

150. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on June 23,
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: Andrew Bolson (For Mr. 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 notice: "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. 15-09 – Capital Surplus

A motion was offered by Mrs. Groh, seconded by Mr. Weiss and unanimously carried that Ordinance No. 15-09 be offered for second reading.

Ordinance No. 15-09 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 15-09 – Capital Surplus- cont'd.

The meeting was opened to the public on Ordinance No. 15-09.

Mr. S. Chval, Woodland Pl. said he noted nets and screens for the tennis courts are included in this ordinance, but not bench replacements.

Mrs. Groh explained this ordinance provides for funds on hand and when several ordinances are purged that will provide for the benches.

As there were no further comments the meeting was closed to the public on Ordinance NO. 15-09.

A motion was offered by Mrs. Groh and seconded by Mr. Poosikian that Ordinance No. 15-09 is passed on second and final reading.

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

A motion was offered by Mr. Rosenberg, seconded by Mr. Volpe and unanimously carried that the passage of Ordinance No. 15-09 be advertised as required by law.

Public Hearing on 2015 Budget Amendment

Mayor Smart opened the meeting to the public on the Amendment to the 2015 Municipal Budget, which resolution was approved on June 9, 2015.

Mrs. C. Soroka-Dunn, Whitman Street asked the situation with the police contract.

Public Hearing on 2015 Budget Amendment – cont’d.

Mayor Smart responded there is no budget amendment in connection with the police contract.

As there were no further comments, the meeting was closed to the public on the budget amendment.

Swearing-In of Fire Department Members Joshua Lamond and Taylor Poosikian

Mr. Volpe, Fire Commissioner administered the Oath of Office to Mr. Lamond and Mr. Poosikian.

Mr. Volpe acknowledged Chief Hennion and other members of the Fire Department who he said devote a great deal of time training new officers and that these young men appointed this evening have been dedicated since they first became involved in the Department.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
NJ Business & Industry Association, etc.	Local Efforts to Implement Paid Sick Leave	All Council
Avalon Bay Communities	Information re. COAH Affordable Housing	All Council Plann.Bd. Boro. Atty.
NJ of League Municipalities	Amendments to Open Public Meetings Act & Open Public Records Act	All Council
Woman’s Club of Haworth	Notification Tree of Lights Ceremony Will No Longer be Held	All Council

COMMITTEE REPORTS

Report of Councilman Weiss

Board of Health

Mr. Weiss reported this Board is planning several upcoming projects including a Wellness Walk and several health initiatives.

COMMITTEE REPORTS – cont'd.

Report of Councilman Weiss – cont'd.

Swim Club

Mr. Weiss said the Club is up and running with 300 members and will be opening full time on June 26th.

Environmental Commission

Mr. Weiss reported the Commission met earlier this evening and discussed their upcoming Stream Clearing Project, have met with White Beeches representatives who will assist them, will be contacting the two golf clubs for their participation and reviewing the availability of grant money if it is needed.

Report of Councilman Bain

Library

Mr. Bain reported the flooding in the children's area due to a recent severe storm has been cleared and the room is now dry; quotes for sump pumps are being reviewed and the landscaping of the area has been completed, he said.

Recreation

Mr. Bain reported the Summer Program is being finalized, personnel met with the Police Department regarding school safety issues, 26 counselors have been hired and two senior counselors have been named. He also noted that preparations are underway for Celebrate Haworth Day.

Tennis

Mr. Bain noted the nets have been ordered and the bench replacement will be next.

Mrs. Groh asked if there were any plans to replace the brooms.

Swim Club

In connection with Mr. Weiss's earlier report, Mrs. Groh suggested revising late fees for Swim Club memberships.

Mr. Weiss responded that this would have to be early for budget planning and perhaps could be considered for next season.

Mrs. Groh then questioned why there was no provision for single memberships.

COMMITTEE REPORTS – cont'd.

Report of Councilman Rosenberg

Zoning Board of Adjustment

Mr. Rosenberg reported the Board heard one application at their last meeting for the erection of a solid six foot fence on the property line which was tabled to the next meeting.

Planning Board

Mr. Rosenberg reported the Board held a public hearing at their last meeting in connection with a draft Housing Plan Element and Fair Share Plan in connection with the new COAH regulations and several changes were suggested to the plan to be further reviewed by the Board.

Real Estate Committee

Mr. Rosenberg noted an Agreement has been submitted to a Paulson Place resident in connection with the use of Borough land, however, the document has not been returned as yet.

Mr. Rosenberg said the Committee has considered the Groh street vacation request and concurred to grant the request. He explained the procedure whereby the offer is made to the two residents and if the other does not want it the vacation would all go the Groh's. He said the Groh's would be responsible for the Borough's expenses and Mr. Regan will draft an Agreement.

Police Department

Mr. Rosenberg reported that due to the efforts of Officer Yannuzzi another successful DARE Program has been completed at the school with a graduation held on June 4th and the Police Auxiliary has been commended for their dedication and service particularly with their assistance at several events.

Mr. Rosenberg referred to several incidents during the past month and a drug arrest which included participation with several other police departments and Bergen County.

Report of Councilman Poosikian

Shade Tree

Mr. Poosikian noted the commission is preparing the 5 Year Forestry Plan and meeting with a consultant in this respect.

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian – cont'd.

Department of Public Works

Mr. Poosikian reported the Department has been busy with the ballfields, doing asphalt work, various clean-ups in town and assisting with the recent Senior Picnic.

Ambulance Corps

Mr. Poosikian reported the Ambulance Corps responded to 34 calls last month, 26 daytime calls, 308 miles, man hours on calls 110 and man hours on duty nights 1116. He said they are responding to a significant increase in drug and alcohol related calls, members provided orientation and training for the Haworth Brownie Troop and members participated in the Memorial Day Parade and ceremonies.

Mr. Poosikian noted there will be a dedication of the new addition at the ambulance building this coming Sunday made possible in part due to the bequest of Mr. Bob Murray.

Report of Councilman Volpe

Fire Department

Mr. Volpe reported the Department responded to 21 emergency calls and various types of training and drills took place; in May the Department responded to 22 emergency calls, total calls for 2015, 88 total man hours for May 423 and total man hours to date, 1927. He said several training sessions took place and junior and probationary members are doing well in fire school.

Mr. Volpe referred to the Fire Department prioritizing when the siren is sounded which they have been monitoring for a 90 day trial period.

Parks and Playgrounds

Mr. Volpe reported there was no quorum for the last meeting, specifications for lighting at the basketball court are being prepared and bids are being evaluated for fencing.

Building Department

Mr. Volpe reported activity in the Department includes alterations and new construction, property maintenance letters have been sent out, St. Gabriel Church has been issued a certificate of occupancy however, there are issues with parking at that site; the Police Chief will be contacted regarding enforcement, he said.

Mr. Poosikian noted vehicles parking on Sunset Avenue by White Beeches.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Groh

Seniors

Mrs. Groh reported the Senior Picnic was held at the Swim Club with donations provided for food and flowers.

Recycling

Mrs. Groh noted the recycling grant report has been filed, noted concerns of the Recycling Coordinator about what can be recycled in connection with the marketing of the items and recycling numbers are being reported higher with the new collection firm

Mr. Volpe commented that construction recycling would double the tonnage for the Borough.

Finance

Mrs. Groh noted the budget this year indicates a 2.07% increase and a 1.72% tax levy.

Mayor's Report

Events

Mayor Smart reported he attended the DARE Graduation and was impressed by the eagerness of the students for the program.

The Mayor also attended the Haworth School graduation and was impressed again by the multiple talents of the students.

Mayor Smart participated in the recent Reservoir challenge and will participate in the upcoming Wellness Walks in the Borough.

CSX Trains

Mayor Smart noted monitoring continues in connection with the oil tankers on these tracks and a Table Top Training session in the County is scheduled in July for emergency personnel and Borough officials.

Parking at St. Gabriel's Church

Mayor Smart reported he met with representatives from the church today regarding parking issues, they will work with the borough professionals on the issues and was told their congregation has grown since the project's inception.

COAH

Mayor Smart noted the Planning Board held a public hearing at their last meeting regarding the Housing Plan, looked at zoning, etc. and how the matter should be addressed. He said the Planning Board had several suggestions and the Borough Planner will be present at their July meeting.

Mrs. Groh commented she attended the Planning Board meeting, it was a vibrant discussion and noted the Planning Board's Planner's role in the process.

UNFINISHED BUSINESS

Appointment of Fire Inspector

Mr. Volpe noted the retirement of the present inspector and a replacement has been suggested. The Inspector has all the necessary qualifications and has met with Ms. Fay and Mr. Silverman, he said.

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

BE IT RESOLVED, that the Mayor and Council hereby appoints Ralph Leonardi as Fire Inspector to a one year term to December 31, 2015 for approximately 2 to 3 hours per month at \$23.00 per hour.

Appointment of Payroll Administrator

A motion was offered by Mr. Bain, seconded by Mrs. Groh and unanimously carried that Diane Holden be appointed Payroll Administrator effective June 22, 2015 at a salary of \$1,560.

Groh Street Vacation Request

Mrs. Groh left the council table for this discussion.

A motion was offered by Mr. Rosenberg, seconded by Mr. Poosikian and unanimously carried directing the Borough Attorney to prepare the necessary documents in connection with the request for the vacation of a portion of Hendrickson Street adjoining the Groh property with the Groh's being responsible for the Borough's costs.

NEW BUSINESS

Adoption of the 2015 Municipal Budget

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

FOR COPY OF RESOLUTION
SEE PERMANENT MINUTES
PAGES 163A

On discussion Mr. Poosikian asked if the amount for police overtime is the same as in the introduced budget.

Mrs. Groh responded, yes and noted the savings in the new police contract.

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

Approval of Self-Examination of Budget

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

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Haworth has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2010 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Haworth that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items

Approval of Self-Examination of Budget – cont’d.

- f. Any inclusions of amounts required for school purposes.
- 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law).
- 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
- 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

Refund Overpayment Swim Club Membership

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

WHEREAS, Audrey and Albert Pikelney have overpaid their Swim Club Membership;

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

<u>Name</u>	<u>Address</u>	<u>Amount</u>
Audrey and Albert Pikelney	75 Owatonna Street Haworth, New Jersey 07641	\$375.00

Refund Driveway Permit Deposits

The following resolution was offered by Mr. Rosenberg, seconded by Mr. Bain 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 Permits,

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

Refund Driveway Permit Deposits – cont'd.

<u>NAME AND ADDRESS</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
A. Macchione Brothers 71 S. Newman Street Hackensack, NJ 07601	1322 & 1332	\$200.00

Renewal 2015-16 Liquor Licenses

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

WHEREAS, the following liquor licenses in the Borough of Haworth are due for renewal for the 2015-2016 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 - 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

Mrs. Groh suggested consideration be given to increasing these fees for next year.

PBA Contract

Mr. Smart reported an agreement in principle has been reached with the PBA and on June 10th a memorandum of understanding was drafted which will be circulated for the July 14th meeting.

2015-2016 Community Development Appointments

Mayor Smart will serve as the Mayor's appointment with an alternate member to be determined.

The following resolution was offered by Mrs. Groh, seconded by Mr. Rosenberg 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, 2015 through June 30, 2016.

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 Michael Bain be appointed as the alternate representative.

Ordinance 15-10 Amendment to 2015 Salary Ordinance

A motion was offered by Mrs. Groh, seconded by Mr. Rosenberg and unanimously carried that Ordinance No. 15-10 be offered for first reading.

Ordinance No. 15-10 was then read by title only as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 15-04 – “AN ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION, BENEFITS, STIPENDS AND WORKING CONDITIONS FOR EMPLOYEES AND CERTAIN OFFICERS OF THE BOROUGH OF HAWORTH, COUNTY OF BERGEN, NEW JERSEY”

A motion was offered by Mr. Bain and seconded by Mrs. Groh that Ordinance No. 15-10 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. Poosikian, seconded by Mrs. Weiss and unanimously carried that Ordinance No. 15-10 be advertised as required by law and a date set for public hearing on July 14, 2015 at 8:00 PM at the Municipal Center.

Approval of Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 163B – 163M

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

Approval of Minutes

Mrs. Groh referred to the April 28, 2015 minutes regarding the public hearing on the budget, Page 107, 4th paragraph regarding outstanding bills which she said should read instead of “contested” to “not having been budgeted”. Regarding the minutes of the May 26, 2015 meeting, Page 132 under the Real Estate Report and the vacation of the paper street, Hendrickson Street, should read “a process is being determined”, not a “price”. On Page 135, second paragraph regarding sufficient funding in the Police overtime budget, Mrs. Groh said it should be added she had serious thoughts about this and it should be referred to the Police Chief.

A motion was offered by Mr. Bain, seconded by Mrs. Groh and unanimously carried to approve the minutes of the regular meeting of April 28 as amended, the executive meeting of May 12 and the regular meeting of May 26, 2015 as amended.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. C. Soroka-Dunn, Whitman St. referred to the COAH situation and the possibility of building happening in Haworth.

Mayor Smart explained the past process with COAH and the Borough is looking at the next Fair Share process in connection with the recent Superior Court ruling.

Mr. S. Chval, Woodland Place asked that he be informed when the funds will be available for the benches at the tennis courts.

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

Close Meeting to Public

The following resolution was offered by Mrs. Groh, seconded by Mr. Weiss and unanimously carried at 9:45 PM:

Close Meeting to Public – cont'd.

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 June 23, 2015 at which time the following item will be discussed:

Proposed Stipulation of Settlement – NJDEP vs. Haworth DPW Yard
PBA Contract Status
COAH
Haworth Country Club Tax Appeal

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 item 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 10:25 PM.

Settlement NJDEP/Haworth DPW Yard

A motion was offered by Mrs. Groh, seconded by Mr. Bain and unanimously carried authorizing Mayor Smart to execute the Stipulation of Settlement with the NJDEP.

Borough Engineer Invoices – Stevens Place

Mrs. Groh asked for information regarding these invoices.

Mayor Smart explained they are in accordance with the grant application for improvements on Stevens Place.

Mr. Volpe commented they include field work and Mayor Smart noted surveys have to be in place before work can begin.

A discussion was held in connection with getting the merchants involved in this project.

As there was no further business to come before the Council the meeting adjourned at 10:30 PM on motion duly offered, second and carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator

