

124. Regular Meeting of the Mayor and Council of the
Borough of Haworth held on June 11, 2013 at the
Municipal Center

Present: Hon. John Dean DeRienzo, Mayor

Councilmembers Stephen Chval
Vincent Iacobino
Glenn Poosikian (by speaker phone)
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 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 pledge of allegiance.

Presentation by Library

Ms. J. Guenego was present on behalf of the Friends of the Library reporting that Mayor DeRienzo raised the most bail, over \$2,000. during the recent fund raiser. She said there has been a robust membership drive by the Friends and thanked all the councilmembers who participated in the event.

Ms. Guenego presented Mayor DeRienzo with a prize of a Kindle which he presented to the Library as a donation.

Police Promotion

Mr. Iacobino said the recommendations by Chief Campbell for these promotions have been reviewed and the Police Committee is in agreement with them. He then introduced Chief Campbell.

Chief Campbell said he submitted five recommendations for promotions – 2 lieutenants and 3 sergeants.

Police Promotion – cont’d.

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

BE IT RESOLVED, the Mayor and Council hereby approve the following promotions in the Haworth Police Department effective July 1, 2013, paid in the payroll of July 12, 2013.

- Sergeant Michael Gracey to Lieutenant
- Sergeant Thomas Ryan to Lieutenant
- Patrolman Thomas Smith to Sergeant
- Patrolman Michael Saudino to Sergeant
- Patrolman Justin Fox to Sergeant

On discussion, Mrs. Groh thanked the Chief and the officers being promoted for doing this after July 1st in connection with pension payments and asked if there would be any adjustment in rotational differential. She was told, no.

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

The Council then took a short recess.

Ordinance No. 13-06 – 2013 Multi-Purpose Ordinance – Continuation

Mayor DeRienzo explained that at last week’s meeting when the ordinance was being considered for second reading councilmembers were in agreement with all items in the ordinance with the exception of the ambulance building addition. He said Ambulance Corps members will meet further in connection with other ideas and the ordinance will be continued to the July executive meeting.

Mrs. Groh suggested an alternative way for the storage of the manikins.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Green Sky Industries	April Recycling Check - \$1,530.90	All Council

COMMITTEE REPORTS

Report of Councilman Poosikian

As Mr. Poosikian was unavailable at this time on the telephone, Mayor DeRienzo gave the following report:

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian – cont'd.

Ambulance Corps

The Ambulance Corps responded to the following calls during the month of May:

Total calls – 29; daytime calls – 23; miles – 210; fire calls – 1; man hours on calls – 109; man hours duty nights – 1116. Fuel used – 80 gallons.

Notable calls – fire standby /firefighter rehabilitation call in Demarest for a working structure fire. Participated in Memorial Day parade and treated one band member at the event.

Department of Public Works

The removal of tree stumps from hurricane Sandy will be ending on Saturday in connection with FEMA reimbursement.

Report of Councilman Volpe

The Parks and Playgrounds Committee and Environmental Commission did not meet due to a lack of quorums, Mr. Volpe noted.

Fire Department

Mr. Volpe reported the Fire Department responded to a total of 25 calls in May which included 5 activated fire alarms in Haworth; 18 mutual aid calls in Demarest; a mutual aid structure fire in Harrington Park; a CO alarm and brush fire. He explained the Department was dispatched to Harrington Park on a second alarm assignment as a rescue crew, did an excellent job and received a compliment from the Harrington Park Fire Chief.

Mr. Volpe further reported Firefighter Ferra has received his Firefighter 2 certificate; probationary FF Polbos and Pesch are attending night time training at the Academy and FF Kurt Simkins has started his night time training for Firefighter 1. He said training in May included driver training, junior auxiliary training and ground ladder deployment.

Report of Councilman Chval

Finance

Mr. Chval distributed the 2012 Audit Report and said a plan will be submitted to address any issues. He also distributed a recommendation for funding capital projects which does not add any debt.

COMMITTEE REPORTS – cont'd.

Report of Councilman Chval – cont'd.

Mrs. Groh asked what is included for this year in the recommendation. Mr. Chval replied the multi-purpose and road ordinances.

Tennis

Mrs. Groh noted that interior trash containers are needed at the tennis courts.

Report of Councilwoman Groh

Haworth School

Mrs. Groh reported the school adopted a new Mission Statement and members of the community have been asked to participate. She then read the following statement: “The Haworth Public School District, a safe and nurturing small school environment, in partnership with our community, is dedicated to providing every student with educational excellence through a comprehensive, innovative and rigorous curriculum that fosters productive and responsible life-long learners in a global society.”

