

**REGULAR AGENDA MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
September 9, 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
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)

Ms. Judith Curran, CFO (JFC)

PAH asked for suspension of the Regular Order of Business

Motion GE

Second JP

AIF

Meeting open to the Public

Motion GE

Second AN

AIF

Ms Amy Heller, George Street

Ms. Anne Baretz, Riker Avenue

Present to discuss Random Drug Testing/Northern Valley Regional Board of Education

Both residents thanked the Mayor, and Councilwomen Ryan and Chung for there support and concern regarding RDT and the lack of transparency of the Board of Education. They are very concerned about the one sided campaign to push this program through the BOE at a rapid rate.

No outreach has been made to the community or a conversation regarding how the results of such test will be used and then filed.

Even though it is apparent that the BOE is not considering the opinions of the community, one good thing is there will be additional education available to 9th graders, and there is hope to improve substance abuse education in other grades as well.

PAH stated that the BOE had stated that the process would be slowed down. However, AH and AB have noted that everything is still on a steady course for approval by the BOE by year's end. PAH will reach out to other Northern Valley mayors.

AH and AB further described various downfalls of the proposed RDT plan which included, lack of a compressive plan of testing, lack of education in lower grades, and little or no integration of the parent/school relationship. Students are savvy and know how to work the system.

PAH is in support of helping any student who may have substance dependency and would like to see a stronger means of eliminating the sellers of these drugs.

MR inquired if stakeholders have been made part of the committee to draft this program. AH stated, yes, but she did know in what capacity.

JD wants to know if the opposing public has submitted any recommendations in place of what the BOE has proposed.

AH stated that suggestions of involving canine detection, suspicion based searches and testing and faculty and staff training have been made.

GE referred to a recent serious car accident in town, as well as a fatal accident when he was a child growing up in Harrington Park.

JC stated there are two ways to deal with this issue. Fear or education. Children learn from what they see at school and at home, not always from what they hear.

PAH and MR were in agreement about the need to bring back stronger education in K-8 grades.

Meeting Closed to Public

Motion GE

Second JP

Vote AIF

Motion to Return to the Regular Order of Business

Motion GE

Second JP

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.

Individual Committee Reports

(PAH) Mayor Hoelscher

**(JD) Finance, Administration & Exec., Grants, Newsletter
Resolution for payment of Claims-A**

Motion JD

Second GE

JFC stated this money comes from the Recreation Trust Fund. MR added that the same will apply for expenses incurred for Police overtime and DPW, if required.

Roll Call: AIF

**(GE) DPW, Recycling, Building & Grounds
Report at next meeting**

(JP) Police, Municipal Court, Public Assistance

**(MR) Recreation Commission, Environmental Commission
Personnel & Performance Evaluations**

Mr. Paccico would like to update Council at the September 16, 2013 meeting.

Town Day update-all is going well, Jennifer Brackenbury is the Chair.

There are plans to hold a joint meeting of all the sports commissions to share ideas.

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

Fire Department-10 calls 3 training sessions and 1 co-meeting with other municipalities.

GE asked if all firemen can drive the new truck. AN stated not all are allowed or qualified. This is determined through the Fire Department.

Building Department-\$7202.00 was received from permits. Increase over 2012 \$789.00. YTD-is approx. \$100,000.00. 2012 approx. \$85,000.00.

(JC) Board of Health, Sanitation

Liaison to Board of Education

Board of Health-meeting scheduled for September 11th due to the school schedule.

Board of Education-The Harrington Park School Korean Parents Association will be holding a Korean Harvest Festival –open to all. This is comparable to Thanksgiving and is celebrated this time of year following the lunar calendar.

Classical Concert-October 4, 2013 at St. Andrews Church-Monetary Donations can be made to be used for local food pantries.
PAH added that the previous concert was outstanding.

(ALB) September 16, 2013 Meeting-Marti Frances

October 15, 2013 Meeting Change (Special Election October 16)

Due to the Special Election on October 16, 2013, the Borough hall cannot be open to the public since the 2 voting districts are set up the previous evening since the election starts at 6am. ALB asked for Council to consider rescheduling the Agenda meeting for the 17th or combine both meetings together on October 21. Council chose to hold one meeting on the 21st, cancelling the October 15th meeting.

(PAH) Morning meeting on the 25th is set at the HP School to discuss student safety with the Borough and first responders.

Old Business

(GE) September 16, 2013 Presentation from Neglia-Old Burying Ground

Members from the Historic Society will be present at the next meeting for Neglia's presentation.

September 16, 2013 discussion of NJDOT Street Paving

Road options will be provided for discussion

Nutshell Pillar Repair-need to determine how dangerous the situation is prior to determining where to find the funds for repair. The damage is less than the Borough's deductible (\$2500.00).

