

56. Executive Meeting of the Mayor and Council of the Borough of Haworth held on March 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

Borough Auditor: Jeffrey C. Bliss

Mayor Smart called the meeting to order at 8:00 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."

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Joint Insurance Fund	Transitional Duty Policy	All Council Finance Boro. Atty.
Mr. N. Rubenstein	2015 Assessor's Statement	All Council Finance Auditor Boro. Atty.
Ms. W. Cai-Lee	Request to Purchase Boro. Property – Whitman St.	All Council Boro. Atty.

2015 Municipal Budget

Mrs. Groh reported the Budget Workbook has been distributed to the Mayor and Council, explained its format and that the budget introduction will be scheduled for the next meeting in two weeks.

2015 Municipal Budget – cont'd.

In summary, Mrs. Groh said the budget is based on information known at this time, the tax rate at first preparation was an increase of 3.36%, however, that has changed, the assessed values have gone down, there were more thoughtful budget requests this year and now as presented the tax rate is down to a 2.51% increase.

Other segments of the budget Mrs. Groh discussed included the cell tower lease line which has been adjusted, funds to be taken from the Farmers Market line, dog license fees, the defined contribution plan for part time employees and several items are still subject to adjustments.

Mayor Smart referred to non-contractual salaries at a 1 percent increase for 2015 and Mrs. Groh noted that this budget is lower than last year.

Ordinance No. 15-02 – Pay to Play

A motion was offered by Mrs. Groh, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 15-02 be offered for first reading.

Ordinance No. 15-02 was then read by title only as follows:

**AN ORDINANCE ESTABLISHING REGULATIONS
AND RESTRICTIONS FOR ENTITIES AND
INDIVIDUALS CONTRACTING WITH THE BOROUGH
OF HAWORTH.**

A motion was offered by Mrs. Groh and seconded by Mr. Volpe that Ordinance No. 15-02 be passed on first reading.

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

A motion was offered by Mrs. Groh, seconded by Mr. Volpe and unanimously carried that Ordinance No. 15-02 be advertised as required by law and a date set for public hearing on April 14, 2015 at 8:00 PM at the Municipal Center.

Ordinance No. 15-03 – Amend Term of Borough Engineer

A motion was offered by Mr. Volpe, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 15-03 be offered for first reading.

Ordinance No. 15-03 – Amend Term of Borough Engineer – cont’d.

Ordinance No. 15-03 was then read by title only as follows:

AN ORDINANCE TO AMEND CHAPTER II OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, “ADMINISTRATION”.

A motion was offered by Mr. Bain and seconded by Mr. Rosenberg that Ordinance No. 15-03 be passed on first reading.

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

A motion was offered by Mrs. Groh, seconded by Mr. Bain and unanimously carried that Ordinance No. 15-03 be advertised as required by law and a date set for public hearing on April 14, 2015 at 8:00 PM at the Municipal Center.

Authorization to Apply for Recycling Tonnage Grants

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for 2014 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Haworth to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Authorization to Apply for Recycling Tonnage Grants – cont'd.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Haworth that the Borough of Haworth hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Eamonn Radburn of the Department of Public Works, as recycling coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Temporary Emergency (addition to 2015 Temporary Budget)

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

WHEREAS, an emergent condition has arisen with respect to various appropriations listed below, and no adequate provision has been made in the 2015 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the Borough of Haworth does not anticipate adopting its final budget for 2015 for several months;

WHEREAS, the total emergency temporary resolutions adopted in the year 2015 including this resolution total \$1,991,170.00

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. The following temporary appropriations be and the same are hereby made for:

CURRENT FUND
Operations

General Government

Municipal Clerk	
Other Expenses	3,000
Mayor and Council	
Other Expenses	2,500

Municipal Land Use Law

Board of Adjustment	
Other Expenses	500

Temporary Emergency (addition to 2015 Temporary Budget) – cont’d.

Public Safety

Police	
Other Expenses	8,000

Unclassified

Utilities	
Street Lighting	10,000
Electricity	10,000
Telephone	10,000
Gas (natural or propane)	6,000
Gasoline/Diesel	10,000

Deferred Charges and Statutory Expenditures

Defined Contribution Retirement System	
Other Expenses	1,500

OPERATIONS EXCLUDED FROM "CAPS"

Grants

BCCD-Senior Citizen Van Driver	
Salaries & Wages	2,500
BCCD-Senior Citizen Activities	
Other Expenses	3,500

Subtotal **67,500**

Municipal Debt Service	
Interest on Bond Anticipation Notes	<u>11,000</u>
Total Debt Service	<u>11,000</u>

TOTAL 2015 EMERGENCY TEMPORARY BUDGET **78,500**

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

Transfer of 2014 Budget Appropriations

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

WHEREAS, Title 40A:4-58 provides that should it become necessary, during the last two months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts (adopted by not less

Transfer of 2014 Budget Appropriations – cont’d.

than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Haworth that the Chief Financial Officer be and is hereby authorized to make the following transfers in the 2014 Current Fund Budget Appropriations:

CURRENT FUND	FROM	TO
Mayor & Council Public Info Other Expenses		20.00
Mayor & Council Publications Other Expenses	20.00	
Police Department Salary & Wages	2,478.00	
Police Department Other Expenses		2,478.00
TOTALS:	\$2,498.00	\$2,498.00

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

Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 67A – 67I

On roll call the vote was as follows: Ayes. Messrs. Poosikian, Groh, Rosenberg, Volpe, Bain, Weiss. Nays – none. Declared carried.

Appointments to Fire Department

Mr. Volpe commented that the two appointments have come up through the Juniors and are very dedicated young men.

Appointments to Fire Department – cont'd.

A motion was offered by Mr. Volpe, seconded by Mr. Rosenberg and unanimously carried that Taylor Poosikian be appointed a regular member of the Haworth Fire Department. Mr. Poosikian abstained.

A motion was offered by Mr. Volpe, seconded by Mr. Poosikian and unanimously carried that Thomas Runge be appointed a regular member of the Haworth Fire Department.

Proclamation Youth Art Month

Mayor Smart issued a proclamation declaring March Youth Art Month in the Borough.

Request to Purchase Borough Property – Pleasant Street

Mr. Rosenberg explained this is an undersized unbuildable piece of Borough property assessed at \$50,000 and suggested offering it for market value.

Request to Purchase Borough Property – Whitman Street

Mr. Rosenberg explained this is a new request and it is a buildable lot. Mr. Regan explained this would have to be a public bid, discussed the bidding process and any restrictions there might be on the property. It was noted that the assessed value of the lot is \$275,000.

Social Media

Mr. Poosikian noted there were no updates at this time on this subject.

2015 Road Improvement Program

Mr. Poosikian explained the deadline for getting the list of this year's roads to the Riverside Cooperative is March 18th and the DPW Superintendent and Borough Engineer have reviewed the roads. He noted that Maple Street is included in a submitted DOT Grant and that paving of Stevens Place may be included in that submitted grant for the downtown improvements.

Mrs. Groh commented that Park Street from Sunset Avenue to the Ivy Avenue Bridge is in bad condition.

Mr. Poosikian responded that other streets can always be added, suggested getting input from other council members and that he relies on the DPW as to what they see on a daily basis.

Consideration of Ordinance to Ban Smoking in Public Places

Mr. Weiss explained it is the recommendation of the Board of Health to have 100% smoke free parks and recreation areas and requested Mr. Regan to draw an ordinance to that effect.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mr. S. Chval, Woodland Pl. asked the status of the police negotiations, noted monies in the budget for a reasonable settlement with the Police Department and asked to receive a copy of the budget workbook.

Mayor Smart responded the PBA negotiations are ongoing, proposals have been exchanged and progress is being made. As to Mr. Chval's request for a copy of the budget workbook, the Mayor said he could obtain it early next week through an OPRA request.

Ms. C. Soroka, Whitman Street asked where the property on Whitman Street discussed earlier was located. She was told it was between Hardenburgh and Madison Avenues. She then said it is a wooded area, she is opposed to the sale of the property as Whitman Street would become a thoroughfare.

Mr. M. Kolonko, Haworth Avenue said more information is needed on that parcel. He then referred to regulations discussed earlier in connection with banning of smoking in parks and its' enforcement.

Mr. Kolonko then referred to his issues regarding parking at the school which he said are not being enforced, discussed the size of the police force and the number of police vehicles.

Mr. N. Shirvan, Anstatt Way, questioned why tax dollars are being used for tree work at the Swim Club instead of funded by the Swim Club.

Mrs. Groh commented that many walk through that area.

Mayor Smart responded that the trees inside the Club are being paid through the Club's funds.

Mr. Poosikian commented there are two trees in the parking lot and two leaning over the road which are town trees.

Mr. Shirvan then referred to the condition of his street and that its' repair had been on a prior list.

Open Meeting to Public – cont'd.

Mr. Poosikian explained the process whereby streets are revisited, compared to other areas and other roads have deteriorated more quickly than Anstatt Way, however, it will need work.

Mr. Shirvan referred to the proposed ban on smoking in the parks, noted smoking in the Terrace Street Park at lunch time and he also referred to the parking situation at the school.

Dr. M. Kahn, Paulson Place referred to second hand smoke and outdoor restrictions on smoking.

Mayor Smart commented that there is also a litter problem with smoking.

Dr. Kahn said it was bad to legislate other people's behavior and he also said that the public should have input in connection with the Borough's road program.

Mr. Poosikian explained calls are received from residents regarding road improvement.

Dr. Kahn then referred to his property whereas he has planted and maintained an adjacent Borough easement which has come into question in connection with plans for an addition on his home.

Mr. Rosenberg said he will review the matter.

Mr. Kolonko discussed various situations at the school including early morning snow removal.

Mr. P. Patrikios, attorney representing the owner of 160 Pleasant Street in connection with the earlier discussion on the purchase of adjoining property was present. It was concurred that Mr. Rosenberg would contact him regarding this matter.

Mr. David Marks, Library Director referred to this year's Library's budget being less than last year.

Mrs. Groh responded the number is \$320,000 which is still more than the statutory requirement, last year's expenses were looked at and last year there was a fund balance. She discussed several expenses which were just for last year and non-recurring.

Mr. Bain commented there may be more expenses.

Mr. Marks said the Library is asking for level funding which they need for legitimate operating expenses, programming, books, etc.

Open Meeting to Public – cont'd.

Mrs. Groh referred to staffing during the time the library was closed in connection with the renovation and if there were any savings during that time.

Mr. Marks responded that everyone worked, particularly in connection with the moving which was less expensive than hiring a moving company.

Ms. Beth Potter, member of the library staff explained the physical labor used by the staff during the move. She further explained what people ask for in connection with library services, particularly more hours for the library to be opened. Ms. Potter then discussed donations to the library, new uses due to the expansion, the library will be used extensively and she described the creative fund raising in connection with the renovation.

Ms. Dina Siciliano, Library Board member for many years said that in referring to past meeting minutes of the Board the library always operated with a surplus. She said the Borough has been generous to the library, asked to keep the investment going, particularly with the new collection, books are expensive and books and programming are what people want.

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

2015 Municipal Budget

Mrs. Groh asked Mr. Bliss the number for the reserve for uncollected taxes which he said would be available tomorrow.

Mr. Bliss explained the procedure for use of capital surplus.

Mrs. Groh then referred to pending grant applications in connection with the budget preparation.

Mr. Bliss explained there has to be approval of the application first and if that comes after the adoption of the budget then a Chapter 159 resolution can be adopted to provide for the grant funds.

Mr. Bliss then explained the CAP Bank Ordinance which gives the Borough the ability, if needed to increase In-CAP expenses.

Mr. Bliss then left the meeting.

The Council then discussed use of recreation funds and Mrs. Groh explained use, etc. of those trust funds.

2015 Municipal Budget

In connection with the proposed 1% salary increase for non-contractual employees, Mr. Poosikian said that since the contractual employees are getting more of an increase it is not fair to hold the others to the 1% creating bad faith in connection with being treated differently.

Mrs. Groh commented that the proposal for the PBA is less than 2%.

Mayor Smart, noting the proposed increase in connection with the CPI of .08% that the 1% increase is a reasonable starting point.

Mr. Volpe noted items in capital budget requests including estimates for doors at the Firehouse and questioned the pick-up truck for Police Department.

Mr. Rosenberg explained the use, etc. of the various vehicles in the Police Department and a recording device for the Department in connection with certain telephone calls.

Mr. Weiss referred to the deck at the Swim Club and his attempts to obtain information on that improvement.

Further discussion included cell tower revenue and various vehicles for the Ambulance Corps and Police Department.

Close Meeting to Public

The following resolution was offered at 10:50 PM by Mr. Rosenberg, seconded by Mr. Poosikian 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 10, 2015 at which the following items will be discussed:

Police Negotiations
Haworth Country Club Tax Appeal
Personnel – Salary, Terms

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

Close Meeting to Public – cont'd.

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 11:45 PM and as there was no further business to come before the Council adjourned on motion duly offered, seconded and carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator

67A. Executive Meeting of March 10, 2015

67B. Executive Meeting of March 10, 2015

67C. Executive Meeting of March 10, 2015

67D. Executive Meeting of March 10, 2015

67E. Executive Meeting of March 10, 2015

67G. Executive Meeting of March 10, 2015

67I. Executive Meeting of March 10, 2015