Mrs. Groh noted the Summer School program will be held at the Congregational Church due to the construction which will be going on at the school this summer; Mrs. Wise the long time nurse at the school has retired effective in September and the Board has authorized an architect to draw plans for the replacement of the kindergarten playground.

Board of Health

Mrs. Groh reported the Board will be holding a Mini-Health Fair on July 20th at the Swim Club.

Library

Mrs. Groh reported that at the Library Board’s April meeting they voted to allow non-residents to join the Library and not to charge out of towners participating in the children’s programs. She further reported the Board has directed the architect to advertise for the submission of bids for the addition and renovation. Mrs. Rosenberg will be retiring effective September, the Board is searching for her replacement which will be difficult after her serving so well for a long time, Mrs. Groh said.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Groh – cont'd.

Recycling

Mrs. Groh noted that May was the first month with a fifth Wednesday which resulted in a large amount of recycling last Wednesday and there were some issues with garbage mixed with recyclables. In this connection, she said she and the Mayor met with Mr. Miele and it was concluded that the contamination came from other sources. Mrs. Groh said she will be following the recycling truck tomorrow with Mr. Miele regarding several issues, etc. and the possibility to add the fifth Wednesday to the recycling schedule is being looked at.

Report of Councilman Iacobino

Police Department

Mr. Iacobino reported the DARE officers have completed another successful program at the school with a graduation ceremony on May 29th which Bergen County Sheriff Saudino attended as a guest; the Chief has commended the Police Auxiliary for their assistance at various events and summonses issued are up with 130 issued last month.

Swim Club

Mr. Iacobino reported the Club opened for week-ends on Memorial Day and membership so far has equaled last year with more expected as the season progresses.

Recreation

Mr. Iacobino reported Memorial Day activities were very successful with many people attending the parade and the picnic and preparations are underway for Celebrate Haworth Day which has been scheduled for September 21st.

Mrs. Groh noted some concerns at the Swim Club – the Ladies Room is very untidy, in the past a clipboard has been placed regarding inspections and this should be monitored; the new apron has a lip which should be filled which Mr. Iacobino said will be done. Mrs. Groh then said more chairs are needed at the front pool and at the back pool longer skimmers are needed.

Report of Councilman Rosenberg

Zoning Board of Adjustment

Mr. Rosenberg reported two applications were granted at the June meeting.

COMMITTEE REPORTS – cont'd.

Report of Councilman Rosenberg – cont'd.

Shade Tree Commission

Mr. Rosenberg reported Mr. Bill Comery attended the last meeting with all members in attendance; Mr. Comery is a consultant and was present in connection with Tree City certification, etc., the Commission will be doing a field walk in connection with tree diagnosis and the 12 year Tree City certification has been received.

Planning Board

Mr. Rosenberg reported the Board voted to submit the Sustainability Element of the Master Plan with revisions which contains certain action items for the Mayor and Council. He referred to paragraph A. – Section 3 of the plan which recommended the storage of used motor oil at the DPW which was deleted and the recommendation paragraph D – Section 3 for additional trash receptacles which will be deleted since they are now in place. This will be reviewed for the first meeting in July.

Mayor's Report

Mayor DeRienzo referred to the COAH situation and the continuing court case.

Shared Services Agreement – Lightning Detection System

Mr. Volpe said his recommendation to the Council is the equipment at the school is their own investment.

Mr. Volpe said the system is modular so it can be added on to; coverage for Memorial Field and the school is a good starting point.

Mayor DeRienzo suggested eliminating Park Street, okay for Myrtle Field and Lake Shore Drive area which includes the police range, paddle tennis and swim club and at the first meeting in July a decision can be made on the sites.

A discussion was held as to where coverage could be obtained and to get input from the Police. Mrs. Groh noted honoring prices which have been given by the firm for year regarding any add-ons.

2013 Road Improvement Program

Mayor DeRienzo noted the Borough is the lead agency for the Riverside Cooperative and the pricing came in good on the recent bid at approximately \$192,000. for the Borough's portion. It was recommended that Surbeck Place be included and to eliminate Hennessey Street until next year.

Approval of 2013-2014 Liquor Licenses

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

WHEREAS, the following liquor licenses in the Borough of Haworth are due for renewal for the 2013-2014 year, and

WHEREAS, the applications submitted by each applicant are complete in all respects and the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations, and

WHEREAS, the applicants have disclosed and the issuing authority has reviewed whether any additional financing was obtained in the previous license term for use in the licensed business, and in the case of the Club License, is satisfied that the Club maintains all records required by NJAC 13:2-8.8,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the renewal of the following licenses in the Borough of Haworth are approved:

Plenary Retail Consumption License to - Sailor Mutt, Inc. 23 Hardenburgh Avenue Haworth, NJ 07641	0226-33-001-002	\$792.00
Plenary Retail Consumption License to - White Beeches Golf & Country Club 70 Haworth Drive Haworth, NJ 07641	0226-33-002-001	\$792.00
Club License to - Lake Shore Golf, Athletic & Recreation Club of Haworth, NJ 5 Lake Shore Drive Haworth, NJ 07641	0226-31-003-001	\$150.00
Plenary Retail Distribution License to - Haworth Wine Shop 155 Terrace Street Haworth, NJ 07641	0226-44-004-009	\$380.00

Amendments to Land Use Ordinance

Mr. Rosenberg reported the Real Estate Committee has approved the amendments and they will go back to the Planning Board for further clarification.

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

WHEREAS, on March 12, 2013, the Mayor and Council of the Borough of Haworth, Bergen County, New Jersey adopted 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 XXVIII of the Revised General Ordinances of the Borough of Haworth, entitled “Environmental Assessment Regulations”; and

WHEREAS, at the time Ordinance 13-02 was adopted, it was contemplated that certain issues raised during the process of adopting Ordinance 13-02 be referred back to the Haworth Planning Board for further review, consideration and comment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Haworth, Bergen County, New Jersey, that the Governing Body does hereby refer the following comments and proposed revisions to the Land Use Regulations to the Haworth Planning Board for further review, consideration and comment:

- Section 26-301 - **Definition of “Critical Area or Critical Environmental Area”** - Consider removing “hydric soils” from this definition due to its potentially over-restrictive effect.
- Section 26-301 - **Definition of “Fences”** - Consider amending definition to include netting.
- Section 26-301 - **Definition of “Home Professional Office”** - Consider amending definition to state that, to be deemed a home office, it must be an office where clients are actually seen.

Amendments to Land Use Ordinance – cont’d.

- Section 26-301 - **Definition of “Site Plan”** - Clarify **(i)** that Planning Board review is not required for development of a conforming single family lot and **(ii)** whether a variance would be required in connection with the development of a non-conforming single family lot which meets all other zoning requirements.
- Section 26-301 - **Definition of “Street”** - Consider adding the words “unless vacated by an ordinance duly adopted by the Governing Body” to this definition after the words “...or that is shown on a plat heretofore approved pursuant to law.”
- Section 26-301 - **Definition of “Subdivision”** - Consider amending definition to add the words “and/or partition orders” after the words “(3) division of property upon court order including, but not limited to judgments of foreclosure.”
- Section 26-301 - **Definition of “Surface Water”** - Consider whether definition is too broad and restrictive and should be amended. Consider, among other things, whether the words “and may include an adjacent area subject to inundation by reason of flood water or overflow” should be deleted.
- Section 26-301 - **Definition of “Swimming Pool”** - Consider whether definition should be revised to eliminate the word “residential.”
- Section 26-301 - **Definition of “Watershed”** - Consider whether definition is too broad and restrictive and should be amended.
- Section 26-502 - **Wording is Awkward** - Consider redrafting this section to read as follows: “No land or structure shall be used and no structure shall be erected or altered that is arranged, intended or designed to be used for any purpose except for one of the following uses.”
- Section 26-502.8.f.1 - **Garage; Maximum Vehicle** - Review in light of existing definition of “Garage” and consider whether this requirement should be amended.
- Section 26-502.8.f.1 - **Location of Residential Structures** - Clarify the intent/goal of this section.

Amendments to Land Use Ordinance – cont’d.

- Section 26-502.8.h.3 - **Communications Towers – Locations Permitted** - In view of the fact that the section includes stipulations as to matters other than location, consider renaming section “Locations and Construction Materials Permitted.”
- Section 26-502.8.h.3(d)(1) - **Communications Towers** - Consider allowing for camouflage finish and clarify why galvanized steel is the preferred finish.
- Section 26-502.8.h.3(e) - **Communications Towers** - Clarify why a cell tower is not permitted in the Zone B Watershed/Recreation Districts.
- Limiting Schedule - **Municipal Use Zone** - Consider whether parking requirements should be established for the Municipal Use Zone.
- Limiting Schedule - **Setback** - Consider **(i)** a minimum distance between a side-yard property line and a driveway and **(ii)** minimum distances from rear-yard and side-yard lines to patios.
- Section 26-602.1 - **Height Exceptions** - Consider whether these exceptions subject the Borough to liability or make the Borough potentially vulnerable to a lawsuit from a residential developer.

