

260. Regular Meeting of the Mayor and Council  
of the Borough of Haworth held on  
November 24, 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.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Menorah Committee	Request Permission to Place Menorah	All Council
Richard Abrahamsen Esq.	Request for Rezoning-Schaefer’s Gardens	All Council Mr. Regan Planning Bd.

In connection with the letter from the Menorah Committee the following resolution was offered by Mr. Rosenberg, seconded by Mr. Weiss and unanimously carried:

BE IT RESOLVED that permission is granted to the Haworth Menorah Committee to place a menorah on the front lawn of the Municipal Center for the period December 5 to December 20, 2015 in accordance with the requirements outlined in the Menorah’s Committee’s request dated November 11, 2015.

Correspondence – cont'd.

Regarding the letter from Mr. Abrahamsen, representing Schaefer's Gardens, Mayor Smart explained this is a request for the rezoning of the Schaefer property which would require an amendment to the Master Plan and the correspondence is being referred to the Planning Board.

Proclamation to Police Department for "No Shave November"

Mayor Smart said he was proud of the expressions of support for so many events and activities in Haworth and also for individuals going beyond the celebrations to rally around a cause and work together as a unit. He said the Police Department signifies all pulling together and supporting each other and being part of raising money for a cause. He said they were present this evening to support a cause, "No Shave November" for which they have been ranked second in the country in raising funds for cancer research. Mayor Smart then issued a proclamation declaring November No Shave November in the Borough of Haworth. Mr. Rosenberg commented the Department has now raised \$13,788 and urged all to contribute.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mrs. L. Brach, Park Street asked how many units could be built on the Schaefer property and how does the Planning Board make such a decision.

Mayor Smart responded there would have to be an application filed with the Board and this most likely would not be until January.

Ms. B. Potter, Haworth Avenue asked what was in the Abrahamsen letter to which Mayor Smart responded that copies of the letter are in the council chamber.

Ms. M. Renke, Contant Avenue noted that three homes could be built on that site.

Mayor Smart said it is zoned for single family one acre lots; Schaefer's Gardens is a pre-existing use grandfathered in which would revert back to the one acre zoning if it was no longer a garden center.

Ms. Potter questioned the COAH regulations.

Mr. Regan explained everything now has to be re-evaluated and there is now the requirement to go through the court process regarding affordable housing as COAH no longer exists.

Open Meeting to Public – cont'd.

Mr. P. Brach, Park Street asked what would happen if Schaefer's Gardens gave up that business.

Mr. Regan responded the property can remain a garden center as an existing use.

Mr. Brach asked how would the town change the ordinance and what would be the basis.

Mr. Regan replied the owner can apply to the appropriate Board.

Mayor Smart said the Planning Board would have to consider the request and make a recommendation to the Mayor and Council.

Mr. Regan explained the first step is the Planning Board would have to review the matter and if the Master Plan were to be amended there is a public hearing required.

Sgt. Justin Fox thanked the Mayor and Council for the proclamation issued earlier and that the Police Department appreciated all the support.

The meeting was then closed to public comment at this time.

COMMITTEE REPORTS

Report of Councilman Weiss

Mr. Weiss noted that neither the Environmental Commission nor the Board of Health met last month.

Swim Club

Mr. Weiss reported he met with several members of the Club to discuss staffing, facilities, grounds and buildings and a follow-up meeting will be held with the DPW and the club manager.

Report of Councilman Bain

Library Board

Mr. Bain said the Board did meet however he was unable to attend.

COMMITTEE REPORTS – cont'd.

Report of Councilman Bain – cont'd.

Recreation

Mr. Bain reported the Commission is completing a review of the Summer Program and planning for next year at which time there will be a new director. There was a discussion of last year's activities at the program, changes to be made and a calendar will be prepared in April to include all the recreation activities, he said.

Report of Councilman Rosenberg

Planning Board

Mr. Rosenberg reported the Board approved the Spending Plan and discussed the request for the release of the St. Gabriel bond with the attorney who will follow up with the Board engineer on this matter.

Zoning Board of Adjustment

Mr. Rosenberg reported this Board only held a short business meeting as there were no applications to be heard at that time.

Police Department

Mr. Rosenberg reported the Department and Auxiliary participated in the annual chemical release drill at the United Water facility; Lt. Gracey attended the AAA Traffic Safety Awards ceremony at which time the Department received the Award of Excellence in recognition of its traffic safety programs; the Department and Auxiliary participated in the Haworth School Trick and Trunk event handing out candy and glow sticks and in hosting Autumn Community Safety Night in a different location this year providing a safer environment for trick and treating.

