

215. Regular Meeting of the Mayor and Council  
of the Borough of Haworth held on October  
25, 2016 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: 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 with the exception of Mr. Poosikian who was called out of town on a family matter. The Mayor then read the following statement: “This is the Regular 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 cost fixed by the Council.”

Salute to Flag

Mayor Smart led those present in the pledge of allegiance.

Ordinance No. 16-09 – Increase in Development Fees

A motion was offered by Mr. Bain, seconded by Mr. Weiss and unanimously carried that Ordinance No. 16-09 be offered for second reading. Ordinance No. 16-09 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 16-09 – Increase in Development Fees – cont'd.

The meeting was then opened to the public on Ordinance No. 16-09.

Ms. B. Colonna, West View Terrace questioned the reference in the ordinance to the development fee being a percentage of the equalized assessed value.

Mr. Regan responded this is based on state statute which has to be followed.

As there were no further comments, the meeting was closed to the public on Ordinance No. 16-09.

A motion was offered by Mr. Weiss and seconded by Mr. Bain that Ordinance No. 16-09 be passed on second and final reading. On roll call the vote was follows: Ayes; Messrs. Rosenberg, Volpe, Bain, Weiss, Duffy. Nays – none. Declared carried.

A motion was offered by Mr. Rosenberg, seconded by Mrs. Duffy and unanimously carried that the passage of Ordinance No. 16-09 be advertised as required by law.

COMMITTEE REPORTS

Report of Councilman Weiss

Swim Club

Mr. Weiss reported the final financial reports for the season will be available soon; projects for next year include replacing holding tanks and the deck at the back pool and work will be starting on the ADA restrooms provided by a Community Development grant.

Environmental Commission

The Commission will be meeting tomorrow evening, Mr. Weiss noted.

Finance

The advertisement for the Chief Financial Officer has been posted and two responses have been received to date, Mr. Weiss said.

Report of Councilman Bain

Library

Mr. Bain reported the Board is working on their budget requests for next year and a reception was held to welcome the new Director.

Recreation

Mr. Bain noted the Trick or Treat event will take place on October 31<sup>st</sup> in the Manor area, candy donations are being received, the hot dog cart and a DJ will be at the island on Whitman Street. Also, Ghost Stories at the Pond is scheduled this coming Saturday evening, he said.

Report of Councilman Rosenberg

Zoning Board of Adjustment

Mr. Rosenberg reported the Board memorialized the Barba resolution and the St. Gabriel application will be continued in November.

Planning Board

Mr. Rosenberg noted the Board at their last meeting held a discussion of fences in connection with front yard definitions and reviewed the updated development fee ordinance.

COMMITTEE REPORTS – cont'd.

Report of Councilman Rosenberg – cont'd.

Police Department

Mr. Rosenberg reported the Department participated and assisted at several events the past month, held a review of the Emergency Response Plan and the Turkey Shoot held last weekend had an attendance of 250 and raised approximately \$3,000. He said this was a well-run event with funds going to a scholarship for children of veterans and other programs honoring veterans.

Mr. Rosenberg thanked the Police Reserves for their support of the Turkey Shoot and they were professional as always. He also noted Chief Campbell is retiring and the Police Committee is meeting in connection with his successor.

Report of Councilman Volpe

Department of Public Works

Mr. Volpe reported the Department has been undertaking branch collection and is beginning leaf collection season; Kurt Simkins has built a pusher for one of the vehicles to push the leaves into piles, saving the Borough \$2,000; the Department assisted with the scarecrow display and preparations for the upcoming Ghost Stories. He further reported work has begun on the pavilion at Memorial Field with Mr. Kelly doing the plumbing work, demo work and equipment is being prepared for the winter season.

Mr. Volpe further reported no bids were submitted for the leaf composting at the DPW yard and the project is being re-bid; the Department is advertising for seasonal help; an updated underground permit is being prepared; a new lawn sprinkler contractor has been engaged who will maintain all the sprinkler systems in town and the seasonal water meters are in the process of being removed.

Mr. Volpe noted a recent successful Green Acres inspection was undertaken and new signage has been ordered for these areas. He said recycling funds received have been used to purchase a new lift gate which can pick up large items and to purchase new sweeper brushes.

Parks and Playgrounds

Mr. Volpe reported a sample of a new downtown sign will be available this week and he has met with the Borough Engineer to begin plans for the Terrace Street Park and Terrace Street improvements.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Duffy

Tennis

Mrs. Duffy reported the water will be turned off at the courts next month and the nets will be coming down soon after.

Fire Department

Mrs. Duffy reported the Department responded to 36 emergency calls last month, total calls year to date, 173, total man hours 148 and total man hours for 2016, 1867. She further reported the Department had a walk-thru drill at Northern Valley High school in Demarest, were present at Haworth Day, held their annual 9/11 ceremony and assisted with the Andiamo Run and the 5K Run.

Board of Health

The Board has not met since the Health Fair.

Seniors

Mrs. Duffy reported 57 seniors participated in the October meeting, discussed venues for the Holiday party and that she is working with Ms. Borghi and Mr. Celotto to assist them with the budget.

Report of Borough Attorney

Mr. Regan reported he attended a Case Management Conference last week at which a number of issues were discussed regarding Affordable Housing and that the Court in the near future will be considering schedules, submissions, etc. in this matter.

Report of Borough Administrator

Ms. Fay reported bids are scheduled to be received October 27<sup>th</sup> for trash collection and disposal.

Mayor's Report

Mayor Smart noted he is looking forward to the many upcoming Halloween events.

Department of Transportation

Mayor Smart reported notice has been received that the Transportation Trust Fund has released their funds and the projects involving Maple Street and the intersection of Valley Road and Haworth Avenue can begin through these grants.

5-K Run

Mayor Smart noted that the Borough will be providing a tree at the start and finish line in Closter, the 5-K will pay for the tree and the DPW will plant it.

UNFINISHED BUSINESS

Boat Storage Regulations

Mayor Smart noted the ordinance in connection with these regulations is pending and will move ahead in connection with new definitions for front yard and setbacks.

Mr. Rosenberg explained several items in connection with these definitions – the need for a definition for the right-of-way line, proposed definitions for set-back line and how it is related to a structure, etc.

Mayor Smart noted the existing language regarding front yard does not address irregular houses which, for instance sit at an angle on the property, irregular lots, etc. He asked the Council to review Mr. Rosenberg's summary.

NEW BUSINESS

Ordinance No. 16-10 – Vacation of Portion of Harland Place

A motion was offered by Mr. Weiss, seconded by Mr. Volpe and unanimously carried that Ordinance No, 16-10 be offered for first reading.

Ordinance No. 16-10 was then read by title only as follows:

**AN ORDINANCE TO VACATE AND EXTINGUISH THE PUBLIC RIGHT IN AND TO A PORTION OF THOSE LANDS COMPRISING A PORTION OF HARLAND PLACE WITHIN THE BOROUGH OF HAWORTH AS THE SAME ARE MORE PARTICULARLY DESCRIBED HEREIN.**

A motion was offered by Mr. Rosenberg and seconded by Mr. Bain that Ordinance No. 16-10 be passed on first reading.

Ordinance No. 16-10 – Vacation of Portion of Harland Place – cont’d.

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

A motion was offered Mr. Bain, seconded by Mr. Weiss and unanimously carried that Ordinance No. 16-10 be advertised as required by a law and a date set for public hearing on November 22, 2016 at 7:30 PM at the Municipal Center.

Ordinance No. 16-11 – Promotions in Police Department

A motion was offered by Mr. Rosenberg, seconded by Mr. Weiss and unanimously carried that Ordinance No. 16-11 be offered for first reading.

Ordinance No. 16-11 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. Rosenberg and seconded by Mr. Weiss that Ordinance No. 16-11 be passed on first reading.

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

A motion was offered by Mr. Weiss, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 16-11 be advertised as required by law and a date set for public hearing on November 22, 2016 at 7:30 PM at the Municipal Center.

Refund of Escrow Deposits

Mr. Volpe recused himself.

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

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:

Refund of Escrow Deposits – cont’d.

