

184. Executive Meeting of the Mayor and Council of the Borough of Haworth held on September 13, 2016 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian  
Andrew Rosenberg  
Anthony Volpe  
Michael Bain  
Lawrence Weiss  
Regina Duffy

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 notice to all persons who requested same and prepaid the same.”

Public Hearing –Bergen County Open Space Application – Terrace Street Park Improvements

Mayor Smart explained that in connection with the intent to apply for this grant it is required to hold a public hearing and the proposed improvements include general park improvements including landscape buffers, ornamental site lighting and open seating area enhancements/upgrades.

The meeting was then opened to the public comment on this application. As there were no comments, the meeting was closed to the public hearing on the Open Space Application.

Proclamation to Denise and Bill Hayes

Mayor Smart noted the Mayor and Council are recognizing Denise and Bill Hayes for their long term service to the Borough and issued a proclamation to them declaring September 13, 2016 Denise and Bill Hayes Day in the Borough of Haworth.

Correspondence

Letter From  
Referred to

Subject

Mr. C. Statile NJ Stormwater Management Training All Council

Michael Green, Fire Chief Invitation to 9/11 Ceremony – 3 PM All Council

Mr. Volpe commented that the 9/11 ceremony was excellent and well attended.

Approval of Correction Plan

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

*Corrective Action Plan for Findings  
Audit Year Ending December 31, 2015  
Borough of Haworth  
Bergen County, New Jersey*

**Findings/Condition #1**

General ledger account balances were not in agreement with subsidiary ledgers and supporting documentation for the various funds.

**Recommendation**

Efforts are continuing to ensure the general ledger accounts are reconciled to their respective subsidiary ledgers and supporting documentation on a monthly basis for all funds.

**Corrective Action**

The Temporary Acting CFO will ensure that the subsidiary ledger and the general ledger amounts be reconciled to the general ledger on a monthly basis.

**Implementation Date** – December 31, 2016

**Findings/Condition #2**

The audit of the bank reconciliations for the various funds revealed that bank reconciliations were not always completed in a timely manner and reconciled items reviewed and verified in a timely manner.

**Recommendation**

Continued efforts be made to ensure bank reconciliations are completed on a monthly basis and reconciling items are reviewed and verified in a timely manner.

**Corrective Action**

Temporary Acting CFO will review all bank reconciliations to ensure that they are up to date and reconciling items identified and corrected monthly.

**Implementation Date** – September 30, 2016

**Findings/Condition #3**

Recreation and Swim Pool fees be deposited within 48 hours.

**Recommendation**

That Recreation and Swim Pool fees collected be deposited within 48 hours of receipt as required.

Approval of Correction Plan – cont’d.

**Corrective Action**

The Temporary Acting CFO will review the process utilized by these departments and the Tax Collector/Treasurer for compliance. Changes will be instituted where necessary to ensure all deposits are made within 48 hours.

**Implementation Date** – September 30, 2016

**Findings/Condition #4**

Municipal Court not properly recording all compositions of deposits into the ACS/ATS System.

**Recommendation**

Greater care be exercised by the Municipal Court when recording composition of deposits in the ACS/ATS System.

**Corrective Action**

The Municipal Court will ensure that deposits will be handled correctly in the ACS/ATS System.

**Implementation Date** – September 1, 2016

**Findings/Condition #5**

The Borough’s Fixed Asset Report was not updated.

**Recommendation**

The Borough’s Fixed Asset Report be properly updated for current year additions and deletions.

**Corrective Action**

The Borough will hire an outside firm to assist in updating its Fixed Asset Report. The Finance Department will continue the updates on a quarterly basis.

**Implementation Date** –November 30, 2016.

Refund Overpayment 2016 Real Estate Taxes

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

<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO:</u>	<u>2016 TAXES</u>
802	1	Kwak, Steve & Alleen Cho 369 Wheeler Place Haworth, NJ 07641	\$6,507.55
1203	21	Widzer, David & Karen	\$3,630.02

320 Schraalenburgh Rd  
Haworth, NJ 07641

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Refund Overpayment 2016 Real Estate Taxes – cont'd.

<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO:</u>	<u>2016 TAXES</u>
1606	4	Mornhineway, John & Joanne 18 Park St Harrington Park, NJ 07640	\$7,425.38
		<i>For property formerly owned at:</i> 275 Harrison St Haworth, NJ 07641	
		Total	\$17,562.95

Refund Driveway Permit Deposits

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

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

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 OF DRIVEWAY</u>
Ted Weiland 25 Grove Street South Hackensack, NJ 07606	1356	\$100.00	265 Lenape Way
Eileen Boothe 167 Haworth Drive Haworth, NJ 07641	1341	\$100.00	167 Haworth Drive

Refund Park Permit

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

WHEREAS, Mary Ann Fox applied for a Park Permit for Memorial Field for a birthday party on August 5<sup>th</sup> and paid \$25.00 for the fee;

WHEREAS, on August 11<sup>th</sup> Mrs. Fox decided not to use Memorial Field but to use the Park Street Playground instead for which there is no fee;

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Refund Park Permit - cont'd.

