

**REGULAR MONTLY MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
March 18, 2013**

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

(ALB) Roll Call:

| | PRESENT | ABSENT |
|----------------|---------|--------|
| Council | | |
| DUNLEA (JD) | x | |
| EVANELLA (GE) | x | |
| PEDERSEN (JP) | | x |
| RYAN (MR) | x | |
| NAPOLITANO(AN) | x | |
| CHUNG (JC) | x | |

Also present:

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

Mr. John R. Dineen, Borough Attorney (JRD)

Mr. Gregory Polyniak, Neglia Engineering, Borough Engineer(GP)

(ALB) Flag Salute

(PAH) Suspension of the Regular Order of Business

Motion GE

Second JD

Vote AIF

Proclamation to Nina Osso

State Winner of the New Jersey Federation of Women's Clubs Spelling Bee

PAH explained that he has always been fortunate to be a judge for the Annual Spelling Bee and was honored that Miss Osso not only won the local level, but also the various other levels including the State of New Jersey. He knows that Miss Osso's parents are very proud as well as her grandfather. PAH knows that Nina will continue to accomplish many great things in the future.

PAH noted that there were several people present to make presentations.

Assemblywoman Holly Schepisi presented a citation from the New Jersey Assembly for her achievement. She added that she is a former Harrington Park resident and has a fourth grader herself. She is aware of how much work and determination was needed for such an achievement.

County Clerk John Hogan presented a certificate from the County, and expressed his pride and awe of Miss Osso's accomplishment.

Mayor Hoelscher presented a Proclamation to Miss Osso.

(PAH) PROCLAMATION

JUNIOR WOMEN'S CLUB ANNUAL SPELLING BEE WINNER

WHEREAS, *The Harrington Park Public School hosted a Spelling Bee for students in grades 4 & 5 in conjunction with the Junior Women's Club of Harrington Park on January 22, 2013; and*

WHEREAS, *The Spelling Bee is sponsored each year by the New Jersey Federation of Women's Clubs-Junior Membership (NJSFWC-JM); and*

WHEREAS, *Miss Nina Osso, 5th Grader at the Harrington Park Public School was the winner of the Harrington Park Spelling Bee spelling the word WRING; and*

WHEREAS, *A Regional Spelling Bee was held on February 24, 2013 in Rutherford, New Jersey with contestants from Bergen, Morris and Sussex counties; and*

WHEREAS, *Miss Osso won this Bee spelling the word MISCHIEVOUS; and*

WHEREAS, *Nina then competed in the State Spelling Bee on March 9, 2013 at Rutgers University and after nine rounds won the competition with the word BATTALION.*

NOW, THEREFORE, BE IT PROCLAIMED *that Miss Nina Osso is hereby honored by the Mayor and Council of the Borough of Harrington Park as well as the citizens of our wonderful community by proclaiming:*

MARCH 18, 2013 as

NINA OSSO DAY

BE IT FURTHER UNDERSTOOD, *that all members of our community express our sincere respect and congratulations of such an outstanding accomplishment.*

The Proclamation was followed by a presentation from Junior Woman's Club Co-President's Kathleen Forma and Cathleen Seco along with Ms. Melissa Diggins. They presented flowers, balloons and a book of citations and certificates that include many dignitaries along with requests for commendations from President Obama, One Direction and Justin Bieber.

Miss Osso thanked the Mayor, Council, her family, friends and all attendees for their support. She would not have been able to win the Bee without the practice and preparation with her Mother, Father and Sister. A special thank you for her teacher Ms. Rausa,

Return to the Regular Order of Business

Motion GE

Second JD

Vote AIF

(PAH) Minute Approval

Consent:

February 4, 2013 Budget Meeting

February 26, 2013 Emergency Meeting

Motion AN

Second JC

Vote AIF

February 11, 2013 Agenda Meeting

Motion GE

Second AN

Vote AIF

February 19, 2013 Regular Meeting

Motion GE

Second AN

Vote AIF

(PAH) Consent Correspondence

SEE ADDENDUM “AA”

Consent Correspondence be accepted and become a part of this meeting without Discussion

Motion AN

Second JD

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.

Addendums (A-E)

*****MR requested that item A be voted on separately**

Payment of Claims A

Motion JD

Second GE

Vote 4-1 (MR voting no)

Restoration of Energy Taxes to Municipalities B

AT&T Communication Installation on Public Right-of-Way C

Raffle License RA#225 Our Lady of Victories D

Social Affairs Permit-Friends of the Library E

Items B-E
Motion GE
Second JD
Vote AIF

Individual Committee Reports

- (JD) **Finance, Administration & Exec., Grants, Newsletter**
April 8th meeting plans to review balance of bond funds.
- (GE) **DPW, Recycling, Building & Grounds**
Has not received the March report.
- (JP) **Police, Municipal Court, Public Assistance**
GE presented Police Report for JP
Officer Costagliola -3 DWI citations
Regular traffic stop uncovered a wanted suspect for an out of state assault investigation. Officers Miller and LaVigna probation period of one year will be over in April. Chief Maalouf has expressed that both officers have shown great character and openness to training. They have also exceeded his expectations and should be made part of the permanent roster.
- (MR) **Recreation Commission, Environmental Commission**
Personnel & Performance Evaluations
No reports-all meetings will be held later this week.
- (AN) **Planning Bd., Bd. of Adjustment, Construction, Fire**
Department is still busy and up about \$10,000 from 2012.
- (JC) **Board of Health, Sanitation**
Liaison to Board of Education

Old Business

- (MR) Council should consider to add 2 alternates to the Recreation Commission that would only participate when a quorum is needed. In January the meeting was cancelled for lack of a quorum. AN asked if there was anything negative to having additional members. MR no downside as she can see, Planning Board and Board of Adjustment had alternate members. PAH added this is worth looking into.

New Business

- (PAH) **Building Use for Presentation from Chad Melton Pres. CFO of HUMC at Pascack Valley Hospital.**

PAH asked Council to consider holding a meeting for the CFO of HUMC at Pascack Valley for a question and answer program. Mailing will be sent out to towns in the area to attend. EMTs and first responders should send representatives as well.

ORDINANCES AND RESOLUTIONS

Meeting Open to Public

Motion GE
Second JD
Vote AIF

Meeting Closed to Public

Motion GE
Second AN
Vote AIF

(PAH) Mayor Hoelscher's Report

- **Board of Education Budget meeting has been changed to March 26, 2013**
- **Since Harriot Avenue is now barrier free, paving is scheduled by the County for later this year.**

Closed Session Time: 7:35pm

Motion GE
Second AN
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. Neglia Engineering-Potential Litigation

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 Time:

Motion
Second
Vote

Adjournment-Time: 8:05pm

Motion:

Second:

Vote:

Addendum A

Payment of Claims

PAYMENT OF CLAIMS CERTIFICATION

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

| | |
|-----------------------------------|------------------------|
| 2012 Appropriation Reserve | \$ 38,818.70 |
| 2013 Current Fund | \$ 1,629,517.43 |
| Payroll (February) | \$ 209,461.33 |
| Trust Fund | \$ 4,252.03 |
| Dog Revenue Fund | \$ 168.60 |
| Capital Fund | \$ 3,579.69 |

JUDITH CURRAN, CFO

March 18, 2013

Addendum B

RESOLUTION

SUPPORTING ASSEMBLY BILL A-2753 REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities

and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

WHEREAS, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

RESOLVED, that the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

RESOLVED, that the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey enthusiastically support and urge our State Legislators to pass A-2753/S-1923; and be it finally

RESOLVED, that certified copies of the Resolution be forward to Governor Chris Christie, Lt. Governor Kim Guadagno, our State and Local Legislators and the League of Municipalities.

Addendum C
Resolution

Granting permission to AT&T Corp. to install communications facilities along, under and over the public right-of-way in order to provide communications services to the public.

WHEREAS, AT&T Corp., through its operating subsidiaries, including AT&T Communications of New Jersey, L.P., TCG New Jersey, Inc. and Teleport Communications New York (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Harrington Park public right-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AT&T obtain approval of the Harrington Park Borough Council as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE HARRINGTON PARK BOROUGH COUNCIL THAT:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Harrington Park in order to provide communications services to the public, and to operate, maintain and repair said facilities, subject to the following:
 - A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.

- B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
- C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
- D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless the Borough of Harrington Park, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.
- E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.
- G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.

- H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant following the Borough Code 150 and 303 regarding utility construction and pavement repairs.
- I. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- J. This instrument shall be adopted on behalf of the Borough by the Harrington Park Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

STATEMENT

This resolution authorizes AT&T to install communications lines within conduit or on existing poles in the public right-of-way in order to in order to provide communications services to the public.

Addendum D
RESOLUTION

Off Premises 50/50 Raffle License RA#225

Our Lady of Victories Roman Catholic Church

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Off Premise 50/50 Raffle Application RA #225 for Our Lady of Victories Roman Catholic Church, June 16, 2013- 1pm at 150 Harriot Avenue, Harrington Park be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Addendum E
RESOLUTION
Social Affairs Permit-Friends of the Library
Wine Tasting-April 27, 2013

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that it has no objection to granting permission to apply for a Social Permit for a fund raising Wine/Beer Tasting Party to be held at the Harrington Park Public Library, 10 Herring Street, Harrington Park on April 27, 2013 from 7:30pm-9:30pm where there will be small cups of wine being served for tasting purposes only.

BE IT FURTHER RESOLVED that Chief Maalouf has no objections to the filing of said application, and the Borough Clerk has certified that not more than 25 Social Permits have been authorized for these premises during this calendar year.

NOW, THEREFORE BE IT RESOLVED that the Borough Clerk be authorized to sign said application and forward same to the Department of Law & Safety, Division of Alcoholic Beverage Control, Trenton, with a check for \$100.00.

Addendum AA

02/19/13

PEOSH has abated all violations of the Fire Department as per inspection of January 12, 2013.

2012-2013 Roadway Projects for PSEG (Neglia Engineering).

Minor Soil-15 Florence Road (Neglia Engineering).

Board of Chosen Freeholders-Ordinances Public Hearing-February 20, 2013.

2/20/13

Ordinance amending Environment Assessment Regulations and Borough Map for Borough of Haworth.

2/22/13

ATT has filed a request to install fiber optics on existing poles in the Borough's right of way-package forwarded to Borough Attorney

Public Information session for Rapid Bus Transit-February 27, 2013-Paramus.

Cablevision Updates South Asian package.

Paramus Resolution-OPRA/OPMA

2/25/13

Recycling Bin-BCUA Winter 2013.

Foreclosure notification for 48 Flint Terrace.

North Arlington Resolution to Support Mutual Aid and Rapid Deployment

Ongoing Police Litigation correspondence.

2/26/13

Public Notice from Borough of Old Tappan regarding zoning of Special Needs Housing District hearing March 18, 2013.

2/28/13

Initiation of Foreclosure 43 Manor Road

Minor Soil Application-15 Florence Road.

BCUA Wastewater Service Charge 2013.

3/4/13

NJSEM updated materials for the membership procurement services.

Bergen Blast Winter 2013.

Board of Chosen Freeholders Ordinances adopted at the February 20, 2013.

Borough of Emerson is filing an FHA Permit for NJDEP for Woods Restoration.

Borough of Closter Farmland Development Resolution.

Mutual Aid Resolution Borough of New Milford.

Major Soil Movement-614 Lafayette Road

Cablevision updates for April 2013 Tarriffs.

03/05/13

Certificate of Insurance for UWR.

03/07/13

JIF correspondence from Mr. Dineen regarding ongoing police litigation.

3/11/13

Board of Chosen Freeholder programs for Needs of Seniors and Caregiver Conferences-April and May 2013.

OEM Coordinator close- out for April 2007.

Update of County ROW use.

3/12/13

COI Blood Bank of New Jersey

COI United Water (Baseball Field Usage)

3/14/13

Board of Chosen Freeholders Resolutions from the March 6, 2013 meeting.

BCUA Public Hearing April 8, 2013 Service Fee Schedule for the Distribution and Sale of Treated Effluent for Beneficial Reuse.

Hudson City has acquired title to 76 North Colonial Drive.