(JP) Deputy Chief Ordinance-Proposed #683 Addendum E

A change was made to include the insertion for substitute for the Chief (rank) Introduction on first reading.

MR noted she did not have time to review the ordinance due to the fact it was not distributed prior to this meeting.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote			YES	NO	ABSTAIN	ABSENT
DUNLEA (JD)			x			
EVANELLA (GE)		x	x			
PEDERSEN (JP)	x		x			
RYAN (MR)					x	
NAPOLITANO(AN)			x			
CHUNG (JC)			x			

Police Vehicle

Mahwah Ford came in \$150.00 over the State contract price, but offered additional services that would save the Borough money (includes free deliver and free pick up for maintenance). Mr. Dineen has reviewed the papers and has determined it is the better deal. Cost of vehicle is \$26,639.00.

(PAH) Spoke with County and Harriot Avenue paving should be completed prior to the leaf collection season.

New Business

(GE) Borough Hall AC Repair

GE chose to hold the repair at this time until he confers with JFC that the funds are available.

(JP) Cross Walk -Spring Street

Painting has already been provided by the DPW.

(MR) Wayfair Field Usage Permit

Hold for Closed Session discussion.

Resolution for Commemorating the 350 Anniversary-State of New Jersey B

The Harrington Park Historical Society will be the lead agency and plans to hold several events during 2014 to celebrate this Anniversary.

Plans are to set up a committee to coordinate all activities.

PAH offered his full support. There is an incredible amount of talented residents within the Borough that may want to participate.

Motion MR

Second JP

Roll Call Vote AIF

MR noted there will be no expenses on behalf of the Borough

Ragamuffin Parade and Trunk or Treat.

Parameters need to be set on procedure for attending as well as location.

Discussion followed regarding use of Borough Hall Parking lot, Highland Field or

the Community Church. MR will speak with the police and Recreation Commission to determine which location would be the safest for the children.

(AN) Code Enforcement Official Temporary Coverage Procedure

AN Motion to approve the hiring of a Temporary Electric Inspector for the Building Department due to illness of our regular inspector.

Second MR.

No discussion.

Roll Call AIF

Position of Property Maintenance Inspector

Motion was made to post on the Borough Website the position of Code Official for Property Maintenance Inspector for available employment as of January 1, 2014.

Discussion followed about funding the position.

AN Motion to advertise and interview for the position.

Second GE

Discussion-GE clarified this will be a new line item in the 2014 budget.

Roll call AIF

Permission to hold Auction for Fire Truck-Surplus Property C

Motion for approval AN

Second JP

Roll Call AIF

Ordinance Second Reading

#682 Salary Ordinance-Addendum D

Motion GE

Second JP

GE this reflects the DPW contract changes and will be encompasses in the next payroll.

Meeting Open to Public Comment

Motion GE

Second JP

Vote AIF

Noted no public present for discussion.

Meeting Closed to Public Comment

Motion GE

Second JP

Vote AIF

Roll Call Vote AIF

Closed Session 9:38pm

Motion GE

Second MR

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.

- A. Potential Litigation-DPW
- B. Contractual Negotiations-Finance, Recreation
- C. Personnel

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 10:17pm

The following Motions were made by Council:

Motion

GE made motion to increase the salaries of the Building Department Inspectors by 2% in the amount of \$893.00, retroactive to January 1, 2013 and increase the daily salary of crossing guards by \$2.00 per day, retroactive to September 9, 2013 in the amount of \$1120.00. Salary Ordinance shall be amended where necessary.

Second JP

GE noted that the crossing guard salary increase will hold through 2014.

Roll Call AIF

Motion

JD Motion was made to approve filling the position of Borough Administrator as appointment of the Mayor with Council approval. Salary shall be \$10,000.00 annually and will be pro-rated to September 9, 2013 in the amount of \$3172.50. Available funds have been approved by Judith Curran CFO and shall be paid after the approval of Salary Ordinance Amendment #684, and shall be retroactive after November 1, 2013 when allowable budgetary line transfers may be made.

Second JP

Roll Call AIF

Motion

PAH asked for a motion to appoint Ann H. Bistriz to the position of Borough Administrator.

Motion AN

**Second JP
Roll Call AIF,**

**Motion to Adjourn
Time 10:38pm
Motion JP
Second GE
Vote AIF**

**Addendum A
PAYMENT OF CLAIMS
PAYMENT OF CLAIMS CERTIFICATION**

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

Division of Alcoholic Beverage Control	\$100.00
---	-----------------

Judith Curran CFO

**Addendum B
Resolution**

350 Anniversary of the State of New Jersey

WHEREAS, The year 2014 will mark the 350th anniversary of the charter conveying all the lands between the Connecticut River and the east side of the Delaware River from Charles II to James, Duke of York; and

WHEREAS, The year 2014 will also mark the 350th anniversary of the execution of deeds of release by the said James, Duke of York, to John Lord Berkeley, Baron of Stratton and Sir George Carteret of Saltrum, of these lands, which said tract of land is hereafter to be called by the name or names of Nova Caesarea or New Jersey: and the right of Government therein; and

WHEREAS, the year 2014 will be also be the 350th anniversary of the signing and publication by John Lord Berkeley and Sir George Carteret of "The Concessions and Agreements of the Lords Proprietors of the Province of New Caesarea or New Jersey to and with all the Adventurors and all such as shall settle or plant here" a declaration of the organic law of the Colony and truly "The Magna Carta of New Jersey"; and

WHEREAS, The foregoing events mark the beginning of the separate history of New Jersey as a Colony; and

WHEREAS, It is fitting and desirable that we commemorate these beginnings of our State together with its subsequent history and its present and future role in the family of the United States for the benefit of all the people of New Jersey and the Nation, with particular focus on the Core Values that have shaped our State and Borough of Harrington Park in the County of Bergen; and

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park in the County of Bergen:

1. The Borough of Harrington Park celebrates the 350th anniversary of the establishment of New Jersey as a colony.
2. The Mayor and Council of the Borough of Harrington Park in the County of Bergen authorizes the appointment of the Harrington Park Historical Society to establish a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools and civic organizations and institutions in the celebrations.
3. The Mayor and Council of the Borough of Harrington Park in the County of Bergen further urges all its citizens to reflect upon the significance of this event and the role that our State and its citizens have played in the history and development of our nation and to participate in this important commemoration.

**ADDENDUM C
RESOLUTION**

AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Harrington Park is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Mayor and Council of the Borough of Harrington Park, County of Bergen, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough Clerk.
- (2) The sale will be conducted online starting October 1, 2013 and running through October 8, 2013 and the address of the auction site is govdeals.com.
- (3) Sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:
1982 Mack Fire Truck Model MC685F
- (4) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful

bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

- (5) Borough of Harrington Park reserves the right to accept or reject any bid submitted.

ADDENDUM D
PROPOSED ORDINANCE No. 682
Chapter 38

AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF PERSONS HOLDING OFFICE, POSITION OR EMPLOYMENT IN THE BOROUGH OF HARRINGTON PARK PUBLIC WORKS DEPARTMENT, COUNTY OF BERGEN, STATE OF NEW JERSEY.

Be it ordained by the Mayor and Council of Harrington Park as follows:

PUBLIC WORKS DEPARTMENT

The following salaries are pursuant to contract in force being paid at this time:

	<u>Full Time</u>	<u>Manner of Payment</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Foreman	F	C	\$ 2000.00	\$ 2000.00	\$ 2000.00
Step 1	F	C	\$36,753.36	\$37,488.43	\$38,238.20
Step 2	F	C	\$40,428.70	\$41,237.27	\$42,062.02
Step 3	F	C	\$44,104.02	\$44,986.10	\$45,885.82
Step 4	F	C	\$50,601.29	\$51,613.32	\$52,645.59
Step 5	F	C	\$55,352.77	\$56,459.83	\$57,589.03
Step 6	F	C	\$59,998.86	\$61,198.84	\$62,422.82
Step 7	F	C	\$65,199.08	\$66,503.06	\$67,833.12
Step 8	F	C	\$77,434.82	\$78,983.52	\$80,563.19

Stand-by Rate \$ 75.00/Day (Jan. 1, 2013-June 30, 2013)
 \$100.00/Day retroactive to July 1, 2013

Manner of Payment (Explanatory references to the above)

C – Annual Salaries – paid on bi-weekly basis

ANNIVERSARY DATE for full-time employees shall be the first of the year. When full-time employment begins prior to June 1st in any year the anniversary date shall revert back to January 1st of the same year. When it begins on or after June 1st the anniversary date shall not be effective until January 1st of the following year. That section shall be effective for all purposes of the salary ordinance.

LONGEVITY: All full-time Public Works Department employees will be paid the following percentages of their base pay as shown: (Excludes Superintendent)

After 5 years of complete and continuous full-time Public Works Dept. employment	1.5%
After 8 years of complete and continuous full-time Public Works Dept. employment	3%
After 11 years of complete and continuous full-time Public Works Dept. employment	4%
After 14 years of complete and continuous full-time Public Works Dept. employment	5%

After 18 years of complete and continuous full-time Public Works Dept. employment 6%
After 23 years of complete and continuous full-time Police Dept. employment 7%
Payment shall be included in equal installments in regular payroll payments.

**Any full-time Public Works employee hired after January 1, 1995, will not be eligible for longevity.

PAID HOLIDAYS: FOR FULL-TIME Public Works Department employees shall be thirteen (13).

These to be paid:

New Year's Day	Memorial Day	Columbus Day	Day After Thanksgiving
New Year's Eve	President's Day	Independence Day (2015-Celebrated 7/3/15)	
Veteran's Day	Christmas Eve	Good Friday	Labor Day
Thanksgiving Day	Christmas Day		

OVERTIME: As per contract.

VACATION PAY: FULL-TIME Public Works Department employees are entitled to paid vacations as follows:

After Six full months to 1 year employment 1 week
After One full year of employment 2 weeks
After Five full years of employment 3 weeks
After Ten full years of employment. 4 weeks
After Eighteen full years of employment 5 weeks

EFFECTIVE DATE: This Ordinance shall take effect immediately after passage and publication as provided by law and shall be retroactive to January 1, 2013 except where noted.

Addendum E
PROPOSED ORDINANCE # 683

**ORDINANCE AMENDING CHAPTER 66 OF THE CODE OF THE BOROUGH OF
HARRINGTON PARK**

WHEREAS, the Mayor and Council of the Borough of Harrington Park have determined that it is in the best interest of the Borough of Harrington Park to amend the Harrington Park Code Chapter 66, Police Department, for the health and safety and welfare of its citizenry;

NOW THEREFORE BE IT ORDAINED that Chapter 66, Police Department is hereby amended as follows:

Chapter 66-2 A. The Chief of Police or in his absence the Deputy Chief of Police or Director shall be the head of the Police Department and shall be directly responsible to the Police Committee, as the appropriate authority pursuant to N.J.S.A. 40:A:14-118, for the efficiency and routine day-to-day operations of the Police Department and shall, pursuant to policies established from time to time by the Police Committee, and pursuant to the rules and regulations established from time to time by the Mayor and Council for the government of the Police Department and for the discipline of its members (the "Police Rules and Regulations") as said Police Rules and Regulations are from time to time amended, supplemented and/or superseded by directives from any law enforcement agency (including, but not limited to, the State Attorney General and

the Bergen County Prosecutor) or supplemented by general and/or special orders issued by the Chief of Police or in his absence the Deputy Chief of Police:

Chapter 66-4 A. The Police Department shall be under such supervision and control of the Police Committee of the Mayor and Council as is delegated to the Police Committee from time to time by the Mayor and Council. The Police Committee shall, on a day-to-day basis, be the appropriate authority pursuant to N.J.S.A. 40:A:14-118 to whom the Police Chief or in his absence the Deputy Chief of Police or Director shall be immediately responsible for the efficiency and routine day-to-day operations of the Police Department, and shall have the authority to establish from time to time policies to ensure the efficiency and orderly operation of the Police Department. In addition, it shall be the responsibility of the Police Committee to make recommendations to the Mayor and Council with respect to decisions such as, but not limited to, hiring, firing and promoting personnel; compensation; the purchase of equipment; the organization of the Police Department; and all other like matters.

Chapter 66-5 A In addition to the Chief of Police or Director, the permanent members of the Police Department may, in the discretion of the Mayor and Council, include one Deputy Chief of Police, one or more Captains of Police, Lieutenants of Police and Sergeants of Police, as well as such number of patrol officers as the Mayor and Council deem necessary.

Chapter 66-9 B. Said complaint shall be signed by the Chief of Police or in his absence the Deputy Chief of Police or Director and filed in the office of the Borough Clerk, except where the complaint is against the Chief of Police, Deputy Chief of Police or Director, in which case the complaint shall be signed by the Police Chair or any member of the Police Committee or the Mayor and filed in the office of the Borough Clerk.

Chapter 66-9 G. At the hearing on the complaint, the matter may be presented by the Chief of Police, Deputy Police Chief or Director alone or, in the discretion of the Mayor and Council, by the Chief of Police, Deputy Police Chief or Director with the assistance of special counsel appointed by the Mayor and Council.

Chapter 66-11 A The Police Force shall comprise of such a number of personnel as the Mayor and Council shall resolve to employ but not to exceed nine patrolmen, two Sergeants, two Lieutenants, one Captain , one Deputy Chief of Police and one Chief or Director.

B. The chain of authority and reporting shall be as follows: The Chief or Director shall have authority over all lesser rank, followed by the Deputy Chief Of Police, the

Captain, followed by the Lieutenants, followed by the Sergeants, followed by the patrolman assigned as "patrolman in command" and if no such designation, then in the absence of personnel with greater rank, then the most senior patrolman.

Non-repealer. All other sections of the revised Borough ordinance not specifically amended by the provisions of this ordinance shall remain in full force and effect.

Severability. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

Repealer. All ordinance or parts of ordinance inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

Effective date. This ordinance shall take effect immediately upon final passage and publication as required by law.