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

<u>Name</u>	<u>Address</u>	<u>Permit No.</u>	<u>Amount</u>
Mary Anne Fox	541 Haworth Avenue	2016-16	\$25.00

Award Contract for Generator

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

WHEREAS, following public advertisement as required by law, sealed bids for the Emergency 3 Phase Generator Installation were received by the Municipal Clerk on July 28, 2016; and

WHEREAS, four 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.

NOW THEREFORE BE IT RESOLVED, that a contract for the Emergency 3 Phase Generator Installation be and is hereby awarded to ACI Electrical Contractor, Inc., 604 Pine Avenue, Saddle Brook, NJ 07663 in the amount of \$75,900.00.

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.

Approval of Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 194A - 194L

Ordinance No. 16-07 – Increase Dog Licensing Fees

A motion was offered by Mr. Bain, seconded by Mr. Weiss and unanimously carried that Ordinance No. 16-07 be offered for first reading.

Ordinance No. 16-07 was then read by title only as follows:

**AN ORDINANCE AMENDING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH ENTITLED “ANIMAL CONTROL”**

A motion was offered by Mr. Bain and seconded by Mr. Rosenberg that Ordinance No. 16-07 be passed on first reading.

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

A motion was offered by Mr. Poosikian, seconded by Mr. Bain and unanimously carried that Ordinance No. 16-07 be advertised as required by law and a date set for hearing on September 27, 2016 at 7:30 PM at the Municipal Center.

Ordinance No. 16-09 – Increase in Development Fees

A motion was offered by Mr. Rosenberg, seconded by Mr. Bain that Ordinance No. 16-09 be offered for first reading. On voice vote all members voted in the affirmative with the exception of Mr. Volpe who abstained. Declared carried.

Ordinance No. 16-09 was then read by title only as follows:

**AN ORDINANCE TO AMEND CHAPTER XXVI OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED, “LAND USE REGULATIONS”.**

A motion was offered by Mr. Poosikian and seconded by Mr. Rosenberg that Ordinance No. 16-09 be passed on first reading.

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

A motion was offered by Mr. Bain, seconded by Mr. Weiss and unanimously carried that Ordinance No. 16-09 be advertised as required by law and a date set for public hearing on October 25, 2016 at 7:30 PM at the Municipal Center.

It was noted that this ordinance must be referred to the Planning Board and notification be made to the contiguous municipalities and the Bergen County Planning Board.

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### Purchase of Police Vehicle

Mr. Rosenberg, noting this matter was last discussed by the Mayor and Council on August 9<sup>th</sup> asked if there were any further comments.

Mr. Poosikian asked what kind of vehicle this is and Mr. Rosenberg replied it is a truck.

Mr. Poosikian noted that he and Mr. Volpe's concern was it would be more usable to have another Explorer in the fleet.

Mr. Rosenberg explained the truck can be used as a patrol vehicle, fully functional, used in inclement weather while able to carry barricades, other emergency response equipment, etc. and the Explorer does not serve the purposes as the truck would.

Mr. Weiss noted the long term plan is for diversity with the current vehicles and reducing the number of vehicles in the future.

Mrs. Duffy referred to a prior discussion of the Police's capability of going to the DPW to pick up barricades, etc. as opposed to storing them in a truck.

Mr. Rosenberg noted the advantage of the storage of equipment in this truck.

The light package for the truck was discussed and the possibility of bringing that cost down and Mr. Rosenberg noted the cost of the truck is \$37,000 with a light package.

Mr. Volpe said the financial rationale makes sense, however he questioned the need for a pick-up truck in a police fleet, noting the last truck was obtained through a forfeiture.

Mr. Rosenberg commented that although the present truck was free it did not mean it should not be replaced, referring to other departments' fleets.

Mr. Volpe noted the use of this vehicle for outside service, i.e. for details with the utilities, etc.

Mr. Poosikian said he was not adverse to this purchase, however, his concern was mainly its use, i.e. running idle at construction sites.

Mr. Rosenberg responded it can be used as a patrol vehicle also.

Mr. Poosikian referred to obtaining a police vehicle that is pursuit rated and spending money for a vehicle that can be best used.

Mr. Volpe noted equipment which can be put in police vehicles.

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Purchase of Police Vehicle – cont'd.

Mr. Rosenberg referred to the condition of the present truck whose roof is rusted out, leaking and the Explorer will be going to the Ambulance Corps.

Mrs. Duffy said she was not sure this truck purchase makes sense, particularly with gas mileage for a truck and asked if a truck was needed.

Mr. Poosikian said if this purchase would satisfy the need of the Ambulance Corps it might work with the other vehicle going to the Ambulance Corps.

Mayor Smart said he felt the need for this truck has not been rationalized.

Mr. Bain noted the financial transaction looks good and in general he felt it was okay to have the pick up truck.

Mr. Rosenberg referred to the truck's use in inclement weather.

Mayor Smart said the funding has been provided and the next step is to proceed with its acquisition or have more discussion regarding the purchase.

Mr. Volpe discussed finding out late problems with vehicles.

Mr. Rosenberg noted safety issues with older vehicles.

Mr. Volpe said there is not a full need for a pick-up truck in the Department.

Mr. Rosenberg said the purchase of the truck for \$37,000 replacing a 14 year old vehicle was supported by the Finance Committee and Police Committee, it would satisfy two department's needs and reduce the fleet by one.

A motion was offered by Mr. Rosenberg and seconded by Mr. Weiss to approve the acquisition of the F250 truck with funds provided in the capital budget.

On roll call the vote was as follows: Ayes; Messrs. Poosikian, Rosenberg, Bain, Weiss. Nays – Mr. Volpe. Abstain – Mrs. Duffy. Declared carried.

Boat Storage Ordinance

Mayor Smart noted a new draft ordinance has been circulated addressing several matters in the ordinance including regulations only applying to boats with a power source which could

now be parked in side and rear yards screened, registered and operable. He asked for comments on the new draft ordinance.

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#### Boat Storage Ordinance – cont'd.

Mr. Poosikian asked about storage of non-powered boats. Mayor Smart replied the primary source is the engine.

Mrs. Duffy suggested the amount of the permit be reduced to \$50.

Mr. Volpe said the front yard definition has to be better defined.

Mayor Smart said the ordinance will be redistributed and re-visited at the next meeting.

#### Transportation Alternatives Plan Application

Mrs. Duffy explained her suggestion is to apply for improvements to the trail from Park Street to the Swim Club, noting the Swim Club side of the footbridge is unsafe.

Mayor Smart said he consulted with the Borough Engineer regarding applying for a trails grant or a downtown streetscape who indicated neither is really fitting for this type of a grant which is a federal program, they are looking at \$250,000 projects, i.e. a transportation hub or a large downtown area and this particular grant is for large scale activities. He suggested the DPW could rehabilitate the areas and repair the footbridge.

#### Street Vacation

Mr. Rosenberg referred to recent correspondence from Mr. and Mrs. Panzella requesting the vacation of a portion of Harland Place abutting their property. He recommended proceeding with this request, requesting an escrow amount of \$2,000 and contacting the Fire Department regarding any access situation.

A motion was offered by Mr. Rosenberg, seconded by Mr. Bain and unanimously carried authorizing the Borough Attorney to proceed with the street vacation with the appropriate notification and escrow request.

#### Change in October and November Meeting Dates

Mayor Smart noted the October meetings will be October 13 (moved from October 11 due to the Jewish holiday) and October 25; in November there will be only one meeting on November 22 due to the cancellation of the executive meeting which was scheduled for Election Day.

200 Club of Bergen County

Mr. Rosenberg noted this is a national organization supporting first responders families and Police Officers Devite and Ryan will be honored on October 5<sup>th</sup> and suggested the Mayor and Council place an ad in the Journal for this event.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mrs. K. Ryan, Hardenburgh Avenue said she was glad the boat ordinance is being reconsidered, but still thought there should be no government interference with storage regulations; there is a problem if a resident does not have a garage, has a corner lot and therefore two front lots, she said.

Mayor Smart said the boat has to be stored in the side or rear lot.

Mrs. Ryan said some SUV's are 18 feet, there are no requirements where they can be parked and she said this ordinance still affects people in a negative way.

Mr. A. Dickstein, Pine Street said his neighbor has had a bubble wrapped boat parked in the middle of his back yard for a year which is not fair to the neighbors and said the Council is going in the right direction for size and height of boats.

Mrs. Ryan said one boat has started all this.

Mayor Smart responded other complaints have been received about other boats in town, there are multiple cases, he said.

Mrs. Ryan said she has had a boat for many years and there shouldn't be a town ordinance created in connection with a neighbor dispute.

Mr. Poosikian commented this issue is not about one boat.

Mr. A. Anderson, Garfield Street referred to comparing the right of a neighbor with the right of a person to keep a boat on their property.

Mr. Rosenberg noted the Borough does regulate to some degree what people can do on their property.

Mr. Anderson responded if a right is seriously impinged on it is necessary to be very careful.

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Open Meeting to Public – cont'd.

Mr. Dickstein noted his neighbor has now moved his boat to his driveway in order to dig trenches in his back yard and is leaving an opening in his fence in order for the boat to go back there.

Mr. W. Hayes, Anstatt Way suggested looking at the size of a boat and set back regulations would preclude parking some boats in driveways. He discussed dimensions of the boats and limiting them to 18 feet in height.

Mr. J. Ryan, Hardenburgh Av. discussed height of boats inclusive with the trailer, problems with corner lots with boat regulations, questioned parking boats under 12 feet, motor vehicle registration required for boats and trailers and felt the Council is over-reacting to this matter.

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

Close Meeting to Public

The following resolution was offered by Mr. Rosenberg, seconded by Mrs. Duffy and unanimously carried at 9:30 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 September 13, 2016 at which time the following item will be discussed:

Mediation with Fair Share Housing Center

**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 item 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 10:00 PM.

As there was no further business to come before the Council the meeting adjourned at 10:00PM on motion duly offered, seconded and carried.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator























