

239. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on October
27, 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 8:00 PM and upon roll call all members of the Council were present. 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 and requested a moment of silence on the passing of a young Haworth resident.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
PSE&G	Cost Responsibility for Traffic Control	All Council
County Prosecutor	Body Camera/Dash Camera Acquirement	All Council Boro. Atty.
Township of Teaneck	Parking & Idling of CSX Rail Cars	All Council
NVRHS District	Notice of Public Hearing-Super. Schools Contract	All Council
Mr. A. Silverman	3 rd Quarter Report	All Council
NVRHS District	Invitation to Veterans Day Ceremony, Nov. 10	All Council

COMMITTEE REPORTS

Report of Councilman Weiss

Environmental Commission

Mr. Weiss reported the Commission met this evening and discussed the following: tree protection and preserving the canopy, the creation of an “idling” ordinance particularly at the school and Terrace Street and a flow chart concerning the disposal of various materials is nearly complete.

Board of Health

Mr. Weiss noted the Health Fair held earlier in the month was very successful, was held at the library which was an excellent location, approximately 100 people were in attendance and several young people also attended.

Swim Club

Mr. Weiss reported that he, Mr. Poosikian and Mr. Ives conducted an off-season walk-thru at the Club which revealed the need for fencing around the dumpster, the back pool house being in bad repair and how to keep dirt from the paths surrounding the pools out of the water. He said a meeting has been scheduled next week with members to discuss these items and others.

Report of Councilman Bain

Library

Mr. Bain reported the Board met and discussed the following: balance of their budget, the Bank of New Jersey has made a donation to finish the meeting room, circulation is up and the building is being used for many more community events.

Recreation

Mr. Bain noted Trick or Treat will be held this Saturday followed by Ghost Stories at the pond.

Mrs. Groh asked if a meeting has recently been held regarding the Summer Recreation program finances.

Mr. Bain replied a meeting will be held next week.

Mrs. Groh asked about the numbers for Haworth Day and Mr. Bain replied he is looking at the paperwork with the Commission’s chairman and the finance office.

COMMITTEE REPORTS – cont'd.

Report of Councilman Bain – cont'd

Recreation – cont'd.

Mrs. Groh asked if residents in the new zone for trick or treating have been notified and Mr. Bain responded notice was sent.

Report of Councilman Rosenberg

Planning Board

This Board canceled their meeting for October.

Zoning Board of Adjustment

Mr. Rosenberg reported that at the Board's October meeting a discussion was held in connection with a violation issued for the non-conforming use of Schaefer's Gardens which was tabled to the November meeting for ongoing discussion.

Police Department

Mr. Rosenberg reported the Department assisted in several events this past month including the United Water Half-Marathon, the Andiamo Motorcycle Benefit Run and the Haworth 5K Run. Activities included the Department's response to a burglary at a garage sale and a motor vehicle stop which resulted in the arrest of a driver with a false license, also Mr. Rosenberg reported 119 summonses were issued.

In connection with the correspondence from the Bergen County Prosecutor regarding body cameras, Mr. Rosenberg noted funds for this had been initially included in this year's capital budget, however since this was an unfunded mandate it was concurred to not include it. He said the issue will be re-visited in next year's budget and the matter will be discussed with the Police Chief. Mr. Rosenberg said he will also be discussing with the Chief the correspondence from PSE&G regarding cost responsibility for traffic control.

Mrs. Groh commented on a lot of activity at the pistol range, particularly with members of the Dumont Police Department, noting there is no income from them using the facility, the noise is a nuisance which can be heard at the Paddle Tennis Courts and also at the school.

Mr. Rosenberg explained the use by Haworth and Dumont for qualification purposes in the spring and the fall. As to Dumont not paying, he said they contributed to re-building the range and part of the cost of the gun vault and he will have a full discussion with the Chief on this matter.

Mrs. Groh said the Council should be involved with the use of the pistol range and there is the need for a financial accounting.

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian

Department of Public Works

Mr. Poosikian reported the Department is now in its busiest season with leaf pick-up and have requested that residents not put rocks and branches in the leaves as these materials damage the equipment. He said the Department successfully completed its Right to Know Inspection which in part includes the proper storing of chemicals, etc., they are also filling potholes, cleaning the parks and completed some work at the library.

