

170. Executive Meeting of the Mayor and Council of the Borough of Haworth held on August 14, 2018 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian  
Andrew Rosenberg  
Michael Bain  
Regina Duffy  
Jacqueline Guenego

Borough Attorney: Robert T. Regan

Mayor Smart 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 an 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 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 notices to all persons who requested same and prepaid the same.”

Recent Losses in the Borough

Mayor Smart noted these past weeks have been a difficult time for the Borough with the passing of Mr. Steve Renke and Councilman Anthony Volpe; Mr. Volpe served 7 years on the Council and served well in many different ways and the Borough will be missing so much of what he did including his work at the library, Memorial Field, the downtown project, LED lights at the pond and many other things and his spirit will continue.

The Mayor and Council and others present at the meeting then went outside and raised the flag at the front of the Borough Hall which had been at half-mast since Mr. Volpe’s passing.

Ordinance No. 18-09 –Bond Ordinance – 2<sup>nd</sup> Reading, Public Hearing.

A motion was offered by Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 18-09 be offered for second reading.

Ordinance No. 18-09 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 18-09 –Bond Ordinance – 2<sup>nd</sup> Reading, Public Hearing – cont'd.

The meeting was then opened to the public on Ordinance No. 18-09. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Rosenberg and seconded by Mr. Bain that Ordinance No. 18-09 be passed on second and final reading,

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

A motion was offered by Mr. Bain, seconded by Mr. Rosenberg and unanimously carried that the passage of Ordinance N. 18-09 be advertised as required law.

Update on Downtown Project

Mayor Smart welcomed Ms. Lisa Neyman project engineer from the Borough Engineer's office.

Mayor Smart reviewed discussions on this project from the last meeting as follows: the project was bid twice with both bids exceeding the planned amount; negotiations then took place with one of the bidders (the other bidder did not wish to participate); the contingency amount was removed as well as the landscaping work which can be done in alternate ways; the up lighting at the trees are not essential to the project; other sources are available for providing trees which results in the cost of the project then in line with the funds available. He then said the question arose if we have taken away the spirit of the project with these cuts in connection with the \$700,000.00 cost.

Ms. Neyman responded the Borough would not be losing the factor for this project, i.e., using alternate lighting fixtures for savings regarding maintenance, etc. for these lights; new concrete curbing; bump outs for visual appeal; trees will be handled under another process; electrical receptacles will remain and both St. Nicholas Avenue and Terrace Street will have new street lights.

Mayor Smart noted that Ms. Borghi and Mr. Celotto members of the Parks and Playgrounds Committee were present in the audience.

Ms. Neyman continued noting there will be receptacles at the top of the poles for holiday decorations, etc.; Terrace Street Park will have a new flagpole, a paver area and outdoor furniture; the monuments will be relocated within the park and there will be the replacement of the light fixtures in that area.

Mrs. Duffy questioned tree roots growing up into the sidewalk area.

Ms. Neyman responded that trees are chosen for their deep roots and there will be grates at the trees.

Ms. Guenego asked what is the life span of this project to which Ms. Neyman responded 20 to 25 years and referred to the plan which includes concrete sidewalk and curbs with 2" band of pavers wrapping around the tree wells and that the pavers will be set into concrete.

Mr. Poosikian said he has raised the question of residents expecting more of a change in the area in connection with the cost.

Ms. Neyman commented the pavers could be taken out but they do have a visual impact and the new lighting is needed.

Update on Downtown Project – cont'd.

Mr. Poosikian said the lighting should not be reduced and asked if there would be a substantial savings with taking the bump outs out to which Ms. Neyman replied, not much and there would be a drainage improvement with them.

Mr. Poosikian then commented that the Borough ordinance requires businesses to maintain their sidewalks and asked has the Council explored if the property owners there could contribute to this project.

Mr. Regan explained the process of a local assessment.

Mr. Poosikian said the improvement of the area directly in front of these properties would positively affect their businesses.

The meeting was then opened to public comments on the project.

Mr. L. Weiss, Beech Street questioned the question of parallel parking or angle parking which Ms. Neyman said would be parallel parking.

Mr. N. Fazio, Sunset Avenue questioned water getting underneath the pavers. Ms. Neyman responded there is a stone base underneath them.

Mr. A. Reithmayr, Pleasant Street questioned the timing of the project regarding concrete paving, etc.

Ms. B. Borghi, St. Nicholas Avenue asked with parallel parking would there be a handicapped parking place on St. Nicholas Avenue. Ms. Neyman responded no it would be on Terrace Street.

Ms. D. Holden, Beacon Street questioned obtaining trees from the Tree Farm and their vertical roots.

Mayor Smart responded if there are enough trees at the Tree Farm with that type of roots they would be used.

Mr. D. Cohen, St. Nicholas Avenue questioned moving the memorials in the Terrace Street Park to which Mayor Smart responded they are in two locations now and will be put together.

Mr. Cohen then asked if the families have been contacted regarding the moving of the memorials to which Mayor Smart responded they have and are in agreement.

Update on Downtown Project – cont'd.

Ms. H. Wasser, Summit Place questioned the amounts in the budget for this project. Mayor Smart responded the total cost is \$702,000.00, \$466,000.00 borough funds and \$236,000.00 from grants.

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

Mayor Smart asked if the Council was prepared to pass a resolution regarding the project.

Mr. Poosikian commented the Council owes it to the residents to explore the businesses contributing to the project.

Mayor Smart responded this was a choice in the beginning however resistance was expressed and they had indicated if they participated monetarily they should have some input. He further said a singular project is wanted and the Committee looked at the whole project at the Borough's cost.

Mr. Poosikian said the Mayor and Council have legal authority to pass on the expense which would substantially reduce this cost.

Mr. Rosenberg commented it is not being suggested the control of the project be by the businesses, noted changes in the project now and perhaps if there were the contributions from the businesses perhaps the whole project could be accomplished with some reasonable control.

Mr. Poosikian then said the businesses should be paying for the sidewalk in front of their properties.

Mr. Bain questioned the time frame for the project to which Mayor Smart responded it is an 8 week project with a start in October being considered.

Ms. Neyman noted the contractor could be asked for a start in the spring.

Mr. Regan noted for an assessment to the businesses ordinances have to be created, an Assessment Commission appointed and sidewalk frontage determined for the amount the business would have to pay.

Mayor Smart then suggested a two week period for discussion on the process for an assessment and to contact the businesses.

Consent Agenda

The following consent agenda was offered by Ms. Guenego, seconded by Mr. Bain and unanimously carried:

Refund Driveway and Street Open Permits

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

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

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Alida DeRussi 455 Sunset Avenue Haworth, NJ 07641	1345	\$100.00	455 Sunset Avenue
George Mitchell 160 Maple Street Haworth, NJ 07641	1369	\$100.00	160 Maple Street
Gulperi Kocak 360 Pine Lane Haworth, NJ 07641	1376	\$100.00	360 Pine Lane
Steve Cobo 103 Mooney Road Flanders, NJ 07836	1379	\$100.00	561 McCullough Place
Property Masters P. O. Box 19 Haworth, NJ 07641	001	\$200.00	161 Myrtle Street

Refund Summer Recreation Fee

WHEREAS, the Recreation Commission has determined that the following Summer Recreation registration be refunded.

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

<u>Name</u>	<u>Address</u>	<u>Amount</u>
Anna Pascali	200 Maple Street Haworth, New Jersey 07641	\$150.00

Consent Agenda – cont’d.

Approval of Change Order No. 1 D&L Paving 2018 Road Improvement Program

BE IT RESOLVED the Mayor and Council hereby approve the following change order:

Change Order No. 1

D&L Paving Contractors, Inc.  
675 Franklin Avenue  
Nutley, New Jersey 07110

Reduction in Streets to be Paved – 2018 Riverside Cooperative Road Program – less \$20,000.00

Approval of Purchase – Thermal Imager for Fire Department

WHEREAS, a need has arisen for the purchase of a Thermal Imager Camera for the Fire Department; and

WHEREAS, quotations were received for this equipment and reviewed by the Fire Department; and

WHEREAS, the quotation received from AAA Emergency Supply in the amount of \$3,859.00 is the most acceptable.

NOW THEREFORE BE IT RESOLVED a purchase order be issued to AAA Supply, 635 North Broadway, White Plains, NY 10603 in the amount of \$3,859.00.

Approval of Radar Units for Police Department

WHEREAS, quotations were sought for the purchase of Radar Units for the Police Department; and

WHEREAS, three quotations were received; and

WHEREAS, it is recommended that after review that the quotation received from Stalker Radar is the most responsive.

NOW THEREFORE BE IT RESOLVED that a contract be awarded to Stalker Radar, 855 E. Collins Blvd., Richardson, TX 75081 in the amount of \$3,225.00 for 2 Stalker Radar units as outlined in their proposal dated July 23, 2018.

Consent Agenda – cont’d.

Approval of Purchase of Concrete Pad for Air Conditioning Units at Library

WHEREAS, it is necessary to construct a concrete pad at the rear of the Haworth Library to accommodate new HVAC equipment; and

WHEREAS, cost proposals were sought for this construction; and

WHEREAS, the Borough Engineer is recommending the acceptance of the proposal of T.P.C. Landscape Design, Inc. in the amount of \$3,985.00.

NOW THEREFORE BE IT RESOLVED, a contract be awarded to T.P.C. Landscaping Design, Inc., PO Box 284, River Edge, NJ 07661 in the amount of \$3,985.00 as outlined in their proposal dated July 6, 2018.

Dedication by Rider – Revenues from Donations for Playground Furnishing

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider.

NOW THEREFORE BE IT RESOLVED by the Borough of Haworth, County of Bergen, New Jersey as follows:

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures from donations for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of furnishing the new playground with benches and equipment at Memorial Field by the Parks and Playgrounds Committee.
2. The Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Award Contract to the Rodgers Group – SOP Update for Police Department

**WHEREAS**, the Police Department of the Borough of Haworth is in receipt of a proposal from The Rodgers Group, LLC (“Rodgers”) to provide consulting services to assist the Department in the development of a Customized Manual including police development only relating to Standard Operating Procedures, General Orders and Rules and Regulations to insure

Consent Agenda – cont’d.

Award Contract to the Rodgers Group – SOP Update for Police Department – cont’d.

that the Department is compliant with all laws, Attorney General Guidelines and standards required for New Jersey State Association Of Chiefs of Police (NJSACOP) accreditation; and

**WHEREAS**, the proposal submitted by Rodgers constitutes an extraordinary unspecifiable service as set forth in *N.J.S.A. 40A:11-5(1)(a)(ii)*; and

**WHEREAS**, *N.J.S.A. 40A:11-2(7)* defines “extraordinary unspecifiable service” as services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor; and

**WHEREAS**, the Governing Body has determined, based upon advice of the Borough Attorney, that the Rodgers proposal satisfies the requirements in *N.J.S.A. 40A:11-5* as an extraordinary unspecifiable service which constitutes an exception to the public bidding process; and

**WHEREAS**, The Chief Financial Officer has certified that funds are available for The Project from Line Item No. C04-18-006-005.

**NOW THEREFORE BE IT RESOLVED** that the Borough authorizes the award of a Contract to The Rodgers Group for the sum of \$26,500.00 payable in six (6) monthly payments of \$4,416.66, consistent with the proposal from Rodgers; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Haworth that the Mayor and Borough Clerk be and are hereby authorized to execute a Contract with Rodgers for the aforesaid services.

Approval of Payment of Bills

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 181A – 181G

OTHER MATTERS

Election of Council President

A motion was offered by Mr. Bain, seconded by Mrs. Duffy and unanimously carried that Mr. Rosenberg be named Council President for the remainder of 2018.

Appointment to Recreation Commission

Mayor Smart offered Mr. Brian Graffeo as a member of the Recreation Commission.

A motion was offered by Mr. Bain, seconded by Mr. Poosikian and unanimously carried that Brian Gaffeo be appointed a member of the Recreation Commission to a five year term to December 31, 2022.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. Borghi asked how mutual aid works regarding DPW employees responding to fires while they are working.

Mr. Poosikian explained there is a mutual agreement with Demarest where both towns are dispatched during the daytime hours and response by the DPW employees is a requirement of their employment.

Ms. Borghi said she was watching DPW workers at work when they got a call and their work stops; they are leaving quite a bit for calls and asked where is the balance as DPW work does not seem to get done and questioned paid people doing volunteer work during their work hours.

Mr. Poosikian responded it is a balance and it is better to err on the side of the DPW stopping what they are doing to respond to a call.

Mayor Smart commented there are not enough volunteers during the day.

Mr. Rosenberg said this is a reasonable solution at this time noting other towns now have paid fire departments.

Mayor Smart noted that many of the DPW workers are also volunteer fire fighters.

Ms. Borghi then asked if another hire is planned for the DPW.

Mrs. Duffy responded yes and the position is being advertised.

In connection with the earlier discussion regarding the downtown project, Mr. Fazio said there is no rush to sign a contract.

Open Meeting to Public – cont'd.

Ms. H. Wasser, Summit Place in connection with the earlier discussion regarding an assessment to the business owners for the downtown project questioned Suez and the Haworth Country Club for their contributions to the Lake Shore Drive project. Mayor Smart responded they volunteered their contribution.

Mr. Fazio asked when the Sunset Avenue project will be completed particularly with Ambulance Corps members having to use that road in an emergency. Mayor Smart said Flats Road has been opened which can be used for emergency vehicles.

Ms. Borghi said the downtown area has to change, the project is close, it is really needed and the store owners need to take care of their property.

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

Other Matters

Mayor Smart reported the project has been completed to identify fences in front yards; there are from 40 to 50 such fences, some with permits some without.

Mayor Smart distributed to the Council a list of pending lawsuits and the Borough losing one case regarding a fence which will not come up again since the ordinance has now been changed.

Close Meeting to Public

The following resolution was offered at 9:00 PM by Mr. Rosenberg, seconded by Ms. Guenego 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 August 14, 2018 at which time the following items will be discussed:

Interview DPW Superintendent Candidate  
Declaratory Judgment Action

**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

Close Meeting to Public

**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.

Reopen Meeting to Public

The meeting was reopened to the public at 10:10 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













