

39. Regular Meeting of the Mayor and Council of the Borough of Haworth held on February 13, 2013 at the Municipal Center

Present: Hon. John Dean DeRienzo, Mayor

Councilmembers: Stephen Chval  
Vincent Iacobino  
Glenn Poosikian  
Mary Anne Groh  
Andrew Rosenberg  
Anthony Volpe

Borough Attorney: Peter J. Scandariato

Mayor DeRienzo 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 a 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 and the Newark Star Ledger, 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 DeRienzo led those present in the salute to the flag.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Dept. Community Affairs	Amended 2012 Equalized Valuations	All Council
NJ League of Municipalities	State Government & Local Property Taxes	All Council
“ “	Recap of Annual Mayors’ Legislative Day	All Council
Local Finance Notice	2013 Budget Matters	All Council
Twp. of Holmdel	Request for Donation re. Storm Damages	All Council

Mr. Poosikian read an e-mail from a resident complimenting the fine work of the DPW during the recent blizzard. Mrs. Groh said the Department did a tremendous job and thanked them for their efforts.

COMMITTEE REPORTS

Report of Councilman Chval

Mr. Chval said his report will be part of the agenda later on in the meeting.

Report of Councilwoman Groh

Board of Health

Mrs. Groh noted the Board has not yet met this month.

Library Board

Mrs. Groh reported the Board met last evening and also a fund raising event was held in a private home last week at which time all present agreed that inspiring talks took place.

Mrs. Groh further reported that at last evening's Board meeting Mr. Volpe made a generous offer to supply equipment and time to help with excavation when any construction takes place for which he would donate his services. She noted that many programs will be held at the library during the winter break, this evening a program on organ donations is being held highlighting two Haworth residents, Bill Hayes and Barbara Gregory and last Saturday after the storm the library was the only one in the BCCLS system that opened.

Haworth School

Mrs. Groh reported she attended last night's Board of Education meeting at which time it was announced that custodial services will be brought back in house. Upon inquiry Mrs. Groh learned a contract with the teachers was approved – a three year contract with a ½ percent raise effective July 1, 2012 to June 30, 2013 then 1 percent the years after, they will be contributing more to their health benefits, 20% then 30% and terminal leave will continue to be capped at \$9,000.; the Summer Recreation Program will have to be relocated from the school due to construction and safety concerns and upon request and payment of custodial fees the school will allow the sports programs to utilize the facilities during breaks for activities.

Farmers Market

Mrs. Groh noted her concern with traffic falling off last year and she will be evaluating what is best for the town.

Recycling

Mrs. Groh said she has been hearing that the single stream recycling method is going well and there has been mentioned concerns if the machines can separate the material. She also noted that another electronic recycling pick up is scheduled for February 28.

COMMITTEE REPORTS – cont'd.

Report of Councilman Iacobino

Police Department

Mr. Iacobino reported members of the Department began their recertification in Blood Borne Pathogens training, the annual training for recertification in CPR and the use of the defibrillator devices will begin shortly which training is conducted by Officer Yannuzzi; enables this training to be conducted during regular schedules and Officer Yannuzzi's skill and enthusiasm is to be commended.

Mr. Iacobino further reported the Borough has fulfilled all the requirements mandated by the FCC regarding the narrow banding of all emergency service radios.

Recreation

Mr. Iacobino reported the Commission has reorganized, is discussing dates for various events and Mr. Dubin has been elected chairman and Mr. Weisblum, vice chairman.

Report of Councilman Volpe

Environmental Commission

Mr. Volpe reported notification has been received awarding a \$500. Clean Communities grant; the Sustainability Element of the Master Plan has been approved by the Planning Board; the liaison from the Commission to the school is Mrs. Zurlini; discussion has been held regarding an upcoming United Water project and the Commission welcomed its new member, Mrs. Postman.

Parks and Playgrounds

Mr. Volpe reported a Decorating Sub-Committee has been appointed, a three year projected capital program is being discussed including the Memorial Field Playground. Upgrading the sign at the railroad tracks is also being discussed and the Committee welcomed Mrs. Borek as a new member.

Shared Services

Mr. Volpe said efforts are being made to reach out to the Borough of Demarest for perhaps combining the Municipal Courts.

COMMITTEE REPORTS – cont'd.

Report of Councilman Volpe – cont'd.

Fire Department

Mr. Volpe reported the Department responded to 8 calls last month, activated alarms in Haworth, mutual aid alarms in Demarest, hazardous conditions CO alarms and a smoke condition; the Boy Scouts conducted a blood drive at the firehouse, members attended their CPR certification training at the Ambulance Corps, all radios and pagers have been reprogrammed for the narrow banding mandate, members attended Bloodborne training at the firehouse and this evening a work session and open house is being held at the firehouse.

Report of Councilman Rosenberg

Zoning Board of Adjustment

Mr. Rosenberg noted this Board did not meet this month.

Planning Board

Mr. Rosenberg reported the Board has reorganized with Dr. Ference as chairman and has attended to various administrative matters.

Shade Tree Commission

Mr. Rosenberg reported the Commission is developing a Tree Education Program which will also involve the DPW and assist with various certifications.

White Beeches/St. Gabriel Church

Mr. Rosenberg reported White Beeches has appealed the judgment filed in Superior Court to the Appellate Division.

Council on Affordable Housing

Mr. Rosenberg noted an update has been received from Mr. Hakim indicating substantial Borough trust funds have to be encumbered and the Planning Board and Mr. Hakim will be meeting on the latest COAH issues.

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian

Ambulance Corps

Mr. Poosikian reported the Ambulance Corps responded to 26 calls last month, 23 daytime, man hours 111, duty hours 1,116, 42.7 gallons of fuel used and all radios have been converted to narrow band.

Mr. Poosikian further reported two CPR classes were conducted for the Fire Department and Boy Scouts.

Department of Public Works

Mr. Poosikian reported the Department is down four employees, he was very impressed with the snow clearing last week-end when the members worked from 7AM Friday to 3:00 PM on Saturday. He said they then came back on Sunday to clear areas at the school.

Mr. Poosikian noted interviews were held with 11 potential members for the Department and his recommendation is to hire 3.

In further reference to the recent storm, Mr. Poosikian said the school has not been purchasing snow removal equipment, the DPW has been clearing at the school, noting the Inter Local Agreement with the school for cutting grass, snow plowing, etc. which has now been expanded because the school does not have the equipment or it is broken. He felt this should be brought to the Board of Education's attention.

Mayor's Report

Mayors' Legislative Day in Trenton

Mayor DeRienzo said he attended this event last week where discussions centered on the energy receipt taxes being taken away from the towns and ways of returning this revenue is being looked at. He said concern with school taxes was also discussed with suggestions for the schools to collect their own taxes instead of the municipalities. The Mayor also noted the concern with how the cost per student is calculated which should be a payment on the amount of students as opposed to the way it is now calculated.

As to the upcoming budget year, Mayor DeRienzo noted the State is behind in supplying the numbers the municipalities have to have, the date for local budget introduction is March 15, then it may be July or August until the budget is finally adopted and the State does not yet know what their revenue figures will be.

UNFINISHED BUSINESS

2013 OE and Capital Budgets

Mayor DeRienzo noted these budgets from all departments, commissions, etc., are due this week.

Amendments to Administrative Code

Mayor DeRienzo noted all council members have received copies of the Borough's existing code regarding longevity, sick days and terminal leave which had been discussed at last week's meeting in connection with the introduction of the 2013 Administrative Salary Ordinance.

Mr. Rosenberg requested there is no reason to re-state the existing code in the introduced salary ordinance, therefore Sections II, III and IV should be stricken from the ordinance.

Mr. Scandariato commented those sections are a surplus in this ordinance and removing them is not a substantive change.

Mayor DeRienzo stated the sections are covered by the administrative code.

A motion was offered by Mr. Rosenberg and seconded by Mrs. Groh to amend Ordinance No. 13-01, 2013 Salary Ordinance to remove Sections II, III and IV.

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

Mrs. Groh, referred to the Best Practices Check List from the State and questioned if plans are being made to phase out longevity which she said is an antiquated concept, merit raises should be given instead as longevity payments complicate the payroll process. As for sick pay/terminal leave, Mrs. Groh suggested caps and paring down these benefits to get parity with the private sector, noting the teachers have conceded some of these benefits and times are changing.

Mayor DeRienzo said new regulations re. longevity, etc. should not apply to present employees, sick days are one item which could be reduced for new employees as well as a cap on terminal leave, noting that many towns are eliminating longevity for new employees.

Mrs. Groh said these items should not be rushed into as they need discussion, certain contracts are coming up next year and it is good to be having a discussion.

Mayor DeRienzo commented that employees will be involved in these matters.

NEW BUSINESS

Approval of Woman's Club Flea Market

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Haworth hereby approve the application of the Woman's Club of Haworth to run a Flea Market/Craft Fair on the Borough property located in Lot 1, of Block 1307, between Terrace Street and Houston Place, on Sunday, May 5, 2013. Issuance and acceptance of this permit shall evidence:

1. Receipt by the Borough of Haworth of a Certificate of Insurance for liability for any activity of the Woman's Club on the date indicated on the premises described above.
2. The Woman's Club agreement to indemnify the Borough of Haworth from any liability, cost or expense as a consequence of said Flea Market on the date indicated.
3. The Woman's Club agreement to clean and restore the areas used to the condition existing prior to use.
4. The Woman's Club satisfactory arrangement to police the Flea Market at its expense, as required by the Chief of Police.
5. The payment of a leasing fee of \$10.00 to the Borough of Haworth.

Approval of Raffle License

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

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Haworth that the On Premise 50/50 Raffle Application #RA-402 and On Premise Merchandise Raffle Application #RA-403 of the Woman's Club of Haworth to be held at the Parish Center of Sacred Heart Church on March 16, 2013 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Refund of Overpayment of Real Estate Taxes

The following resolution was offered by Mr. Chval, seconded by Mr. Iacobino and unanimously carried:

Refund of Overpayment of Real Estate Taxes – cont’d.

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the Tax Collector be authorized to refund the overpayment of 2013 property taxes to the following homeowners:

<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO:</u>	<u>2013 TAXES</u>
301	11	Lee Holmes Benjamin 840 Sunset Ave Haworth, NJ 07641	\$5,169.00
916	12	Marilyn Coats-Thomas 395 St. Nicholas Ave Haworth, NJ 07641	\$4,658.00
804	8	Patricia Davis 348 Hennessy St. Haworth, NJ 07641	\$3,349.00
<b>Total</b>			<b>\$ 13,176.00</b>

Ordinance No. 13-02 – Amendments to Land Use Ordinance

A motion was offered by Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 13-02 be offered for first reading.

Ordinance No. 13-02 was then read by title only as follows:

**AN ORDINANCE AMENDING CHAPTER XXVI OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH,  
ENTITLED “LAND USE REGULATIONS”, AND CHAPTER XXVIII OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH,  
ENTITLED “ENVIRONMENTAL ASSESSMENT REGULATIONS”**

A motion was offered by Mr. Iacobino and seconded by Mr. Chval that Ordinance No. 13-02 be passed on first reading.

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

A motion was offered by Mr. Iacobino, seconded by Mr. Poosikian and unanimously carried that Ordinance No. 13-02 be published as required by law and a date set for public hearing on March 6, 2013 at 7:30 PM at the Municipal Center.

Appointments to Fire Department

A motion was offered by Mr. Poosikian, seconded by Mrs. Groh and unanimously carried that Andrew Rosen be appointed a junior member and John Polbos a regular member of the Haworth Fire Department.

Appointments to the Department of Public Works

A motion was offered Mr. Poosikian, seconded by Mr. Chval and unanimously carried that the following be appointed members of the Department of Public Works subject to the successful completion of physical and psychological examinations:

Thomas Gaspari – Junior Level  
Ronmel Garzaro – Junior Level  
Kurt Simkins – Mechanic, Senior Level

Protocol for Disseminating and Coordinating Town Information Via E-Mail

Mr. Volpe said he has raised a concern regarding this topic since through Mrs. Groh and Mr. Poosikian's e-mail lists there is some redundancy, is not a unified effort and they are sent out prior to communications being sent from the Borough. He questioned the protocol for the Borough's web-site content.

Mr. Poosikian responded that the Borough has a portal for residents to register for information and this data base has grown dramatically recently. He noted his and Mrs. Groh's e-mails are not always Borough worthy and there does need to be some sort of protocol. He noted that he and Mrs. Groh have different e-mail lists.

Mrs. Groh referred to a recent e-mail sent regarding the clearing of fire hydrants after snow storms which did not come from the Borough and there is the need to establish a protocol.

Mayor DeRienzo commented that the Borough website is the official site, a protocol needs to be worked out, emergencies go out on the Borough's site.

Mr. Volpe suggested forming a Communications Committee of Mrs. Groh, Mr. Poosikian and Mr. Rosenberg.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mrs. Elizabeth Rosenberg, Library Director read the following statement in connection with the discussion regarding employee's benefits:

Open Meeting to Public – cont'd.

“There are 9 non-contractual employees of the Borough of Haworth. Regarding the current suggested changes to our benefits, please note the following:

When we first began working for the Borough, some of us more than 20 years ago, we were offered financial compensation which was in most cases below industry standard for the jobs we were to perform, with the understanding that the benefits promised would make up the difference in our compensation. As these benefits were codified in the Borough ordinances, we had no reason to believe that these parts of our total compensation would be taken away later, after many years of dedicated service.

As a point of reference, every employer in the State of New Jersey must offer their employees disability insurance – except to state, county and municipal workers. In 1980, the State allowed municipalities to offer disability to their employees. The Borough of Haworth does not.

As compensation for the lack of help should an employee fall ill during employment, Boroughs offered their employees accumulating sick time. Since every other worker in the state is protected should they become temporarily ill, or for example, need an operation and have a long recovery period, except municipal, state and county workers, this was a way to protect the workers from financial crisis.

The purpose behind longevity pay was to recognize the years of service and expertise that long-time employees bring to a municipality. The positions in municipalities are specialized, requiring training, knowledge of state statutes, state certification, and continuing education, as well as experience on the job. Many municipalities offer longevity pay to their employees to recognize that a knowledgeable, stable, professional work force is good for the town.

If the Borough decides to change the employment benefits offered to new hires, even if that may have a corresponding effect on the quality of employees attracted to the positions, they have every right to do so. However, to find that after years of loyal service, the Borough is contemplating taking away part of the compensation for only a handful of predominantly female employees, because we do not have the protection of a bargaining unit, is unequal treatment, and we hope that the council will reconsider such a measure.”

Mrs. Rosenberg then noted it is not correct to compare teachers’ benefits with those of Borough employees in connection, for instance with the teachers’ vacation time and that they receive health benefits for life.

Mrs. Groh responded she was noting that benefits for the employees should be equivalent to the private sector, not necessarily depriving anyone of anything; however, employees should not be guaranteed certain benefits just because they are in a job and raises should be on a meritorious basis. She then thanked Mrs. Rosenberg for the information contained in her statement.

Mr. Rosenberg commented there were valid points in Mrs. Rosenberg’s statement, however the comments regarding female employees has nothing to do with women vs. men.

Mayor DeRienzo suggested deleting that comment and the Council has not discussed existing employees, noting those employees present at the meeting this evening are valuable professional employees.

Open Meeting to Public – cont'd.

Mr. W. Whelan, Sylvan Place referred to the recent hiring of a police officer and suggested negotiating a better pay and benefits package in connection with the large number of applicants for this position.

Mr. Iacobino responded the new hire goes into the existing contract regarding salary, etc.

Mayor DeRienzo explained when a contract expires then it can be re-negotiated. He then noted state law regarding retirement for police officers and that terminal leave in the borough is capped, not like many other towns.

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

Approval of Payment of Bills

The following resolution was offered by Mr. Iacobino, seconded by Mr. Chval and unanimously carried:

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 50A – 50L

Approval of Minutes

Mrs. Groh corrected the minutes as follows:

Recessed Meeting, Page 244 her comment on the savings to the Borough for the solid waste and recycling contracts should be included. On Page 246 her comments on the Transfer resolution should be included.

Regular Meeting of January 15, Page 18, Board of Health Report, Mrs. Posen did not attend the Board's January meeting. On Page 27, regarding the motion for single stream recycling, she gave a synopsis of various costs, etc. which should be included.

A motion was offered by Mr. Iacobino, seconded by Mr. Chval and unanimously carried to accept the minutes of the Recessed Meeting of January 1, 2013, the Reorganization Meeting of January 1, 2013, the Executive Meeting of January 9, 2013 and the Regular Meeting of January 15, 2013, as amended.

Recycling Contract for Receipt of Recyclable Materials.

It was noted that a request for proposals should be prepared as the current contract will be expiring soon.

Close Meeting to Public

The following resolution was duly offered, seconded and carried at 8:45 PM:

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, as follows:

1. That the Governing Body, pursuant to N.J.S.A. 10:4-12, shall exclude the public from the next portion of this meeting in order to discuss matters pertaining to a legal matter.

2. That the items under discussion in the closed meeting will be disclosed to the public at the conclusion of the matter.

Re-Open Meeting to Public

The meeting was reopened to the public at 9:00 PM.

As there was no further business to come before the Council, the meeting adjourned at 9:00 PM on motion duly offered, seconded and carried.

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Ann E. Fay, RMC, CMC  
Clerk-Administrator



50B. Regular Meeting of February 13, 2013

50C. Regular Meeting of February 13, 2013











50I. Regular Meeting of February 13, 2013



50K. Regular Meeting of February 13, 2013