Ambulance Corps

Mr. Poosikian reported the Ambulance Corps members responded to 35 calls, 28 of them daytime, 326 miles, man hours on calls were 228 and man hour duty nights, 1080; member activity included community events providing rigs and multiple members for the United Water Half Marathon, the Andiamo Run, Haworth Day and Fireworks, the 5K Run and NVRHS football game and one member currently volunteers one night per week as an EMT Instructors Aid at the Paramus EMT School.

Report of Councilman Volpe

Fire Department

Mr. Volpe reported the Department responded to 21 emergency calls in September including 11 mutual aid alarms in Demarest, 5 hazardous condition calls and one electrical call in Haworth; the Department hosted the annual 9/11 Memorial Service, assisted at the Andiamo Run, the fireworks and 5-K Run and will be participating in the Trick or Trunk Halloween event at the school and will be participating in the Fire Company Ragamuffin Parade on October 31st.

Parks and Playgrounds

Mr. Volpe reported the fence at the Little League Field has been replaced as part of Phase One of the field improvements; the downtown fall decorations are up; the Committee is in the process of obtaining bids from landscapers for the improvements at the Terrace Street Park and also bids for decorations for the holiday season.

Plans for Memorial Park Pavilion

Mr. Volpe reported he met with the Borough Engineer on this project, an architect will be working pro-bono for the drawings and it was agreed not to begin the project before the winter.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Groh

Finance

Mrs. Groh reported a tax sale was scheduled for last week, however all of those property owners paid; bids were received for the re-funding bonds in connection with the Haworth Country Club settlement, the lowest being that from Valley Bank at .62% and other funding for capital projects is included in this bond.

Recycling

Mrs. Groh reported the following tonnage recycling amounts: 522 tons in 2012, 626 tons in 2013 when the Borough went to single stream and 692 tons in 2014, however, Atlantic Coast Fibers who currently takes the Borough's materials is suffering financial repercussions in connection with the China Green Fence situation and being affected by lower petroleum prices and trash mixed with recyclables increases their cost for processing. Therefore this will be another cost for the Borough as the company is now charging the Borough for the material, she said.

Mrs. Groh went on to say that she, Mayor Smart and Ms. Fay met with Atlantic Coast to discuss this situation and the borough will be looking at the pricing differences in dual and single stream.

Report of Borough Attorney

Declaratory Judgment-COAH

Mr. Regan reported the Borough has been granted temporary immunity from a builders remedy, a hearing date has been scheduled for November 12th and the Borough's Spending Plan is in the process of being prepared.

Report of Borough Administrator

Ms. Fay reported six bids have been picked up for the Stevens Place Improvement and six for the trash and recycling services.

Mayor's Report

Activities and Events

Mayor Smart reported many various events in the past month have been enjoyed and he was looking forward to the upcoming Halloween events.

Mayor's Report – cont'd.

Markings and Signals on Hiking and Jogging Trails

Mayor Smart reported he has looked at these various areas which include gold, white and blue markings and bridges over streams as well as a map on Flats Road which need refurbishing and felt this could be a scout project.

Mr. Poosikian said he will talk to the scouts about this possible project.

Mayor Smart then reported the Trails Grant submitted by the Borough is being considered, however the decision has been delayed to November.

UNFINISHED BUSINESS

Building Use Policy

It was concurred this item will be discussed at the next meeting.

NEW BUSINESS

Acceptance of Donation of Firefighting Foam

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

RESOLUTION ACCEPTING DONATION OF FIREFIGHTING FOAM AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE COUNTY OF BERGEN REGARDING THE TERMS THEREOF.

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York ("the City"), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of Haworth for training purposes, subject to availability and the terms set forth

NEW BUSINESS – cont'd.

Acceptance of Donation of Firefighting Foam – cont'd.

in an “AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE,” (the “Agreement”) annexed hereto as Exhibit A; and

WHEREAS, the governing body of the Borough of Haworth has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Haworth as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Haworth hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. The Mayor is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

Green Communities Grant Approval

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

The Governing Body resolves that John W. Smart or the successor of the Office of Mayor is authorized (a) to make application for such grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and (c) to execute any amendments thereto which do not increase the Grantee’s obligations.

The Council authorizes and hereby agrees to match 50% of the Total Project amount in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement.)

The Grantee agrees to comply with all applicable federal, state and municipal laws, rules and regulations in its performance pursuant to the agreement.

Green Communities Grant Approval – cont'd.

On discussion, Mr. Poosikian said an attachment will be included in the resolution indicating the in-kind services which document is being prepared by the Shade Tree Commission which will include educational classes and other in-kind services.

On voice vote all members voted in the affirmative. Declared carried.

Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 248A – 248J

It was noted that the payment to the Hyatt Regency will be provided through the trust account and not the current account.

Approval of Minutes

Executive Meeting of September 8, 2015

A motion was offered by Mrs. Groh and seconded by Mr. Poosikian to accept the minutes of the September 8th meeting.

On discussion, Mayor Smart had a correction on Page 210 under “Expiring Trash and Recycling Contracts” which should read that the Contracts Committee will review the matter.

On voice vote all members voted in the affirmative to approve the amended minutes. Declared carried.

Regular Meeting of September 29, 2015

A motion was offered by Mrs. Groh and seconded by Mr. Weiss to approve the minutes of the September 29th meeting.

On discussion, Mrs. Groh indicated the following corrections: on Page 217 regarding the discussion on the Housing Element and Fair Share Plan it should be noted that she had asked the Planner if it was her office’s recommendation in connection with the changes which had been made in the document and she had replied yes.

On Page 218, the spelling of Dr. Kahn’s name needs to be corrected.

Approval of Minutes – cont'd.

Regular Meeting of September 29, 2015 – cont'd.

On Page 221, under her Finance Report Mrs. Groh said it should indicate councilmembers received budget reports from all departments and that she had asked them to discuss the reports with their respective portfolios. Also, on Page 221 under the “Trash and Recycling Bids”, it should read the options will be “revised” not reduced.

Closed Session Minutes

A motion was offered by Mrs. Groh, seconded by Mr. Volpe and unanimously carried to approve the closed session minutes of August 25, September 8 and September 29, 2015.

All other closed session minutes for the year were distributed to all members of the Council.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mrs. C. Schacht, Ivy Avenue said she was proposing an increase in the Senior dues.

Mayor Smart said it would be considered and Mrs. Groh explained those funds are out of the municipal budget, but the proposed increase could be looked at by the leaders of the senior group, Mrs. Borghi and Mr. Celotto to get feed-back.

Mr. J. Ferber, Owatonna Street, said he attended the recent senior meeting, he was very proud of the volunteerism in this town and wants seniors to be informed. He said however that he had concerns with Mrs. Duffy, a member of the Ambulance Corps and a candidate for council in the upcoming election being the speaker at this meeting since it had been agreed over the years there would be no campaigning during town events.

Mrs. Groh commented that in the past the Ambulance Corps has spoken at the senior meetings.

Mr. David McClain, Demarest, NJ was present with his mother-in-law, Mrs. Odabash, new resident at 375 Schraalenburgh Road and explained a situation with a deer fence and its location near Mrs. Odabash's residence. He said they met with the neighbors, deer fences are not covered by Borough ordinance and the proposed fence would be 8-9 feet in height on the property line which would be by Mrs. Odabash's front door.

Discussion was held regarding this matter going to the Zoning Board and Mr. Regan suggested Mr. McClain write a letter to the zoning officer requesting a response and if he is not satisfied with that response he can make an application to the Zoning Board.

Open Meeting to Public – cont'd.

Mrs. Odabash said she was disappointed to hear about the proposed deer fence from the prior owner of her home, its location would be so close to her home it would make an impact and diminish the value of her property.

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

Close Meeting to Public

The following resolution was offered by Mr. Bain, seconded by Mr. Weiss and unanimously carried at 9:20 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 October 27, 2015 at which time the following items will be discussed:

Negotiation – Atlantic Coast Fibers
OPRA Request – Litigation File Haworth Country Club

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.

Re-open Meeting to Public

The meeting was reopened to the public at 9:45 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

