

249. Executive Meeting of the Mayor and Council of the Borough of Haworth held on November 10, 2015 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian
Mary Anne Groh
Andrew Rosenberg
Anthony Volpe
Michael Bain
Lawrence Weiss

Borough Attorney: Robert T. Regan

Mayor Smart called the meeting to order at 8:15 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 notice to all persons who requested same and prepaid the same."

It was noted for the record that this meeting was not being electronically recorded due to a malfunction of the machine.

General Election

Mayor Smart congratulated Mr. Poosikian on his re-election to the Council and to Mrs. Duffy on her election and gave a special thank you to Mrs. Borghi and Mr. Ferber for their efforts in the recent campaign, noting he was impressed by the courage of those who run for public office.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
NJ DOT	Notice of Award – Haworth School Pedestrian Safety Improvements-\$219,160.	All Council
NJ DEP	Notification of Permit Issued to United Water for Backup Turbine Pump	All Council
BC Joint Insurance Fund	Notice of Public Hearing 2016 Budgets	All Council
“ “ “ “	2015 Dividend	All Council

On discussion Mrs. Groh indicated with the correspondence from the Joint Insurance Fund that the Borough will accept the 2015 dividend as a check.

RESOLUTIONS

Overpayment of 2015 Real Estate Taxes

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Tax Collector be authorized to refund the overpayment of 2015 property taxes to the following:

<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO:</u>	<u>2015 TAXES</u>
1406	40	Carnegie Title, LLC One DeWolf Road Suite 208 Old Tappan, NJ 07675 <i>For property:</i> Peter Ng and Nina Dharmasaroja 9 Summit Place Haworth, NJ 07641	\$ 2,736.00
1407	8	Freedom Abstract 105 Maxess Road, Suite 121 Melville, NY 11747 <i>For property:</i> Kenneth & Gladys Vervoordt 63 Houston Pl Haworth, NJ 07641	\$ 3,269.00
TOTAL			\$ 6,005.00

Cancellation of Delinquent Balances Under \$10.00

The following resolution was offered by Mrs. Groh, seconded by Mr. Bain and unanimously carried:

WHEREAS, N.J.S.A. 40A: 5-17.1 provides that a municipality may authorize the cancellation of Tax Delinquencies of less than Ten (\$10.00) Dollars.

WHEREAS, the Mayor and Council of the Borough of Haworth have adopted a resolution authorizing the cancellation of property tax delinquencies under \$10.00;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, that the Tax Collector is hereby authorized to process, without any further action on

Cancellation of Delinquent Balances Under \$10.00 – cont’d.

the part of the Governing Body, the cancellation of any property tax delinquency of less than (\$10.00); and

BE IT FURTHER RESOLVED, that a certified Copy of this Resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
301	10	.46
601	4	.50
916	8	.04
1006	4	.31
1605	1	<u>.03</u>

Total \$ 1.34

Refund Golf Outing Registration Fee

The following resolution was offered by Mr. Volpe, seconded by Mrs. Groh and unanimously carried:

WHEREAS, Ok Ja Huh desired to participate in the Haworth Recreational Golf Outing and submitted the fee for a foursome;

WHEREAS, Mrs. Huh assumed the date of the golf outing was October 2nd, 2015 and realized all four golfers would not be able to attend the October 5th outing;

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

<u>Name</u>	<u>Address</u>	<u>Amount</u>
Ok Ja Huh	279 Franklin Street Haworth, New Jersey 07641	\$740.00

Refund Escrow Deposits

The following resolution was offered by Mr. Volpe, seconded by Mrs. Groh and unanimously carried:

Refund Escrow Deposits – cont’d.

WHEREAS, the following escrow accounts were established with deposits to offset expenses; and

WHEREAS, the following amounts were expended.

NOW THEREFORE BE IT RESOLVED that the following refunds be made:

<u>NAME AND ADDRESS</u>	<u>FOR</u>	<u>RECEIVED</u>	<u>EXPENDED</u>	<u>REFUNDED</u>
Joseph Carretta 128 Hardenburgh Av. Haworth, NJ 07641 Bl. 1803, Lot 8	Var. 653	\$200.00	\$165.12	\$34.88
Frances Goldstein 374 Pine Lane Haworth, NJ 07641 Bl. 1500, Lot 2	Var. 657	\$200.00	\$165.75	\$34.25
Janet Posner 308 Garfield St. Haworth, NJ 07641 Bl. 1510. Lot 17	Var. 655	\$200.00	\$165.12	\$34.88

Release of St. Gabriel Church Performance Bond

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

WHEREAS, St. Gabriel Syrian Orthodox Church posted with the Borough of Haworth a Performance Bond in the amount of \$346,734.00 plus a Cash Bond in the amount of \$38,526.00 to guarantee certain improvements at Block 701, Lot 1, 750 Sunset Avenue, Haworth, New Jersey 07641 in accordance with a Developers Agreement dated May 16, 2012; and

WHEREAS, the Planning Board Engineer by letter dated November 6, 2015 indicates the site improvements have been satisfactorily completed and recommends the release of the Performance Bond provided a 2-year Maintenance Bond is posted in the amount of 15% of the Performance Bond (\$57,789.00) and provided \$500.00 is retained for possible inspections during the Maintenance Bond period.