BE IT FURTHER RESOLVED that the Governing Body does hereby notify the Planning Board that it intends to revise the Land Regulations to incorporate the following revisions:

- Section 26-301 - **Definition of “Conditional Use”** - The term “speed location”, used in the definition of “Conditional Use”, will be replaced with the term “specified location” which was the term used in the previous version of the ordinance was “specified location.” This appears to be a typo.
- Section 26-301 - **Definition of “Yard, Side”** - Citations appearing at the end of this definition do not appear to apply specifically to this definition and will be revised to separate them from the specific definition. This appears to be a missing line space and a typo in punctuation which will be corrected.

Amendments to Land Use Ordinance – cont'd.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Haworth Planning Board.

Community Development Appointments

Mayor DeRienzo appointed Mr. Volpe as his representative to Community Development. The Mayor will serve as an alternate.

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

WHEREAS, the Borough of Haworth has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2013 through June 30, 2014.

NOW THEREFORE BE IT RESOLVED, that the Governing Body hereby appoints Anthony Volpe as its representative to participate on the Community Development Regional Committee; and

BE IT FURTHER RESOLVED that Mayor John Dean DeRienzo be appointed as the alternate representative.

Award of Street Sweeper Bid

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

WHEREAS, following public advertisement as required by law, sealed bids for a Broom Street Sweeper with Belt Conveyor 2013 Demonstrator Model with Less than 100 Hours were received by the Municipal Clerk on June 11, 2013 and;

WHEREAS, one bid was received at that time; and

WHEREAS, the Borough Attorney has reviewed the bind document received; and

Award of Street Sweeper Bid – cont'd.

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 a Broom Street Sweeper with Belt Conveyor 2013 Demonstrator Model with less than 100 hours be and is hereby awarded to W.E. Timmerman Co., Inc. 3554 Route 22 West, PO Box 71, Whitehouse, NJ 08888 in the amount of \$173,685.00.

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.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. B. Colonna, West View Terrace, asked if the postponement of the Multi-Purpose ordinance would have any effect on the budget.

Mayor DeRienzo responded, no, only the 5% down payment is in the budget.

Ms. C. Schacht, Ivy Avenue, said the entrance and exits from Sacred Heart Church on Ivy Avenue needs work and that dog waste is being disposed of in her recycling container.

Mr. N. Shirvan, Anstatt Way said life guards at the Swim Club should be trained to use both sides of the dumpster when disposing of trash.

Mr. J. Ferber, Owatonna St. asked why recyclables are not collected when there is a fifth Wednesday of the month.

Mrs. Groh replied it was the way the collection was bid and now with paper and co-mingled together it may be changed.

Mr. Ferber asked about a container for batteries.

Mrs. Groh responded batteries are no longer recyclable.

Mr. Ferber referred to the earlier discussion regarding library membership for out of towners and that only five out of town memberships will be offered.

Mrs. Groh commented that if there is room to take in out of town members it would appear the library is not being fully utilized.

Open Meeting to Public – cont'd.

Mr. Volpe questioned if the impression is that the library is crowded, why are new comers being brought in.

Mrs. Groh responded that the children's programs are attended by lots of out of towners.

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

Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 137A - 137

Approval of Minutes

In discussion of the May 8 executive minutes, Mrs. Groh referred to Page 99, discussion on the Multi-Purpose Ordinance and breaking a tie vote which should be corrected to: Mr. Scandariato said the Mayor cannot break a tie to adopt a bond ordinance and another attorney is researching this matter. On Page 103, there is a typo – Laura Silvia's name is spelled wrong – it should be Sylvia.

A motion was offered by Mr. Chval, seconded by Mrs. Groh and unanimously carried to accept the minutes of the executive meeting of April 3, the executive meeting of May 8 – as amended and the regular meeting of May 14, 2013.

Close Meeting to Public

The following resolution was duly offered, seconded and carried at 8:50 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 contract negotiations.

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

Reopen Meeting to Public

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

Ordinances

Discussion was held regarding items in old ordinances – rubbish bins, dog waste receptacles, etc. and the items will be looked at further in July.

2013 Multi-Purpose Ordinance

Mayor DeRienzo said Ambulance Corps members are concerned about the reaction of the council regarding their request and they are looking at other recommendations.

Mrs. Groh discussed how the buildings are managed, how they are being used, how to maximize space and she suggested tours of all the borough owned buildings.

Mayor DeRienzo commented on the architect who designed the addition to the ambulance building, the members who reviewed the plan, their service to the community and the action that is being taken now is an insult to their intelligence.

Adjournment

As there was no further business to come before the Council, the meeting adjourned at 9:30 PM on motion duly offered, seconded and carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator