

183. Executive Meeting of the Mayor and Council of the Borough of Haworth held on August 11, 2015 at the Municipal Center

Present: Hon. John W. Smart, Mayor

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

Borough Attorney: Robert T. Regan

Mayor Smart called the meeting to order at 8:00 PM and upon roll call all members of the Council were present with the exception of Mr. Poosikian. Mayor Smart then read the following notice: “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>
Mr. C. Statile	Retaining Wall Replacement – Haworth Avenue	All Council Boro. Atty. Build. Inspector
Joint Insurance Fund	Notification of Membership Renewal	All Council

RESOLUTIONS

Approval of Raffle License

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Carnival Games Raffle Application #RA-432 of the Sacred Heart Church to be held at 102 Park Street, Haworth on September 10 – 13, 2015 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Endorsement of Meals on Wheels Grant

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

WHEREAS, a Bergen County Community Development grant of \$15,000 has been proposed by Northern Valley Meals on Wheels for meal delivery to shut-ins in the Borough of Haworth; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Haworth; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Haworth hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Authorization – Special Counsel Enter into Stipulation of Settlement

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

Authorizing the Borough Special Attorney to Enter Into a Stipulation of Settlement Relative to the Tax Appeals captioned Haworth Country Club, LLC v. Borough of Haworth, Tax Court of New Jersey, Docket Nos.:001525-2010, 000729-2011, 006687-2012, 001463-2013, 005398-2014 and 000806-2015.

WHEREAS, the Haworth Country Club, LLC (“Taxpayer”), the owner of the golf and country club located at 5 Lake Shore Drive, Block 500, Lot 1; Block 600, Lot 2 and Lot 3; and Block 400, Lot 2 (the “Property”) on the Borough of Haworth’s Tax Assessment Maps, filed an appeal of its 2010, 2011, 2012, 2013, 2014 and 2015 tax assessments in the Tax Court of New Jersey, Docket Nos.:001525-2010, 000729-2011, 006687-2012, 001463-2013, 005398-2014 and 000806-2015 (the “Tax Appeals”); and

Authorization – Special Counsel Enter into Stipulation of Settlement – cont’d.

WHEREAS, the Mayor and Council of the Borough of Haworth appointed Martin Allen, Esq. of the Law Firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer and Flaum, P.C. (the “Special Counsel”) as attorneys to represent the Borough of Haworth in these Tax Appeals; and

WHEREAS, the Mayor and Council of the Borough of Haworth met and discussed the aforesaid tax appeals and the recommendations of the Borough Tax Assessor and the Special Counsel; and

WHEREAS, the form of Stipulation of Settlement is annexed hereto, having been reviewed by the Mayor and Council of the Borough of Haworth; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated the terms of which are more specifically described in the Stipulation of Settlement; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Borough of Haworth as a result of the aforesaid specific facts situation; and

WHEREAS, the Mayor and Council of the Borough of Haworth will make this settlement with the Taxpayer without prejudice to its dealing with any other Borough of Haworth taxpayers’ request for tax assessments reductions.

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

1. Martin Allen, Esq. of the Law Firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer and Flaum, P.C. is authorized to execute a Stipulation of Settlement in the form annexed hereto, relative to the tax appeal of Haworth Country Club, LLC in the Tax Court of New Jersey, Docket Nos.: 001525-2010, 000729-2011, 006687-2012, 001463-2013, 005398-2014 and 000806-2015, with regard to the property located at 5 Lake Shore Drive, Block 500, Lot 1; Block 600, Lot 2 and Lot 3; and Block 400, Lot 2 on the Borough Tax Maps, the terms of which Stipulation of Settlement are annexed hereto and made part of this Resolution.
2. The form of Stipulation of Settlement is annexed hereto, having been reviewed by the Mayor and Council of the Borough of Haworth.
3. The settlements outlined above shall be without prejudice to the Borough of Haworth’s dealings with any Borough’s taxpayers’ request for tax assessment reductions.

On voice vote all members voted in the affirmative with the exception of Mrs. Groh who voted no. Declared carried.

Authorization to Enter Contract – Open Space Grant Memorial Park Pavilion

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Haworth wish to enter into a Bergen County Trust Fund Project (“Contract”) with the County of Bergen for the purpose of using a \$25,000.00 matching grant award from the 2014 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled “Memorial Park Pavilion” located in Memorial Park at 138-298 Whitman Street, in Block 1600, Lot 17 on the tax maps of the Borough of Haworth;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor John W. Smart to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general the use of this Trust Fund grant towards this approved park project must be completed by on about July 15, 2017; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements.

Authorization to Execute PBA Agreement

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

BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the Agreement between the Borough of Haworth and PBA Local 206 for the period January 1, 2015 through December 31, 2017.

Approval of LOSAP Program – 2014

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

Approval of LOSAP Program – 2014 – cont'd.

WHEREAS, by Ordinance No. 872, adopted August 2, 2000, the governing body established a Length of Service Awards Program (“LOSAP”) in and for the Borough of Haworth, in accordance with Chapter 388 of the Laws of 1997 (N.J.S.A. 40A:14-183, et seq.), to reward volunteer firefighters and ambulance corps members for their service to the residents; and

WHEREAS, each year, emergency service organizations participating in a LOSAP must certify to the governing body an annual list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and,

WHEREAS, the Haworth Fire Department and the Haworth Ambulance Corps have provided the Mayor and Council with lists of all members and the number of LOSAP credits as earned by them during the year 2014, said lists being annexed hereto and incorporated by reference herein; and,

WHEREAS, in accordance with the provisions of the ordinance establishing the LOSAP program, each member with 100 points or more of LOSAP credits (40% and above participation in the Fire Department equaling 100 points) qualifies for a LOSAP contribution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Haworth, County of Bergen, and State of New Jersey, that the LOSAP lists annexed hereto are hereby approved, and that a copy of this Resolution be forwarded to the Haworth Fire Department, Haworth Ambulance Corps and the Borough Treasurer.

Mrs. Groh commended the volunteers for their time and effort.

Cancellation of Unexpended Capital Appropriations

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

WHEREAS, there appears open of record unexpended balances of certain capital ordinance appropriations; and

WHEREAS, these projects have been completed; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Haworth, Bergen County, State of New Jersey, that the following capital ordinance appropriation balances be cancelled of record:

Cancellation of Unexpended Capital Appropriations – cont’d.

General Capital Fund

Ord. #/Section	Improvement Description	Capital Fund Balance
07-963 A	Rubbish bins	\$ 1,486.40
09-978 D	Sewer Rehab/TV Inspection	15,093.04
12-09 B	Radio Upgrades	3.24
12-09 D	Dog Waste Receptacles /TV Cameras at Pond	1,290.21
13-08 C	Police Emergency Traffic Control	5.56
13-08 D	Public Buildings Security Cameras	8,921.00
	Total	\$26,799.45

Approval of Submission to Local Finance Board

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

RESOLUTION OF THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51 AND N.J.S.A. 40A:2-55 IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED \$600,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OR NOTES

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (the “Borough”) desires to make an application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the “Local Finance Board”) for its approval of a refunding bond ordinance authorizing the payment of a tax appeal settlement with a taxpayer for taxes levied in the Borough through the issuance of not to exceed \$600,000 aggregate principal amount Refunding Bonds or Notes; and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such refunding;
- (b) said refunding is for the health, wealth, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said refunding are not unreasonable or exorbitant; and

Approval of Submission to Local Finance Board – cont'd.

(d) the refunding is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HAWORTH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, as follows:

Section 1. The application (the “Application”) to the Local Finance Board is hereby approved and the Borough’s Auditor, Lerch, Vinci & Higgins, LLP (the “Auditor”), and Bond Counsel, Archer & Greiner P.C. (“Bond Counsel”), along with other officials and representatives of the Borough are each hereby authorized and directed to prepare and submit such Application and to represent the Borough in such matters pertaining thereto.

Section 2. The Borough Clerk is hereby authorized and directed to prepare and file certified copies of this resolution and the refunding bond ordinance after introduction with the Local Finance Board as part of such Application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such Application and to record its approval as provided by the applicable New Jersey Statute.

Section 4. The preparation of the Application by the Auditor and Bond Counsel of the Borough in consultation with the Chief Financial Officer of the Borough and its submission to the Local Finance Board is hereby authorized.

Section 5. This resolution shall take effect immediately.

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

Appointment to Fire Department

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

Ordinance No. 15-11 – Amendment Police Hours of Duty, Compensation Off-Duty Officers

A motion was offered by Mr. Rosenberg, seconded by Mrs. Groh and unanimously carried that Ordinance No. 15-11 be offered for first reading. Ordinance No. 15-11 was then read by title only:

Ordinance No. 15-11 – Amendment Police Hours of Duty, Compensation Off-Duty Officers – cont’d.

AN ORDINANCE AMENDING CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH ENTITLED “ADMINISTRATION”

A motion was offered by Mrs. Groh and seconded by Mr. Rosenberg that Ordinance No. 15-11 be passed on first reading.

On roll call the vote was as follows: Ayes; Messrs. 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. 15-11 be advertised as required by law and a date set for public hearing on August 25, 2015 at 8:00 PM at the Municipal Center.

Real Estate Request – Garfield Street

Mr. Rosenberg said this request is being tabled at this time.

Zwernemann Retaining Wall Replacement

Mr. Rosenberg explained this resident needs to replace a retaining wall on his property which encroaches into the Borough easement and will pay the attorney’s fees for the needed documents.

A motion was offered by Mr. Rosenberg, seconded by Mr. Bain and unanimously carried to approve the License, Indemnification and Hold Harmless Agreement between William and Stacey Zwernemann and the Borough of Haworth in connection with the replacement of a retaining wall at 211 Haworth Avenue and to authorize the Mayor and Municipal Clerk to execute same.

2015 Bergen County Open Space Application

Mayor Smart noted discussion has been held to apply for the renovation of the wooden playground at Memorial Field.

Mr. Weiss referred to prior discussions regarding improvements at the Swim Club and the possibility of applying for Community Development funds. Discussion also referred to the need for a new deck at the rear pool.

Mayor Smart indicated a public hearing has to be held in connection with the Open Space application.

2015 Bergen County Open Space Application – cont'd.

Further discussion included the cost for the playground at \$100,000 for which Mrs. Groh and Mr. Weiss expressed concern, the condition of the existing playground with safety issues, etc. and to possibly scale back the project.

It was concurred not to exceed \$50,000 for the matching grant and direct the Borough Engineer to prepare the Open Space application and schedule the public hearing.

Waiver of Health Benefits

Mr. Regan explained the state statute regarding this issue, for the Borough to implement it can be by resolution or ordinance and suggested implementation for January 2016.

Discussion included costs for the opt-out and how many employees this might affect, suggestion to implement by resolution and look at the financial impact.

Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 191A – 191K

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

Open Meeting to Public

Mr. Kevin Davis, representing his mother at 60 Beacon Street discussed a problem with bamboo which has been planted at 50 Beacon Street, invading his mother's property and asked if there was an ordinance against this type of plant.

Mayor Smart responded he has written to the owners of 50 Beacon Street requesting the removal of the bamboo and will follow up with them.

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

Adjournment

As there was no further business to come before the Council the meeting adjourned at 9:15 PM on motion duly offered, seconded and carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator

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