Release of St. Gabriel Church Performance Bond – cont'd.

NOW THEREFORE BE IT RESOLVED, that the Performance Bond in the amount of \$346,734.00 and the Cash Bond in the amount of \$38,526.00 (plus interest) be released to St. Gabriel Syrian Orthodox Church, 750 Sunset Avenue, Haworth, New Jersey 07641 upon the submission of a Maintenance Bond in the amount of \$57,789.00.

On discussion Mr. Volpe said he would vote “no” on this resolution as the Church went ahead and made modifications to the original site plan, grassy pavers were put in without being authorized, noted access by emergency responders regarding the grassy pavers and said there was not enough parking.

Mayor Smart noted there is now a new filed site plan by the church.

Mr. Rosenberg said the matter could be deferred to another date in order to obtain more information and suggested getting clarification from the Planning Board engineer.

Mrs. Groh said this is an issue with compliance, suggested tabling the resolution and to review the Developer’s Agreement.

Mayor Smart said the original plan was modified many times.

A motion was then offered by Mr. Rosenberg, seconded by Mr. Volpe and unanimously carried to table the resolution in order for the Planning Board attorney to review the matter and render an opinion.

Award Downtown-Stevens Place Bid

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

WHEREAS, following public advertisement as required by law, sealed bids for the Downtown Improvements – Stevens Place were received by the Municipal Clerk on October 30, 2015; and

WHEREAS, six bids were received at that time; and

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

WHEREAS, it has been determined that funds are available as evidenced by the Chief Financial Officer.

Award Downtown-Stevens Place Bid – cont'd.

NOW THEREFORE BE IT RESOLVED, that a contract for the Downtown Improvements – Stevens Place be and is hereby awarded to J. C. Contracting, 25 Orange Street, Bloomfield, NJ 07003 in the amount of the base bid of \$140,300.00.

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

On discussion, Mayor Smart explained this resolution is to award the base bid and reviewed previous conversations to temporarily remove the extended sidewalk pending the bid amount which was originally an alternate and the suggestion to re-negotiate it based on the unit prices received. He said the resolution can be amended to include that portion of the sidewalk estimated at \$4900.

Further discussion included using a portion of the contingency in the bid documents of \$10,000 for the sidewalk.

A motion was offered by Mr. Poosikian and seconded by Mrs. Groh to amend the resolution to include the additional sidewalk for a price to be negotiated not to exceed \$4900.

Mayor Smart referred to the lighting project foundations.

Mr. Weiss commented that he felt the biggest problem was with the condition of the rear of the businesses on Stevens Place and said he was concerned with this project in general.

Mayor Smart noted meetings were held with the owners and merchants who have indicated they would re-pave and re-stripe the rear of their properties.

Mrs. Groh said increased pedestrian access is needed in connection with the sidewalk.

Mr. Volpe commented that the lighting conduits should be done during this initial phase.

Mrs. Groh said she agreed with Mr. Volpe with the timing of the lighting project and that there was funding in the capital surplus for some of this work.

Mr. Rosenberg noted change orders which might be needed later in the project and to keep the alternates out at this time.

Mrs. Groh suggested awarding the base bid and Alternate 1-A (lighting) and to negotiate a price for the sidewalk - \$143,000 and \$11,900.

Award Downtown-Stevens Place Bid – cont'd.

A motion was offered by Mrs. Groh, seconded by Mr. Poosikian and unanimously carried to amend the resolution to award the base bid of \$140,300.00 plus Alternate Item 1-A(Light Pole Foundations, including conduit) in the amount of \$11,900.00 for a total contract price of \$152,500.00.

A motion was offered by Mr. Poosikian, seconded by Mr. Bain and unanimously carried to authorize Mayor Smart to negotiate with the contractor to add up to \$4950 in order to extend the southeast sidewalk on Stevens Place.

Spending Plan

The following resolution was offered by Mr. Rosenberg, seconded by Mrs. Groh and unanimously carried:

WHEREAS, by resolution dated June 23, 2015, the Mayor and Council of the Borough of Haworth endorsed the Housing Element and Fair Share Plan of the Master Plan, which had been adopted by resolution of the Planning Board dated June 17, 2015; and

WHEREAS, the Borough of Haworth has previously adopted a Development Fee Ordinance creating a dedicated revenue source for affordable housing which was previously approved by the New Jersey Council On Affordable Housing (“COAH”); and

WHEREAS, COAH has been divested of jurisdiction related to municipal compliance with the constitutional obligation to provide low and moderate income housing pursuant to the decision of the New Jersey Supreme Court in *In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council On Affordable Housing*, 221 N.J. 1 (2015); and

WHEREAS, a Spending Plan has been prepared to encompass the period 2015 to 2025 as to the use of development fees and affordable housing funds; and

WHEREAS, the Spending Plan has been reviewed by the Governing Body.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth that it does hereby approve the Spending Plan dated November 3, 2015; and

BE IT FURTHER RESOLVED that the Governing Body hereby requests approval of the Spending Plan by the Superior Court of New Jersey in the pending Declaratory Judgment action entitled, “In The Matter of The Application of The Borough of Haworth, a Municipal Corporation of the State of New Jersey, For Substantive Certification”, Docket No. BER-L-5912-15.

Chapter 159 – Special Item of Revenue

The following resolution was offered by Mrs. Groh, seconded by Mr. Bain and unanimously carried:

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality which such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and;

WHEREAS, the Borough of Haworth is to receive the sum of \$ 149,000. in accordance with the provisions of the State of New Jersey Department of Transportation Haworth Downtown Revitalization – Stevens Place Grant for the year 2015, and;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Haworth, in the County of Bergen, New Jersey, does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of additional revenue in the budget of the year 2015 in the sum of \$149,000., for the State of New Jersey Department of Transportation Haworth Downtown Revitalization – Stevens Place Grant, which item is now available as a revenue from the State of New Jersey Department of Transportation in the amount of \$149,000.;

BE IT FURTHER RESOLVED, that the additional sum of \$149,000. is hereby appropriated as follows:

<u>Appropriation</u>	<u>Amount</u>
Operations - Excluded from Caps	
Public and Private Programs Offset by Revenues	
State of New Jersey DOT Grant-Downtown Revitalization	
Other Expenses	\$149,000.

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services for his/her approval.

Amendments to Personnel Policies and Procedures Manual

Mayor Smart explained the new additions to this Manual.

A motion was offered by Mrs. Groh and seconded by Mr. Volpe to amend the Conflict of Interest Policy to add “Employees are permitted to perform duties required by their participation in an unpaid capacity in municipal government organizations while on Borough property during their normal working hours and to attend scheduled meetings of such organizations” and to

Amendments to Personnel Policies and Procedures Manual – cont'd.

amend the Building Use policy to add “ Employees are prohibited from using Borough buildings and grounds, supplies or office equipment for personal or commercial business purposes or partisan political activities.”

On discussion Mr. Poosikian questioned the building use policy if it included the use of the library, i.e. reserving a room for a political meeting.

Mayor Smart said Borough employees should not be involved in political meetings; Mr. Rosenberg said all councilmembers are Borough employees and Mr. Bain commented if he wished to reserve a room in the library in connection with his business would that be permissible.

A motion was then offered by Mr. Poosikian, seconded by Mrs. Groh and unanimously carried to amend the Building Use policy to indicate the provision shall not apply to the Municipal Library.

Interboro Radio Contract

Mayor Smart noted all councilmembers have received an amendment today to this upcoming contract indicating the cost will remain the same as the previous years and suggested a review of the contract with the emergency personnel regarding any new systems.

Mr. Poosikian commented that in discussion with the Ambulance Corps it appears there will be a cost down the road regarding new equipment in connection with the installation of a tablet.

Mrs. Groh referred to the proposed agreement regarding new equipment and said she had questions which have not been addressed from the last contract. She noted possible increases in population in some towns and how the costs are apportioned should be looked at.

Mr. Poosikian suggested raising these questions with Mr. Rogan, attorney for the Interboro. It was concurred that Mrs. Groh will prepare a memo.

As to the Agreement to Operate the Interboro amongst the members any comments on that document should be given to Ms. Fay who will forward them to Mr. Rogan.

Authorization to Advertise Request for Qualifications

The following resolution was offered by Mr. Rosenberg, seconded by Mr. Volpe and unanimously carried:

BE IT RESOLVED that the Municipal Clerk is hereby authorized to advertise for 2016 Requests for Qualifications for professional services.

Approval of Payment of Bills

The following resolution was offered by Mrs. Groh, seconded by Mr. Weiss and unanimously carried:

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 259A – 259J

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mr. N. Shirvan, Anstatt Way referred to the earlier discussion on parking at St. Gabriel's Church and felt the church was ignoring the approval of what they were given.

Mayor Smart referred to the amount of pervious coverage regarding the parking and they were at the limit of what they could pave.

Mrs. B. Borghi, St. Nicholas Av., referred to parking in emergency lanes regarding the material used.

Mayor Smart explained the grassy pavers originally were not for emergency lanes and explained where they park now.

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

Close Meeting to Public

The following resolution was offered by Mrs. Groh, seconded by Mr. Rosenberg and unanimously carried at 9:40 PM:

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 November 10, 2015 at which time the following item will be discussed:

Land Use Matters – Litigation (anticipated)
Declaratory Judgment Action – Affordable Housing

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 item 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.

259. Executive Meeting of November 10, 2015

Re-Open Meeting to Public

The meeting was reopened to the public at 10:45PM and as there was no further business to come before the Council a motion was duly offered, seconded and carried to adjourn.

Ann E. Fay, RMC, CMC
Clerk-Administrator

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