the Harrington Park Police Department. It is the responsibility of all such individuals/groups to obtain a copy of said No- Knock list from the Harrington Park Police Department prior to conducting any operations pursuant to this chapter and to honor the privacy of those listed.”

**Addendum AA
Correspondence**

June 19, 2018

PSEG Public Hearing notice for rate increases.

Old Tappan Public Notice-Zoning amendment

O/R update request to call 811 if work is performed.

Open Space Application for Pavilion (Neglia)

Notice of Sublease of Cell Tower (forwarded to JRD)

6/22/2018

Soil Erosion Application-432 Harriot Avenue

NJ Smallest Town post-internet

6/25/2018

ADA Accessible Ramps for Diamond Construction pre construction meeting minutes

6/28/2018

Sheriff Sale for 23 Stella Court New owner BSI Financial Services.

7/5/2018

Volunteer request from the County for the Office of Long Term Care Ombudsman

Foreclosure notice for 39 Ridge Road.

This is a certified copy of Minutes that was approved by Council at the August 13, 2018 Regular Agenda Meeting.

Ann H. Bistriz

CMC RMC CMR Admin.