

**REGULAR AGENDA MEETING
 Mayor and Council
 Borough of Harrington Park, New Jersey
 December 10, 2018**

(PAH) Call Meeting to Order Time: 7:04pm

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been 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 (7:14pm)
FITZGERALD (LF)	x	
PEDERSEN (JP)	x	
CHUNG (JC)	x	

Also present:

**Ms. Ann H. Bistriz, Borough Clerk (ALB)
 Mr. Kunjesh Trivedi, CFO CTC**

(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-B)

**Change Order Bluefield Avenue Paving-Riverside Cooperative 2018-161
 Close Out payment for D&L Paving-Bluefield Avenue-Riverside Cooperative 2018-162**

**Motion JP
 Second JC
 Discussion no discussion
 Vote AIF**

Individual Committee Reports

(PAH) Mayor Hoelscher

Sine Die/Reorganization Meeting 2019
 Saturday, January 5, 2019 for Sine Die (11:30am) and Reorganization Meeting 12 Noon

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

(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

Consideration of Skate Board Ramp Ordinance-this will be discussed by Mr. Dineen at the next meeting regarding a case that was in front of the Board of Adjustment.

Employee Handbook-Will be sending to all to review with a resolution of adoption at the December 17, 2018 meeting. If any changes are requested, all can be amended in January. The Borough is required by the JIF to adopt and distribute the handbook by the end of the year.

Old Business

(AN) Chief of Police Contract

AN deferred this resolution until the December 17, 2018 meeting when GE will be in attendance.

RESOLUTION

2018-163

~~WHEREAS, the Mayor and Council have established by ordinance a Police Department; and~~

~~WHEREAS, the Police Department of the Borough of Harrington Park by ordinance has appointed Albert Maalouf to the position as chief; and~~

~~WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough of Harrington Park to extend a contract to Chief Albert Maalouf for a period of 3 years to secure consistency within the department as well as for the general welfare safety and health of the community; and~~

~~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 Borough of Harrington Park shall prepare and enter into a written agreement with Chief Albert Maalouf on the terms and conditions set forth; and~~

~~2. The Mayor, Clerk or such authorized person shall execute and deliver such contract to the Chief of Police for his signature~~

Old Business

JC is working with JRD and KJT on putting together bid specs for Field Maintenance with a resolution to advertise at the next meeting so bids can go out in January-10 day bid process.

New Business

(PAH) Mr. Peter Stonitsch has been chosen to be honored as Citizen of the Year for 2018.

Proclamation will be presented at the December 17, 2018 meeting

Mr. Stonitsch has served as a Eucharistic Minister, President of Club 60, coached softball, and worked the polls for elections.

JC has volunteered in the same facility as Mr. Stonitsch and stated that he is a very caring and thoughtful man who creates a sense of community and peace in a place where many feel very isolated.

Ordinances

(AN) Ordinance #729 "AN ORDINANCE AMENDING CHAPTER 350: ZONING BY ADDING ARTICLE XVII ENTITLED "UNLAWFUL RESIDENTIAL UNITS" Addendum C

Motion to approve AN

Second JC

(PAH) Motion to open the meeting to the public for Ordinance #729 AN

Second JC

Vote AIF

No Public present

(PAH) Motion to close the meeting to the public for Ordinance #729 AN

Second JP

Vote AIF

Council Discussion-This is in reaction to the calls received by the Building Department and Clerk's Office regarding Air B-N-Bs that may be operating in the community. JC stated that many residents do not realize that this is unlawful. We should advertise in our Newsletter so make our residents aware that this is something that is not allowed

Roll Call Vote AIF

Meeting Open to the Public-JP

Second AN

AIF

No Public

Closed to Public JP

**Second AN
AIF**

**Closed Session None Time:
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.

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.

Adjournment-Time: 7:20pm

Motion: JP

Second: AN

Vote: AIF

Addendum A

2018-161

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: BLUEFIELD AVENUE – RIVERSIDE COOPERATIVE PROJECT

CONTRACTOR: D&L Paving Contractors, 675 Franklin Ave., Nutley, NJ 07117

NJDOT CHANGE ORDER No.: 1 & Final

AMOUNT OF CHANGE THIS RESOLUTION: - \$11,302.22 -13.74% Decrease

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

Dated:

Certified: _____
Treasurer

Dated:

Approved: _____
Mayor

Be it resolved by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey that the contract for the **Bluefield Avenue – Riverside Cooperative Project** was constructed by **D&L Paving Contractors, 675 Franklin Avenue, Nutley, NJ 07117** in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The said construction is hereby accepted and final payment in the amount of **Ten Thousand Nine Hundred Thirty One Dollars and Sixty Five Cents (\$10,931.65)** is hereby approved.

This Resolution to take effect immediately.

Dated: _____

Approved:

Mayor

Dated:

Approved: _____
Mayor

**Addendum B
2018-162**

WHEREAS, the Mayor and Council have established by ordinance a Police Department; and

WHEREAS, the Police Department of the Borough of Harrington Park by ordinance has appointed Albert Maalouf to the position as chief; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough of Harrington Park to extend a contract to Chief Albert Maalouf for a period of 2 years (one year retroactively) to secure consistency within the department as well as for the general welfare safety and health of the community ; and

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 Borough of Harrington Park shall prepare and enter into a written agreement with Chief Albert Maalouf on the terms and conditions set forth; and

2. The Mayor, Clerk or such authorized person shall execute and deliver such contract to the Chief of Police for his signature.

**Addendum C
ORDINANCE #729**

“AN ORDINANCE AMENDING CHAPTER 350: ZONING BY ADDING ARTICLE XVII

ENTITLED “UNLAWFUL RESIDENTIAL UNITS”

WHEREAS, The Mayor and Council hereby determines that the use and occupancy of illegal residential apartments, as set forth above, are detrimental to the general health, safety and welfare of the Borough, and that such illegal occupancies generate the utilization of Borough services, including fire, police, sanitation, public works and general administration, and further generate the use of motor vehicles which take parking spaces and create traffic, while escaping real estate taxation. The Borough finds this to be an unfair and inequitable situation; and WHEREAS, the Mayor and Council of the Borough of Harrington Park finds it to be in the best interest of the Borough and its citizens to adopt an ordinance to prohibit such units and related provisions.

NOW, THEREFORE, 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: Chapter 350 entitled Zoning of the Borough of Harrington Park hereby amended and revised to add and create a new Article XVII entitled, “Unlawful Residential Units” and new sub article sections beginning at §350-45 to read as follows:

ARTICLE XI: UNLAWFUL RESIDENTIAL UNITS

§ 350-95. Definitions.

For the purpose of this ordinance an “illegal Dwelling Unit” is defined as follows:

1. Dwelling unit shall mean (1) or more rooms occupied or intended for occupancy as a separate living quarters by one or family, not common to the main residence and/or has only access from directly outside and/or has locked doors separating units. Dwelling unit is a separate area providing cooking, sleeping and sanitary facilities.
2. An additional dwelling unit, within a single family, for which on certificate of occupancy has not been issued after Harrington Park Zoning Code was adopted.
3. Any additional dwelling units that legal documented cannot be shown built as “pre- existing non-conforming” or a Board “Use Variance” per Harrington Park Zoning Ordinance.
4. A dwelling unit which is created without the necessary N.J Uniform Construction Code permits.
5. Landlord shall be deemed to be owner in fee, irrespective of residency within building or any entity that owns or possess property due foreclosure.
6. Any other dwelling or rental unit which is in violation of any State, County or Municipal statue, regulation and/or ordinance.

§ 350-96. Rental or payment for use prohibited.

A. No person shall charge, demand, receive or accept any rent or other payment for the use or occupancy of any residential premises within the Borough of Harrington Park which is used or occupied in violation of the Zoning Ordinance of the Borough of Harrington Park. Each such

charge, demand, receipt or acceptance of such rent or other payment in violation hereof shall constitute a separate offense.

B. No person, specifically including but not limited to those persons commonly known as "real estate agents," "brokers" or "salespersons," shall assist, aid or facilitate in the rental, sale, use or occupancy of any residential premises within the Borough of Harrington Park which is used or occupied or intended to be used or occupied in violation of the Zoning Ordinance of the Borough of Harrington Park. For purposes of this article, the acts of listing for rental or sale, advertising or otherwise offering for rent, lease or sale any residential premises within the Borough of Harrington Park which are used or occupied or intended to be used or occupied in violation of the Zoning Ordinance of the Borough of Harrington Park shall be deemed to constitute a violation of this article. Any person who is to receive a commission, profit or other form of remuneration or emolument as a result of a rental, lease or sale of residential premises shall have a duty to make reasonable inquiry to determine whether or not the use or occupancy or intended use or occupancy is or will be in violation of the Zoning Ordinance of the Borough of Harrington Park.

§350-97. Notification of occupants.

A. The Zoning Official or designee shall issue a court summons, in violation of this ordinance, to the owner of record and an order to vacate shall be posted. Within 10 days following receipt of this notice to abate an unlawful occupancy in violation of the Zoning Ordinance of the Borough of Harrington Park or within 10 days following receipt of a summons for violation of this article or the Zoning Ordinance of the Borough of Harrington Park or prior to the institution of dispossess proceedings to correct an illegal occupancy, whichever first occurs, the owner of residential premises within the Borough of Northvale shall serve upon all of the unlawful occupants using or occupying said residential premises a copy of this article and shall post a copy of this article in a common area of the premises accessible to all the occupants thereof for inspection.

B. Upon written notification or violation by the Zoning Official that the apartment is illegal the Landlord shall place all prospective and future rent in an interest-bearing escrow account until finalization of the municipal action. The Landlord shall have an affirmative obligation to produce proof of this account to the Municipal Court Judge at summoned hearing.

C. In addition, other action or violations may be issued to the Landlord, as required, by the appropriate Borough Officials in regard to the Health, Safety and Welfare of the occupants.

§ 350-98. Violations and penalties.

A. Any person violating and convicted of any provision of this article shall be subject to a fine of not less than \$1,000 or more than \$2,000 or by imprisonment for a term not exceeding 90 days, or both, for each separate violation of same.

B. In addition to requiring reimbursement from the owner-landlord of the structure for relocation assistance paid to a displaced tenant, and notwithstanding the provisions of Subsection A of this section, the Municipal Court may impose an additional fine for zoning or housing code violation for an illegal occupancy up to an amount equal to 6 times the monthly rental paid by the

displaced person to be paid to the municipality by the owner-landlord of the structure pursuant to the provisions of N.J.S.A. 2A:18-61.1g(c). Notwithstanding the penalties provided above, a second or subsequent violation for an illegal occupancy as provided in this subsection by any owner-landlord for a second or subsequent violation, the Municipal Court may impose a fine equal to the annual tuition costs of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to Penalty Enforcement Law of 1999, (N.J.S.A. 2A:58-10 et seq.). The Municipal Court and the Superior Court shall have jurisdiction of the proceedings for the enforcement of the penalty provided by this section. The tuition costs shall be determined in the manner prescribed for nonresident pupils pursuant to N.J.S.A. 18A:38-19, and the payment of the fines shall be remitted to the appropriate school district.

C. In those instances where a violation of this section is based on the maintenance of residential dwelling units above the number of units permitted by the Zoning Ordinance on a particular parcel of land (e.g., the maintenance of a structure with two residential dwelling units in a zoning district where single family homes are permitted), the defendant who is the owner of a property shall be required to permanently remove the kitchen, bathroom, bedroom, point of entrance/egress or any other offending illegal structure, appliance or fixture. The Borough Construction Official or his designee shall inspect the premises to insure that said removal is accomplished within 30 days of the date of the entry of the judgment of conviction by the Municipal Court.

§350-99. Costs of moving to be borne by violator.

A. Any tenant who receives a notice of eviction pursuant to the provisions of N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activity for an illegal occupancy shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section.

B. The Borough of Harrington Park may pay relocation assistance to any displaced person who has not received the required payment from the owner-landlord of the structure at the time of eviction pursuant to Subsection A. All relocation assistance costs incurred by a municipality pursuant to this subsection shall be repaid by the owner-landlord of the structure to the municipality in the same manner as relocation costs are billed and collected under the provisions of N.J.S.A. 20:4-4.1 and N.J.S.A. 20:4-4.2.

§ 350-100. Findings and declarations.

The Mayor and Council hereby find and declare that there has been a proliferation of what are commonly known as "illegal apartments," meaning residential dwelling units which are occupied in violation of zoning laws. These illegal apartments manifest themselves as a second residential unit in a building in a one-family zone. The Mayor and Council hereby further find and declare that such illegal units have a deleterious effect on the quality of life of Borough residents, require the provision of Borough services, generate young people who attend Borough schools, increase the utilization of Borough programs and services, contribute to the costs of the Borough by increasing the generation of refuse (garbage) and sewer flow, contribute to overcrowding, generate traffic within the Borough, generate automobiles which contribute to parking shortages throughout the Borough and lead to the maintenance of dwelling units which often fail to meet

health, safety and building code standards. By their nature, such units generally escape taxation as their maintenance and existence is normally hidden and not used for tax assessment purposes. The use and maintenance of said illegal apartments is also unfair to the vast majority of Borough residents who abide by zoning laws.

§ 350-101. Restitution to Borough.

The Borough determines that the harm and detriment to the Borough caused by illegal occupancies to be an unfair and inequitable situation. Difficult to measure hereby determines that the most reasonable way to calculate same as a percentage of the rental payment charged by the owner to the occupant on account of the illegal occupancy. The Borough determines that a percentage of 10% of the rent to be fair and reasonable as a measure of the damage and detriment caused to the Borough, and the Mayor and Council may authorize the Borough Attorney to recover from any person who charges, demands, receives or accepts rent or payment for such an illegal occupancy to make restitution to the Borough for the damage and detriment caused to the Borough during a period of illegal occupancy.

**Addendum D
Transfer of Funds
2018-164
Resolution pulled from agenda**