

51. Executive Meeting of the Mayor and Council of the Borough of Haworth held on March 6, 2013 at the Municipal Center

Present: Hon. John Dean DeRienzo, Mayor

Councilmembers: Stephen Chval  
Vincent Iacobino  
Glenn Poosikian  
Mary Anne Groh  
Andrew Rosenberg  
Anthony Volpe

Borough Attorney: Peter J. Scandariato

Mayor DeRienzo called the meeting to order at 7:30 PM and upon roll call all members of the Council were present. The Mayor then read the following notice: “This is the Executive Meeting of the Mayor and Council of the Borough of Haworth. I am informed by the Clerk that adequate public notice has been provided by mailing notice to the Star Ledger and The Record, by posting a notice on the bulletin board in the Municipal Center, by filing a copy of the notice in the office of the Municipal Clerk and by mailing notice to all persons who requested same and prepaid the cost fixed by the Council.”

Ordinance No. 13-02 – Amendments to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing

A motion was offered by Mr. Rosenberg, seconded by Mr. Chval and unanimously carried that Ordinance No. 13-02 be offered for second reading. Ordinance No. 13-02, a synopsis of which follows was read:

**AN ORDINANCE AMENDING CHAPTER XXVI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH, ENTITLED “LAND USE REGULATIONS”, AND CHAPTER XXVIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH, ENTITLED “ENVIRONMENTAL ASSESSMENT REGULATIONS”**

The purpose of this Ordinance is to amend the Borough of Haworth’s Land Use and Environmental Assessment Regulations and the Borough Zoning Map to incorporate certain recommendations in the Master Plan Periodic Reexamination Report adopted by the Haworth Planning Board on October 21, 2009.

This Ordinance deletes and replaces in its entirety Chapter 26 of the Revised Ordinances of the Borough of Haworth, entitled “Land Use Regulations”. The purpose of Chapter 26 is to regulate the uses of land and the uses and location of structures; the height and bulk of structures; the area and dimension of yards and other open space; the density and intensity of population and land use; to divide the Borough of Haworth into districts for such purposes; to create a map

Ordinance No. 13-02 – Amendments to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing – cont’d.

showing said districts; to establish rules, regulations and standards governing the subdivision and development of land within the Borough, and to establish a Planning Board and Zoning Board of Adjustment and appropriate penalties and procedures for violations of its provisions, all enacted pursuant to N.J.S.A. 40:55D-1 et seq.

This Ordinance also deletes in its entirety and replaces Chapter 28 of the Revised Ordinances of the Borough of Haworth, entitled “Environmental Assessment” The purpose of Chapter 28 is to minimize adverse impacts on the environment; permit the Construction Official and/or the Approving Agency to assess the effect of proposed development and/or site disturbances upon the environment, and to explore reasonable mitigation measures and/or development alternatives that might have the effect of lessening adverse impacts. Particular emphasis is made upon assessing the effect of proposed development upon surface waters, groundwater, air resources, pollution of all kinds, drainage, water disposal, wetlands, flood plains, and critical environmental areas.

The meeting was then opened to the public on Ordinance No. 13-02.

Dr. Thomas Ference, chairman of the Planning Board was present to answer any questions, comments, etc.

Mr. Volpe questioned the creation of the average rear yard setback requirement.

Dr. Ference responded that several lots are quite deep and the Planning Board has had several issues over the years in connection with maintaining consistency and having to balance the rights of individuals in connection with previous ordinances. He noted the concern of a house set very far back on a property which they have tried to balance and the rear yard setback should be the greater of 30’ or the average rear setback of existing dwellings which is consistent with what the Planning Board has done in the past; there should be a reasonable concern, he said.

Mr. Volpe noted his concern with pushing a dwelling back and that calculations are usually done by the front setback.

Dr. Ference said they have been working on case history and the front yard is not a sufficient measurement. He noted the concern with having a front line too far forward and felt that in the interests of balance the rear yard setback is more compelling.

Mr. Volpe then asked if this was the best decision now, noting setbacks in various areas of the town and this new ordinance could make a house closer to the rear neighbor. He asked what is this requirement trying to accomplish.

Dr. Ference responded it is trying to balance.

Ordinance No. 13-02 – Amendments to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing – cont'd.

Mr. Volpe then suggested a motion to revisit this particular language in this ordinance.

Mayor DeRienzo commented the Planning Board could take this matter up and Mr. Volpe could attend their meeting.

Mr. Volpe said he was not in support of the ordinance.

Mr. Scandariato explained the public hearing can be continued, but if a substantive change is made then that would require re-noticing, etc.

Mr. Volpe commented there is no maximum in the ordinance that you can set a house how far back you want.

Dr. Ference suggested the adoption of this ordinance as presented and then asking the Planning Board to revisit this particular section.

Mr. Volpe replied the matter should have been re-visited before.

Mrs. Groh said she acknowledged various comments which have made in connection with this ordinance.

Dr. Ference said he has noted other questions which have been raised, however, it is more productive to the community to pass this ordinance now.

Mr. Volpe said he saw no harm in tabling the adoption.

Mr. Scandariato said the hearing can be continued and that questions should be referred to the Planner as they are not legal questions.

Mr. Rosenberg commented that other items will be brought back to the Planning Board.

Mrs. Groh said she would prefer additional time to revise the language being discussed.

Mr. Rosenberg suggested getting a determination from Mr. Hakim if there is a substantive change on the matter being discussed.

Mr. Volpe said he could meet with Dr. Ference to get a better understanding.

Mr. Scandariato outlined the options – the public hearing can be continued, the ordinance can be adopted as introduced, it can be amended and then it would have to go back to the Planning Board and if there is a substantive change, it would have to be re-introduced and re-advertised etc.

Ordinance No. 13-02 – Amendments to Land Use Ordinance – 2<sup>nd</sup> Reading, Public Hearing – cont’d.

A motion was offered by Mr. Rosenberg and seconded by Mrs. Groh to continue the public hearing on Ordinance No. 13-02 to the regular meeting on March 12<sup>th</sup>, 2013.

All members voted in the affirmative with the exception of Mr. Chval who voted, no. Declared carried.

Presentations to Recreation Commissioners

Assemblywoman Holly Schepisi, on behalf of herself and Senator Cardinale presented certificates of commendation to the following for their service: Bruce Celotto, 19 years; Bonnie Borghi, 8 years; Harry Poulos, 14 years; Joseph Lilli, 20 years and Regina Duffy, 16 years as members of the Recreation Commission.

A short recess was called and the meeting reconvened at 8:20 PM.

Statement by Mr. Arthur Berman

Mr. Berman addressed the Mayor and Council and requested the following comments be made part of the meeting:

“In addressing the Council this evening I understand that while being appointed a member of the Ethics Board there have been some concerns expressed.

All of you at the council table have the responsibility as I had to assure the Borough residents continue to have the best quality of life and services provided to them at the best possible cost.

With that in mind I would hope that partisan politics do not interfere with that goal. It has been my pleasure, with my wife Donna to have been serving this community for over 25 years. It is my hope that by declining this appointment it will lead to the Council working effectively as a team for the benefit of all residents.

I am very proud to have been appointed by the Mayor to the post of Chief of Staff which I enjoy thoroughly and look forward to continue along with my wife, to serve the residents of the Borough of Haworth.”

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Haworth Public School	Notice of School Budget Hearing-3/26	All Council

Correspondence – cont’d.

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Mr. N. Rubenstein	2013 Assessor’s Statement	All Council
Mr. M. Hakim	Action for Sustainability Master Plan	All Council
NJ League Municipalities	State Budget Proposal Analysis Update	All Council

On discussion, Mrs. Groh, said in connection with the notice of the school budget hearing, the Board presented their budget last evening with an increase of 1.98%, a \$180. increase for the average assessed home and the proposed budget was well received by those present.

Mrs. Groh then referred to the state budget analysis and the proposed taking of funds from the recycling tax which she said she was not happy about as this is how the grants are funded.

Mr. Volpe referred to Mr. Hakim’s correspondence in connection with the sustainability master plan noting the Environmental Commission has approved a draft of a shade tree ordinance.

Award of Riverside Cooperative Emergency Repair Contract

The following resolution was offered by Mr. Poosikian, seconded by Mr. Chval and unanimously carried:

WHEREAS, N.J.S.A. 40A:11-11 (5) authorizes contracting units to enter into cooperative pricing agreements; and

WHEREAS, the Borough of Haworth, acting as the Lead Agency of the Riverside Cooperative, received seven (7) bids, which were opened and read aloud on February 26, 2013, for “Emergency Water Main and/or Storm and Sanitary Sewer Repairs” pursuant to an advertisement for bids published on February 6, 2013; and

WHEREAS, the bid from Montana Construction Corporation, Inc., located at 80 Contant Avenue, Lodi, NJ 07644 for the unit prices bid therein producing an estimated total amount of \$88,798.43 pursuant to the estimated schedule of quantities listed in the bid specifications has been determined to be the lowest responsible bid; and

WHEREAS, this contract is awarded on a unit price basis and may be considered an Open Ended Contract under N.J.A.C. 5:30-5.5(2)(b) in which case certification of funds is not required until such time as the services are ordered and prior to incurring any liability by placing the order, certification of availability of funds will be made by the Chief Financial Officer, and it

Award of Riverside Cooperative Emergency Repair Contract – cont'd.

shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of availability of funds from the Chief Financial Officer as appropriate.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth, acting as the Lead Agency of the Riverside Cooperative, that **MONTANA CONSTRUCTION CORPORATION, INC.** be awarded the Master Contract 35-RC-13-01 for Emergency Water Main and/or Storm and Sanitary Sewer Repairs.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute a Master Contract with the above named firm for Emergency Water Main and/or Storm and Sanitary Sewer Repairs on behalf of the Borough of Haworth acting as the Lead Agency for the Riverside Cooperative RC-35; and

BE IT FURTHER RESOLVED that the Master Contract term shall commence April 1, 2013 and expire March 31, 2015.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to forward a copy of this Resolution to each member of the Riverside Cooperative.

Award Sunset Avenue Paving Contract – DOT Grant

The following resolution was offered by Mr. Poosikian, seconded by Mr. Chval and unanimously carried:

WHEREAS, following public advertisement as required by law, sealed bids for the Resurfacing of Sunset Avenue were received by the Municipal Clerk on February 20, 2013; and

WHEREAS, ten bids were received at that time; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bid documents received; and

WHEREAS, it has been determined that funds are available through a grant from the New Jersey Department of Transportation.

NOW THEREFORE BE IT RESOLVED, that a contract for the Resurfacing of Sunset Avenue be and is hereby awarded to Stanziale Construction, LLC, PO Box 2597, Bloomfield, NJ 07003 in the amount of \$114,804.80.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized to execute a contract in the form prepared by the Borough Attorney.

### Appointment to Fire Department

A motion was offered by Mr. Volpe, seconded by Mrs. Groh and unanimously carried to appoint Jason Pesch a regular member of the Haworth Fire Department.

### Northern Valley Regional High School Proposed Capital Projects

Mayor DeRienzo explained the school is looking for the sending districts to adopt a resolution in favor of several capital projects and this will be on the agenda for April if the Borough wishes to support the bond issue.

### Early Warning Lightening Detection System

Mayor DeRienzo noted he, Mrs. Groh and Mr. Volpe have attended meetings regarding this system and have been looking at what each of the towns involved might require. He said the next step is the Haworth superintendent will schedule a meeting for a presentation, the estimated cost for the Borough's fields is \$12,186. and for the school fields, \$5,000. The Mayor recommended putting the cost in this year's capital budget.

### Recycling

Mrs. Groh explained the current contract with Green Sky for the receipt of the Borough's recycling is expiring, she has sent letters to several firms for proposals for this service, has received information from them and has asked Green Sky to re-do their proposal which they now propose an increase for single stream recycling from \$35. to \$39. per ton. She said the matter can be discussed at next week's meeting to take action.

### 2013 Capital Budget

Mayor DeRienzo suggested the use of capital surplus funds for computer and office equipment in the amount of \$8,800.

Mr. Poosikian referred to the proposed purchase of two pick-up trucks for the DPW to replace the current 1999 and 1996 vehicles which require \$7-9,000. in repairs, have rear wheel drive and therefore cannot be used for plowing. Mayor DeRienzo said consideration should be given to just one truck purchase this year.

Mr. Iacobino discussed the traffic light upgrade at the top of the hill which needs a complete overhaul and repairs are very costly. He further discussed upgrading the street signs which is a 5 year phase in.

Mr. Poosikian discussed the need for an exhaust system for the ambulance corps building since the facility is used as an emergency shelter and fumes go to the 2<sup>nd</sup> floor – the cost would be \$15,000. He said an addition to the building is also important in connection with the shelter

2013 Capital Budget – cont'd.

facility; there is the need to separate the corps members who are on duty from the public; the addition would include another bay and an unfinished 2<sup>nd</sup> floor for storage.

Mr. Volpe discussed the improvements for the Creative Playground, the costs include consultation fees and what needs to be repaired or replaced.

The turf rake for the DPW was discussed which is a vehicle to pick up leaves, branches, etc. It was concurred to remove this item and perhaps renting one.

Mr. Volpe noted the mandates for replacement of turn-out gear, the Scott upgrade mandate and the Scott air bottles which must be replaced for the Fire Department.

Mr. Poosikian noted the turn-out gear for the Ambulance Corps – upgrading and for new members and discussed an automated stretcher for safety concerns.

Mr. Poosikian noted the request for the 20 yard leaf machine which could result in these two types of machines going out at once which is more efficient. He noted the Toro workman cart is used to groom fields, etc.

Mayor DeRienzo noted it will be determined what work is needed for the road improvement program.

At the conclusion of the discussion on the requested capital items this budget was reduced by \$52,800.

As to the Swim Club Capital Budget, Mr. Iacobino noted a proposed renovation will be looked into further. Mrs. Groh noted her concern with this project.

Close Meeting to Public

The following resolution was duly offered, seconded and carried at 9:20 PM

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, as follows:

1. That the Governing Body, pursuant to N.J.S.A. 10:4-12, shall exclude the public from the next portion of this meeting in order to discuss matters pertaining to litigation.

2. That the items under discussion in the closed meeting will be disclosed to the public at the conclusion of the matter.

59. Executive Meeting of March 6, 2013

Reopen Meeting to Public

The meeting was reopened to the public at 9:25 PM and as there was no further business to come before the Council, adjourned on motion duly offered, seconded and carried.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator