

52. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on March
26, 2019 at the Municipal Center

Present: Hon. Thomas P. Ference, Mayor

Councilmembers: Glenn Poosikian
Andrew Rosenberg
Michael Bain
Jacqueline Guenego
Dina Siciliano
Heather Wasser

Borough Attorney: Robert T. Regan

Mayor Ference 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 statement: “This is the Regular 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 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.”

Salute to Flag

Mayor Ference led those present in the pledge of allegiance.

Proclamation – Haworth Home and School Association

Lt. Michael Saudino, present in the audience explained this proclamation recognizes the Haworth Home and School Association who have shown continued support and generosity to the Haworth Municipal Drug Alliance. He said through their financial support and generosity many events and activities are possible.

Mayor Ference then presented the proclamation to members of the Association present.

Ordinance No. 19-02-Crosswalk Lake Shore Dr. – 2nd Reading, Public Hearing

A motion was offered by Ms. Siciliano, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 19-02 be offered for second reading.

Ordinance No. 19-02 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 19-02-Crosswalk Lake Shore Dr. – 2nd Reading, Public Hearing – cont’d.

AN ORDINANCE TO AMEND CHAPTER VII “TRAFFIC” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH

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

SECTION I:

That Chapter XII Traffic be and is hereby amended as follows:

Section 7-30 – Mid-Block Crosswalks shall be amended to include the following crosswalk:

<u>Name of Street</u>	<u>Location</u>
Lake Shore Drive	Haworth Water Treatment Plant Intake

SECTION II:

All ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

SECTION III:

This ordinance shall take effect immediately upon final adoption and publication as required by law.

The meeting was opened to the public on Ord. No. 19-02. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Poosikian and seconded by Mr. Rosenberg that Ordinance No. 19-02 be passed on second and final reading.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays- none. Declared carried.

A motion was offered by Mr. Bain, seconded by Ms. Siciliano and unanimously carried that the passage of Ordinance No. 19-02 be advertised as required by law.

COMMITTEE REPORTS

Report of Councilman Bain

Finance

Mr. Bain reported the Finance Committee has been meeting regularly, all councilmembers have received the budget workbooks and if there any amendments they could be discussed at the April 9th meeting.

Recreation

Mr. Bain noted the plans for the Summer Camp are moving forward

Report of Councilwoman Guenego

Ambulance Corps

Ms. Guenego reported the Ambulance Corps responded to 18 calls last month, 14 daytime; 89 miles; 49 man hours – year to date 100. She further reported the Ambulance Corps conducted CPR Training and responded for mutual aid to a motor vehicle on the Palisades Parkway.

Board of Health

Ms. Guenego reported the Board has started the Fitness Challenger which will run through May and several vendors will be participating offering their services.

Parks and Playgrounds

Ms. Guenego noted the Committee is moving forward on Phase 2 of the playground, they met with the manufacturer of the equipment and this phase of the work will connect to Phase 1.

As to the downtown improvements, Ms. Guenego reported members and the Borough Engineer will conduct a turn test regarding the proposed bump-outs in connection with first responder vehicles.

Ms. Guenego reported the baseball field needs the infield replenished and a Bergen Catholic coach has offered to donate the infield material.

The following resolution was offered by Ms. Guenego, seconded by Mrs. Wasser and unanimously carried:

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Guenego – cont'd.

Parks and Playgrounds – cont'd.

WHEREAS, *N.J.S.A. 40A:5-29* permits a local unit to accept gifts and bequests made to it; and

WHEREAS, Bob Muggeo of Muggeo Baseball has offered a donation of five (5) tons of premium infield clay for improvement to Knickerbocker Field at Memorial Field.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council does hereby accept the aforesaid donation from Bob Muggeo; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized and directed to forward a letter of thanks to Bob Muggeo of Muggeo Baseball for the donation.

Ms. Guenego then noted a quote has been received from Tri-County to install the clay and do additional work in the amount of \$2,250.

A motion was offered by Ms. Guenego and seconded by Mr. Bain authorizing Tri-County to perform the additional work at the field in the amount of \$2,250. sufficient funds being available in the 2018 capital budget.

On roll call the vote was as follows: Ayes. Messrs. Pookian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Declared carried.

Report of Councilman Rosenberg

Planning and Zoning Boards

Mr. Rosenberg noted these Boards did not meet.

Police Department

Mr. Rosenberg reported the Department has been focusing on education with members training in programs sponsored by the Bergen County JIF program, Officer Soltes attended a four day Animal Humane Officer Training session, Officer Butler attended a five day Standardized Field Sobriety Test Training and Lt. Saudino attended SWAT training with the County Regional SWAT Team. Also, the Department will be hosting “Cocoa with a Cop” at the library in April giving students a chance to meet members of the Department and have a cup of cocoa with the officers. Mr. Rosenberg further noted the Rite Aid Foundation has donated a medication disposal container which program is part of the Kids Safe Medication Disposal Program, an important step towards protecting young people by providing a safe place to safely dispose of expired or unwanted medications.

Mr. Rosenberg noted 120 summonses were issued last month.

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian

Fire Department

Mr. Poosikian reported the following: the Department responded to 14 calls, 6 in Haworth and 8 in Demarest; one meeting, one work night, mutual aid drill; 3 activated fire alarms, 2 C.O. alarms and an electrical fire.

Mr. Poosikian noted the annual Pancake Breakfast will be held on April 7th at the firehouse.

Department of Public Works

Mr. Poosikian noted the three snow storms with a mixture of ice, rain and snow for which the salt supply was used extensively; the Department cleared out the stream between the church and the borough hall discovering the culvert under Haworth Avenue needs to be repaired and said the County and the Borough Engineer have been notified.

Report of Councilwoman Siciliano

Swim Club

Ms. Siciliano reported the seasonal preparation is on target, there is an issue with membership cards and perhaps digital photos might be used instead and kept on file at the club and a 2 week swim clinic is being proposed for after school.

Shade Tree

Ms. Siciliano reported a late spring planting will take place and Mr. Simkins has attended CORE training at Rutgers.

Library

Ms. Siciliano reported the BCCLS delivery starts in May with a \$9,000. fee for all libraries which is difficult for the smaller libraries, the town-wide yard sale will be held on April 27th and with 50 programs at the library the library is vital and thriving.

Haworth School

Ms. Siciliano reported there will be a ribbon cutting at the new Well-ness Room and the school budget presentation is scheduled for April 30th.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Wasser

Building Department

Mrs. Wasser noted the new inspectors are settling into the Department.

Seniors

Mrs. Wasser reported the seniors held the St. Patrick Day luncheon with County Clerk John Hogan discussing many programs available in the County.

Tennis

Mrs. Wasser said the Committee will become active on April 8th, two pros are being discussed and the Committee will be introducing their web-site.

Environmental Commission

Mrs. Wasser reported the Commission will be participating in the Northern Valley Earth Fair on April 27th in Tenafly and the Commission will be meeting tomorrow evening.

Report of Borough Administrator

Ms. Fay noted the Borough is supporting a resolution for the 2019 Distracted Driving Crackdown from April 1 – 21, 2019.

Mayor's Report

Mayors' Regional Roundtables

Mayor Ference noted an event to be held April 13th on Affordable Housing to which he urged councilmembers attend.

Community Development

Mayor Ference reported the Borough has been notified of an \$8,000 award for senior activities and NJ Transit has a program for minibus support for which the Borough will be looking into regarding the need for a new senior van.

Appointments

Mayor Ference said he is appointing a Task Force and a Long Range Financial Planning Committee. He said the Long Range Financial Planning Committee will consist of Mr. Stephen Chval, Mr. Bruce Steinthal and Mr. Andrew Durkin who will come in with some suggestions and Mr. Chval will lead that group.

Appointments – cont'd.

The Mayor said several matters have been raised involving the Environmental Commission including an effective strategy re. solar therefore he is appointing Mr. Andrew Anderson, Mr. Dennis Posen and Mr. Mark Kronfeld to a Task Force to work with Dr. Mark Kahn and the Commission. He thanked Mrs. Wasser for her work with this matter.

Mrs. Wasser thanked Dr. Kahn who has put much of his own time on the solar matter and other issues.

Ordinance No. 19-03 2019 Index Ordinance

A motion was offered by Mr. Bain, seconded by Ms. Guenego and unanimously carried that Ordinance No. 19-03 be offered for first reading.

Ordinance No. 19-03 was then read by title only as follows:

**BOROUGH OF HAWORTH
BERGEN COUNTY, NEW JERSEY-ORDINANCE NO. 19-03
CALENDAR YEAR 2019 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

A motion was offered by Mr. Rosenberg and seconded by Ms. Siciliano that Ordinance No. 19-03 be passed on first reading.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays – none. Declared carried.

A motion was offered by Mr. Bain, seconded by Ms. Guenego and unanimously carried that Ordinance No. 19-03 be advertised as required by law and a date set for public hearing on April 23, 2019 at 7:30 PM at the Municipal Center.

Ordinance No. 19-04 – 2019 Swim Club Membership Fees

A motion was offered by Ms. Siciliano, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 19-04 be offered for first reading.

Ordinance No. 19-04 was then read by title only as follows:

Ordinance No. 19-04 – 2019 Swim Club Membership Fees – cont'd.

AN ORDINANCE AMENDING CHAPTER IX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH ENTITLED “PARKS, PLAYGROUNDS AND RECREATIONAL AREAS”

A motion was offered by Mr. Poosikian and seconded by Ms. Guenego that Ordinance No. 19-04 be passed on first reading.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays – none. Declared carried.

A motion was offered by Mr. Bain, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 19-04 be advertised as required by law and a date set for public hearing on April 9, 2019 at 7:30 PM at the Municipal Center.

Ordinance No. 19-05 – 2019 Swim Club Salaries

A motion was offered by Ms. Siciliano, seconded by Ms. Guenego and unanimously carried that Ordinance No. 19-05 be offered for first reading.

Ordinance No. 19-05 was then read by title only as follows:

AN ORDINANCE ESTABLISHING SALARIES FOR POOL PERSONNEL FOR 2019

A motion was offered by Ms. Siciliano and seconded by Ms. Guenego that Ordinance No. 19-05 be passed on first reading.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Declared carried.

A motion was offered by Ms. Siciliano and seconded by Ms. Guenego that Ordinance No. 19-05 be advertised as required by law and a date set for public hearing on April 9, 2019 at 7:30 PM at the Municipal Center.

Department of Public Works-Personnel

Mr. Poosikian explained Mr. Simkins has been in an interim superintendent position for six months and the DPW Committee is not ready with the steps needed which have to be taken to go through for a permanent position. He suggested extending the interim appointment for another three months.

Department of Public Works-Personnel – cont’d.

A motion was offered by Mr. Poosikian and seconded by Mr. Rosenberg to extend Mr. Simkins interim status as superintendent for a period of three months from March 15, 2019 in order for a recommendation to be made.

Mayor Ference noted problems with interim appointments and strongly urged the Council to move on this matter more quickly from a management perspective.

On roll call the vote was follows: Ayes: Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays – none. Declared carried.

Consent Agenda

A motion was offered by Mr. Bain and seconded by Ms. Guenego to approve the following consent agenda:

Introduction of 2019 Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Haworth, Bergen County, New Jersey for the year 2019.

BE IT FURTHER RESOLVED, that the said budget be published in The Record in the issue of April 4, 2019 and that a hearing on the Budget will be held at the Municipal Center on April 23, 2019 at 7:30 P.M or as soon thereafter as the matter may be reached.

GENERAL APPROPRIATIONS

1. Municipal Purposes within “CAPS”	\$5,650,210.00
2. Appropriations Excluded from “CAPS”	\$2,168,985.00
3. Reserve for Uncollected Taxes	\$ 185,000.00
4. Total General Appropriations	\$8,004,195.00
5. Less: Anticipated Revenues Other Than Current Property Tax	\$1,697,695.00
6. Amount to be Raised by Taxes for Support of Municipal Budget	\$5,996,267.00
Minimum Library Tax	\$ 310,233.00

Refund of Driveway Permit Deposits

WHEREAS, the Superintendent of the Department of Public Works has inspected and found that work has been satisfactorily completed on the following Driveway Permit,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following refunds be made:

Refund of Driveway Permit Deposits- cont'd.

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Beth Potter 266 Haworth Avenue Haworth, NJ 07641	1377	\$100.00	266 Haworth Avenue
The First Congregational UCC 276 Haworth Avenue Haworth, NJ 07641	1383	\$100.00	276 Haworth Avenue
A. Macchione Brothers 71 S. Neuman Street Hackensack, NJ	1384 & 1391	\$200.00	474 Haworth Avenue & 43 Houston Place

Approval of Raffle – Sacred Heart Church

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Off-Premise, 50/50 Raffle Application of Sacred Heart Church #RA-469 to be held at 102 Park Street on September 29, 2019 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 66A – 66F

Approval of Minutes

Regular Meeting of February 26, 2019
Closed Meeting of February 26, 2019

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays – none. Declared carried.

Transfer of 2018 Appropriations

The following resolution was offered by Mr. Bain and seconded by Mr. Poosikian:

Transfer of 2018 Appropriations – cont’d.

Whereas, NJSA 40A:4-59 provides for Municipalities to transfer with in the appropriation reserves for the preceding budget during the first three months of the fiscal year and					
WHEREAS, it is necessary to transfer the following funds within the 2018 Appropriation Reserve Budget providing for appropriations to fulfill the obligations chargeable to the 2018 budget and					
NOW, THEREFORE, BE IT resolved that the Borough Council of Borough of Haworth, that Chief Financial Officer is hereby authorized in accordance with NJSA 40A: 4-59 to make following appropriation reserve transfers within the 2018 budget for the Borough of Haworth.					
<u>CURRENT FUND</u>			<u>FROM</u>		<u>TO</u>
Streets and Roads	Salary & Wages	8-01-26-150-113	\$21,000.00		
Swim Pool Utility	Salary & Wages	8-05-500-125	\$3,400.00		
		TOTAL:	\$24,400.00		
Borough of Oradell	Flow Charge				
	Other Expenses	8-01-31-294-399			\$2,000.00
Legal Services	Other Expenses	8-01-20-055-300			\$19,000.00
Swim Pool Utility	Auditor Fees	8-05-500-323			\$3,400.00
				TOTAL:	\$24,400.00

On discussion, Mr. Poosikian noted a grievance on a salary issue with a DPW employee has been filed and questioned if this resolution contains adequate funds.

Mr. Bain responded that the CFO has set the salary and wage line in a manner that this issue can be covered.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays – none. Declared carried.

Open Meeting Public

The meeting was opened to the period of public discussion.

Mrs. R. Duffy, Lake Shore Drive said she was very impressed with the Mayor and Council at the recent affordable housing meeting, they all have the town’s best interest and thanked all.

Open Meeting Public – cont'd.

Mr. J. Sansone, Beacon St, Dumont commented that this meeting in Haworth is very professional and asked if the Council has decided on the Fair Share Housing matter yet.

Mayor Ference said this has not been decided.

Mr. Sansone referred to the Massachusetts Avenue property being considered for affordable housing and said it is a conservation area according to the Master Plan.

Mayor Ference responded the conservation area is on the west side of town, noted wetlands, etc., the overlay zones which would only be considered if those lands became available and explained the process which the Borough is going through at this time.

Dr. M. Kahn, Paulson Place distributed information and referred to landscaping trucks in town parking on the street instead of in driveways. He then noted his environmental issues, questioned enforcing the plastic ban ordinance and said he has an ordinance ready to go. He then noted lead in water pipes which Suez should be testing, solar panels required for new housing and new roofs.

Mayor Ference discussed an analysis and plan for solar energy for which he would like to see more information and the Task Force he has appointed will be working on this and presenting their findings to the public.

Mr. N. Fazio, Sunset Avenue asked if there has been any research on solar panels and when they go bad how to dispose of them. On discussion this matter will be researched.

Mr. J. Baldomero, Franklin Street distributed information regarding traffic and safety concerns in his neighborhood with drop-off lanes for high school students which amounts to 50 cars every morning causing a safety issue with pedestrians, etc. He said parking is another issue with parking on both sides of the street prohibiting large trucks, emergency vehicles, etc. not being able to fit down the block. He said the pick-up period from 2-3 PM results in speeding, blocking driveways and is dangerous to children. He suggested removing access to the path to the school.

Mr. Rosenberg referred to the closing of paths and said there should be focus on parking management, not closing paths.

Ms. Siciliano commented that the high school has to be involved regarding them not addressing parking issues.

Chief Gracey, present in the audience said no-parking emergency signs have been placed on the east side of the street and the administration at the high school wants nothing to do with this issue. He said the Police Department is monitoring the issue.

As there no further comments the meeting was closed to public discussion.

Close Meeting to Public

The following resolution was offered at 9:15 PM by Mr. Poosikian, seconded by Mrs. Wasser and unanimously carried:

WHEREAS, *N.J.S.A. 10:4-12B* permits a public body to exclude the public from the portion of a meeting at which certain items are discussed; and

WHEREAS, the Governing Body deems it necessary to conduct a closed session and to exclude the public on March 26, 2019 at which time the following items will be discussed:

Borough Planner Report
New Affordable Housing Settlement Agreement
Personnel Matter - Pension

NOW THEREFORE BE IT RESOLVED that the Mayor and Council does hereby exclude the public from the portion of the meeting at which time the above items will be discussed; and

BE IT FURTHER RESOLVED that the discussion conducted in closed session will be disclosed to the public upon completion or conclusion of the foregoing items and when determined by the Governing Body that the Borough's interests will not be adversely affected.

Re-open Meeting to Public

The meeting was reopened to the public at 10:15 PM.

Settlement Agreement

The following resolution was offered by Mr. Bain and seconded by Mr. Rosenberg:

WHEREAS, there is presently pending in the Superior Court of New Jersey a matter entitled, "In The Matter of the Application of the Borough of Haworth For Substantive Certification", Docket No. BER-L-5912-15 ("the Declaratory Judgment action") which seeks approval of the Borough's Affordable Housing Plan and a Judgment of Repeal determining that the Borough's Housing Plan satisfies its affordable housing obligation; and

WHEREAS, Lakeshore Developers, LLC ("the Intervenor") as the successor in interest to Margaret Heister has intervened in the Declaratory Judgment action; and

Settlement Agreement – cont'd.

WHEREAS, after extensive negotiations, the parties have agreed upon a settlement which would permit construction of a total of forty-one (41) units on the Intervenor's property, Block 1100, Lot 12 as designated on the Borough's tax map, which development would be comprised of thirty-two (32) market rate units and nine (9) affordable units; and

WHEREAS, the Settlement Agreement includes a Zoning Ordinance applicable to the subject property, a Concept Plan, and provisions pertaining to the review of the development application; and

WHEREAS, the Governing Body has determined that the Settlement Agreement is in the best interest of the citizens of the Borough of Haworth and will satisfy, in part, the Borough's constitutional obligation to provide its fair share of low and moderate income housing.

NOW THEREFORE BE IT RESOLVED that Mayor Thomas Ference and Borough Clerk Ann E. Fay be and are hereby authorized to execute the Settlement Agreement on behalf of the Borough of Haworth subject to the following conditions relating to the proposed Ordinance (Exhibit A):

1. Agreement by the parties as to the definition of the term "Patio".
2. Footnote 4 shall be restated to read as follows:

"Building height shall be measured as defined in §26-301, except that the calculation shall be confirmed by the Board Engineer.

Settlement Agreement – cont’d.

3. Deletion of “either” in paragraph t. on page 19 of the Settlement Agreement.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Guenego, Siciliano, Wasser. Nays – none. Declared carried.

Adjournment

As there was no further business to come before the Council the meeting adjourned at 10:20 PM on motion duly offered, seconded and carried.

Ann E. Fay
Clerk-Administrator

66A. Regular Meeting of March 26, 2019

66B. Regular Meeting of March 26, 2019

66C. Regular Meeting of March 26, 2019

66D. Regular Meeting of March 26, 2019

66E. Regular Meeting of March 26, 2019

66F. Regular Meeting of March 26, 2019