Mr. Rosenberg further reported that Sgt. Saudino attended a Regional SWAT Team training in addition to his scheduled SWAT training; Officer Morgan is now a Chemical Munitions Instructor and will help train officers with the deployment of chemical munitions; monthly activities included traffic stops which resulted in arrests for possession of marijuana and drug paraphernalia and 110 summonses were issued in October.

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian

Ambulance Corps

Mr. Poosikian reported the Ambulance Corps responded to 28 calls in October, 18 daytime; 294 miles; man hours on call 110 and man hours for duty nights, 1116. Member activity included participation in the United Water drill, members attended the Health Fair taking blood pressures and answered health questions for residents and one member volunteers as an EMT instructor at the Paramus EMT School.

Shade Tree Commission

Mr. Poosikian noted the Commission recently met with a consultant in connection with their 5-Year Plan which has been submitted enabling them to apply for grants for various items and Mr. Comery will be conducting a seminar for continuing education credits for Commission members.

Department of Public Works

Mr. Poosikian reported leaf collection is on schedule, sprinkler lines are being blown out at various areas and residents are being urged not to place rocks and various items in the easement which endangers men and equipment during leaf pick up.

Mrs. Groh commented that the Department has been working hard and questioned if leaf season is running later this year.

Mr. Poosikian noted the schedule which included the members working on Veterans Day.

Mrs. Groh said that had been taken out of the contract. Mr. Poosikian said it was factored in their budget.

Report of Councilman Volpe

Fire Department

Mr. Volpe reported the Department responded to 19 emergency calls in October including 5 activated fire alarms in Haworth, 10 mutual aid alarms in Demarest and hazardous condition calls, water condition call and CO alarm. He said the Department participated in the United Water Drill, the Northern Valley Fire Chiefs Parade, and the Halloween activities in town.

COMMITTEE REPORTS – cont'd.

Report of Councilman Volpe – cont'd.

Parks and Playgrounds

Mr. Volpe reported fencing has been replaced at Memorial Field; bids are being received for back stops and other items and some funds from the recent golf outing will be used for the projects. He said the Committee is asking for pro-bono tree work in exchange for free advertising at the field, preliminary plans have been received for the field house renovation, lights for the basketball court have been delivered and the lightening detection system work will be completed in that area.

Report of Councilwoman Groh

Recycling

Mrs. Groh noted the Borough has advertised for bids for a new recycling contract and said she attended a recycling seminar at the recent League of Municipalities Conference.

Finance

Mrs. Groh noted the transfer resolution on tonight's agenda and that quarterly reports will be sent out from the Finance Office to department heads.

Negotiations

Mrs. Groh said she has distributed her comments regarding the upcoming renewal of the Interboro contract and Mr. Rosenberg said he will be submitting his comments.

Seniors

Mrs. Groh reported the holiday party will be held on December 8<sup>th</sup>

Borough Attorney's Report

Substantive Certification

Mr. Regan reported a Declaratory Judgment has been filed, a case management order was issued on November 12 establishing a schedule and then the court will schedule another case management meeting.

Mayor's Report

Trains

Mayor Smart reported he has received complaints regarding the noise of the train horns and also has received a call from Congressman Garret's office regarding the condition of the pedestrian tunnels under the train tracks, noting that his office is being supportive in obtaining more information on train safety and will be scheduling a meeting with CSX who is also being cooperative regarding train safety.

United Water

Mayor Smart noted the facility has expressed concerns with their parking area at the reservoir which is being misused with litter, dog debris, dogs off leashes and their employees being accosted by unleashed dogs. He said United Water has indicated they will be closing the gate at Lake Shore Drive to block off the parking area unless the situation improves. The Mayor said the Police Chief has been monitoring the area regarding the dog situation, United Water could close the gate and they have asked for permission to do so which the Chief has indicated is acceptable.

UNFINISHED BUSINESS

Release of St. Gabriel Bond

This will be further discussed with the Planning Board attorney.

Interboro Radio Contract

Mrs. Groh suggested the emergency services could make comments on this document and noted a November 30<sup>th</sup> deadline for comments to be forwarded to the Interboro attorney by Ms. Fay.

NEW BUSINESS

Appointment to Fire Department

Mr. Volpe noted changes in officers for the upcoming year and Chief Hennion has requested Firefighter John Polbos be appointed to 1<sup>st</sup> lieutenant referring to his experience with the Department.

A motion was offered by Mr. Volpe, seconded by Mrs. Groh and unanimously carried that John T. Polbos be appointed First Lieutenant in the Haworth Fire Department.

Ordinance No. 15-15 – Amendment to Ordinance No. 13-02

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

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

**AN ORDINANCE TO AMEND ORDINANCE #13-02 ENTITLED, “AN ORDINANCE AMENDING CHAPTER XXVI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH, ENTITLED “LAND USE REGULATIONS”, AND CHAPTER XXVI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH, ENTITLED “ENVIRONMENTAL ASSESSMENT REGULATIONS”.**

A motion was offered by Mr. Weiss and seconded by Mr. Rosenberg that Ordinance No. 15-05 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 Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 15-15 be advertised as required by law and a date set for public hearing on December 8, 2015 at 8:00 PM at the Municipal Center.

Train Horns

Mayor Smart explained he has researched the Federal Railroad Administration which has a mandate regarding sounding horns at each intersection, however individual locales can appeal for a quiet zone for a designated area which requires supplemental safety measures which are very expensive, i.e., the installation of new gates at a cost of \$240,000.00 per gate.

Mayor Smart continued that he has followed up with a resident who has done more research on quiet zones – looking at the Borough’s record, circumstances in Haworth with houses close to the tracks as well as schools, the legal costs involved and if warranted to cut back on the horns.

Mr. Poosikian referred to the cost per crossing for the new gates, said he has seen drivers going through the gates and further referred to the problem now with the oil being transported on the CSX line.

Train Horns – cont'd.

Discussion was held regarding prior meetings on this subject and the decibels of the horns, dividing the cost of the gates by all households and have the resident who did the recent research come to a meeting.

Refund of Driveway Permit Deposit

The following resolution was offered by Mr. Poosikian, seconded by Mrs. Groh 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 Permit,

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

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Expertise Restoration 168 Canal Street Paterson, New Jersey 07503	1343	\$100.00
Roger Visocki 420 Sylvan Place Haworth, New Jersey 07641	1347	\$100.00
Built Right Builders 381 St. Nicholas Avenue Haworth, New Jersey 07641	1348	\$100.00

Refund of Engineering Escrow Deposit

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

WHEREAS, Sharon Kurtz posted with the Borough of Haworth engineering escrow in the amount of \$1,000.00 in connection with the construction of a new residence at 170 Park Street, Block 916, Lot 7; and

WHEREAS, the Borough Engineer by letter dated November 9, 2015 has indicated the construction has been completed satisfactorily and recommends the release of the remaining escrow funds.

NOW THEREFORE BE IT RESOLVED, that \$507.50 be refunded to Sharon Kurtz, 29 Tulip Tree Lane, Alpine, New Jersey 07620.

Chapter 159 – Additional Revenue – Senior Van Drivers

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality which such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and;

WHEREAS, the Borough of Haworth is to receive the additional sum of \$ 1,400. in accordance with the provisions of the County of Bergen, Division of Community Development Senior Van Driver Grant, and;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Haworth, in the County of Bergen, New Jersey, does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of additional revenue in the budget of the year 2015 in the sum of \$1,400., for the County of Bergen, Division of Community Development Senior Van Driver Grant, which item is now available as a revenue from the County of Bergen, Division of Community Development in the amount of \$1,400.

BE IT FURTHER RESOLVED, that the additional sum of \$1,400. is hereby appropriated as follows:

<u>Appropriation</u>	<u>Amount</u>
Operations - Excluded from Caps	
Public and Private Programs Offset by Revenues	
BCCD-Senior Citizens Van Driver	
Salaries & Wages	\$1,400.

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services for his/her approval.

Chapter 159 – Additional Revenue – Senior Activities

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

Chapter 159 – Additional Revenue – Senior Activities – cont’d.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality which such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount, and;

WHEREAS, the Borough of Haworth is to receive the additional sum of \$ 1,000. in accordance with the provisions of the County of Bergen, Division of Community Development Senior Activities Grant, and;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Haworth, in the County of Bergen, New Jersey, does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of additional revenue in the budget of the year 2015 in the sum of \$1,000., for the County of Bergen, Division of Community Development Senior Activities Grant, which item is now available as a revenue from the County of Bergen, Division of Community Development in the amount of \$1,000.;

BE IT FURTHER RESOLVED, that the additional sum of \$1,000. is hereby appropriated as follows:

<u>Appropriation</u>	<u>Amount</u>
Operations - Excluded from Caps	
Public and Private Programs Offset by Revenues	
BCCD-Senior Citizens Activities	
Other Expenses	\$1,000.

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services for his/her approval.

2015 Budgetary Transfers

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

**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

2015 Budgetary Transfers – cont'd.

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 2015 Current Fund Budget Appropriations:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Municipal Clerk		
Salaries & Wages		1.00
Mayor & Council Public Info		
Other Expenses	2,000.00	
Mayor & Council		
Salaries & Wages		24.00
Other Expenses	503.00	
Ethics Board		
Other Expenses	500.00	
Mayor & Council Publications		
Other Expenses	815.00	
Financial Administration		
Salaries & Wages		1,600.00
Tax Assessment		
Other Expenses	7,000.00	
Revenue Administration		
Salaries & Wages	1,600.00	
Legal		
Other Expenses		3,000.00
Engineering Service & Costs		
Other Expenses		15,000.00
Planning Board		
Other Expenses	2,000.00	
Recycling Tax		
Other Expenses	4,500.00	
Zoning Board		
Other Expenses		200.00
UFSC-Fire Prevention		
Other Expenses		45.00
Police Department		
Salaries & Wages		20,000.00



2015 Budgetary Transfers – cont'd.

On discussion Mrs. Groh explained some items were not anticipated in the budget. Also discussed was police overtime in connection with budget projections. Mr. Rosenberg explained lessening of overtime costs now with a full complement of officers.

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

Approval of 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 275A – 275J

Approval of Minutes

A motion was offered by Mrs. Groh and seconded by Mr. Weiss to approve the minutes of the executive meeting of October 13, 2015. All members voted in the affirmative with the exception of Mr. Poosikian who abstained as he was not present at the meeting. Declared carried.

A motion was offered by Mrs. Groh, seconded by Mr. Poosikian and unanimously carried to approve the minutes of the regular meeting of October 27, 2015.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mr. T. Duffy, Lake Shore Drive referred to the earlier discussion on the train horns, noting that he lives at the Lake Shore Drive/Durie Avenue train crossing at the Closter border and said there have been accidents even with the horns and felt there would be a potential liability without them.

Ms. Larsen, 330 Lake Shore Drive asked the timing of the sirens.

Mayor Smart responded they are sounded 24 hours a day.

Mr. S. Courie, Anstatt Way questioned qualifications for affordable housing.

Mr. Rosenberg responded qualifications are based on income limitations.

Open Meeting to Public – cont'd.

Mr. Courie then questioned Schaefer's Gardens appeal to a violation issued by the Zoning Officer regarding their property.

Mr. Rosenberg replied they dropped the appeal and there are summonses which are pending.

Ms. A. Weiss, Pleasant Street asked how many affordable units could be built on the Schaefer's property.

Mr. Regan commented the number could be impacted with wetlands, etc. on the property.

Ms. Weiss then referred to the possibility of school overcrowding with additional housing.

Mrs. Groh said the enrollment has dropped at the school and some classrooms are not being utilized.

Mrs. Weiss said she was concerned with the lowering of property values if affordable housing was built in the Borough.

Mr. N. Nakashian, Brook Street, said this type of housing could help with tax revenue.

Ms. M. Renke, Contant Avenue said if five homes were built on this acreage it would generate more property taxes and 25 homes would impact the town.

Mrs. Groh urged the residents to attend the Planning Board meeting regarding any change in the Master Plan or zoning regulations.

Ms. Weiss said a multi-development plan with apartments would take away the feeling of Haworth.

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

Close Meeting to Public

The following resolution was offered at 9:40 PM by Mrs. Groh, seconded by Mr. Weiss 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

Close Meeting to Public – cont'd.

**WHEREAS**, the Governing Body deems it necessary to conduct a closed session and to exclude the public on November 24, 2015 at which time the following items will be discussed:

Affordable Housing Declaratory Judgment Action  
Personnel Procedures  
Closed Session Minutes

**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.

Reopen Meeting to Public

The meeting was reopened to the public at 10:15 PM.

Approval of Closed Sessions Minutes

A motion was offered by Mr. Weiss, seconded by Mrs. Groh and unanimously carried to approve as amended the following closed session minutes for 2015: January 13, 22, 29; February 10, 24; March 10, 24; April 8, 28; May 12, 26; June 23; July 14, 28; October 27; November 10. Approved prior were August 25, September 8 and September 29.

Adjournment

As there was no further business to come before the Council the meeting adjourned on motion duly offered, seconded and carried at 10:20 PM.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator



