<u>NAME AND ADDRESS</u>	<u>FOR</u>	<u>RECEIVED</u>	<u>EXPENDED</u>	<u>REFUNDED</u>
Volpe Construction Corp. 701 Palisade Av. Englewood Cliffs, NJ 07632 (471 Haworth Av., Bl. 908, Lot 3)	Engineering Escrow & Subdivision	\$6,005.00	\$4,032.19	\$2,481.37 (with interest)
Haworth Country Club 5 Lake Shore Drive Haworth, NJ 07641	Engineering Escrow-Soil Moving Application	\$8,000.00	\$5,688.19	\$2,581.57 (with interest)

Authorization to Execute Shared Service Agreements with Northwest Bergen County Utility Authority

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

BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute Shared Services Agreements for Sanitary Sewer Cleaning and TV Inspection Services of the Sanitary Sewer System for the Years 2017 and 2018.

Authorization to Enter Grant Agreement for Handicapped Accessible Restrooms – Swim Club

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

BE IT RESOLVED that the Mayor and Council of the Borough of Haworth wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$60,000.00 in 2016 – 2017 Community Development Block Grant funds for Handicapped Accessible Restrooms at the Haworth Swim Club in the Borough of Haworth; and

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

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor John W. Smart to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Haworth is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

Authorization to Execute Agreement for Installation of Monitoring Well

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

**WHEREAS**, Surplus Fuel Incorporated (“Surplus”) is the owner of a gasoline service station located at 3 Schraalenburgh Road, being designated as Block 1800, Lot 2 as depicted on the Borough tax map; and

**WHEREAS**, the Borough is the owner of property fronting on Massachusetts Avenue known as Block 1800, Lot 1 as depicted on the Borough tax map; and

**WHEREAS**, in correspondence to the Borough dated September 23, 2016, Surplus advised that it had recently purchased the property at 3 Schraalenburgh Road and that same is undergoing a remedial investigation relating to NJDEP Case No. 00-12-08-0921-05; and

**WHEREAS**, said correspondence requests access to Borough property for the installation of a ground water monitoring well and sampling; and

**WHEREAS**, a License, Indemnification and Hold Harmless Agreement (“Agreement”) has been provided, together with certificates of insurance from Surplus, the property owner’s consultant and well drillers; and

**WHEREAS**, the Borough is a named insured on the Certificate of Liability Insurance issued to the property owner’s consultant and well driller.

**NOW THEREFORE BE IT RESOLVED** that Mayor John Smart and Borough Administrator/Clerk Ann E. Fay be and are hereby authorized to execute the aforesaid Agreement on condition that the Borough is also a named insured on the property owner’s certificate of insurance which shall be furnished to the Borough.

Approval of Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 225A – 225K

Acceptance of Minutes

A motion was offered by Mr. Rosenberg, seconded by Mr. Volpe and unanimously carried to approve the minutes of the Executive Meeting of September 13, the Closed Meeting of September 13, the Regular Meeting of September 27 and the Closed Meeting of September 27, 2016.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. B. Colonna, in reference to Chief Campbell's upcoming retirement said she met the Chief when he was a sergeant, he has good judgment and common sense, she has supported him, he is highly professional and has served the town well.

Ms. Colonna then referred to the proposed boat storage regulations, noting she has seen a boat in Fair Lawn on a trailer, parked on a corner lot facing the street, not hidden which that town allows. She said the conversation in Haworth centers on aesthetics and rights of property owners, property owners should be listened to so they can use their property within reasonable limits and she thinks this proposed ordinance is a bad law and that parking a boat on one's property is reasonable.

Ms. K. Ryan, Hardenburgh Av., asked for a copy of the re-defined ordinance which Mayor Smart said would be made available to her.

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

Close Meeting to Public

The following resolution was offered at 8:30 PM by Mr. Bain, seconded by Mr. Rosenberg 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 October 25, 2016 at which time the following items will be discussed:

- Declaratory Judgment Update
- Potential Litigation on Property Maintenance
- Personnel Policy Matter

**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

**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.

225. Regular Meeting of October 25, 2016

Reopen Meeting to Public

The meeting was reopened to the public at 10:15 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





















