

**REGULAR AGENDA MEETING  
Mayor and Council  
Borough of Harrington Park, New Jersey  
November 12, 2019**

**(PAH) Call Meeting to Order**

**Time: 7:00pm**

**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	
BROCKMAN (JB)	x	
	X	
PEDERSEN (JP)	7:05pm	
CHUNG (JC)	x	

**Also present:**

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

**Mr. Kunjesh Trivedi (KJT)**

Meeting opened with Birthday celebration for Councilwoman Chung-thank you to Susan Evanella for the delicious cake.

**(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.**

**Consent Approval Items:**

**(A) Membership in Fireman's Association 2019-135**

**(B) RA #270 Raffle Application for Off Premises 50/50 Cash Raffle for the Harrington Park Lions Club 2019-136**

**Motion GE**

**Second AN**

**Discussion none**

**Roll Call Vote AIF**

**Individual Committee Reports**

**(PAH) Mayor Hoelscher**

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

**(GE) Police, Municipal Court, Personnel**

**October:**

570 Service Calls

171 Enforcements

2 adult arrests

62 Summonses YTD/ 683 Getto: 31 for month YTD/ 250

No DUI

Monthly miles: 3882 YTD/ 45,058

OT: \$21,000 remains

OE: \$15,000 remains

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

**October:**

Street signs were changed

Removed tree branches and leaves around town (also on Oct 17 chipping for windstorm cleanup)

Decorated for the Fall Season/scarecrows for the Library

Litter collection around town

Recycling 10,520 lbs. white metal, 9500 lbs. cardboard

Curbside collection 23.9 tons                      Recycling 4.76 tons

**(JB) Board of Health, Environmental Commission**

Rabies Clinic-November 16, 2019 9am-10am DPW Garage

BOH has reviewed their budget for 2020 and two members whose term is up would like to be reappointed.

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

Department heads have begun meeting with KJT for the 2020 budget.

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

**(ALB) Borough Clerk/Administrator**

**Approval to post on website:**

**Ciccorico Family Foundation (Special Education and the Arts)**

**Allegro Development**

**OPRA Resolution for Study Commission Addendum C 2019-137**

**Consent Motion made by GE, second JP**

**No Discussion**

**Roll Call-AIF**

**Old Business**

**New Business**

GE Announced that Doreen Tietz has retired from her position of Crossing Guard. She has been an employee for over 15 years. Chief Maalouf would like to present her with a Certificate of Recognition at one of the December meetings.

JC requested the date so she can inform the school

PAH stated either meeting is fine- just let ALB know so the agenda can reflect the presentation. He also plans of Awarding Suellen Spillane-Citizen of the Year

JB Harrington Park Business Alliance is holding a Networking Event on November 21, at Stokes Farm in Old Tappan. PAH requested that JB inform the group that he will be unable to attend since he will be at the League of Municipalities Convention

**Open to Public**

**Motion GE**

**Second JP**

**Vote AIF**

**No public was present**

**Closed to Public**

**Motion JP**

**Second GE**

**Vote AIF**

**Closed Session Time: 7:20pm**

**Motion GE**

**Second JP**

**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.

(GE) Contract Negotiations-Chief of Police  
Legal-Police Department

**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 7:25pm**

**Adjournment-Time: 7:25pm**

**Motion: GE**

**Second DW**

**AIF**

**Addendum A**  
**Membership in Fireman's Association**  
**RESOLUTION**  
**2019-135**

WHERE AS, the Mayor and Council of the Borough of Harrington Park approve the admittance of Joseph R. Barron, Harrington Park, New Jersey as an active member in the Harrington Park Volunteer Fire Department and shall also be approved for membership in the New Jersey's State Fireman's Association

**Addendum B**  
**Resolution 2019-136**  
**Raffle License RA #270 Harrington Park Lions Club Approval**

**RA # 270 Off Premise 50/50 Cash Raffle**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Harrington Park that the Off Premise 50/50 Cash Raffle Application RA # 270 for the Harrington Park Lions Club to be held on June 4, 2020 at 9pm, 13 Kline 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**

**Calling for Study Commission to Review the Open Public Records Act**  
**2019-137**

**WHEREAS**, the Borough of Harrington Park strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, Borough of Harrington Park has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, Borough of Harrington Park received and responded to over 300 *OPRA request received in 2017*, and over 300 OPRA requests in 2018, and to date has received and responded to over 425 OPRA requests as of September 1, 2019; and

**WHEREAS**, Borough of Harrington Park municipal staff has spent approximately 300 hours responding to OPRA requests received in 2019 to date; and

**WHEREAS**, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Harrington Park must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees that can adversely affect the municipal budget; and

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of Borough of Harrington Park appeals to the legislature to form a Commission comprised of Mayors,

Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Assemblywoman Holly Schepisi, Assemblyman Robert Auth, Senator Gerald Cardinale, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

