

170. Regular Meeting of the Mayor and Council of the Borough of Haworth held on July 28, 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

Borough Engineer: Christopher Statile

Mayor Smart called the meeting to order at 8:15 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.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Zoning Board	Annual Report of Variances Heard by the Board	All Council Planning Bd.
Bd. Freeholders	Notice of Introduction of Ordinance to Revise Speed Limit to 30 MPH – Schraalenburgh Rd.	All Council Police Dept.
Mr. & Mrs. L. Kottke	Request for Land Swap – Garfield Street	All Council Boro. Atty.
Mr. W. Zwernemann	Request to Replace Existing Wall-Haworth Av.	All Council

It was noted the request from Mr. and Mrs. Kottke will be referred to the Real Estate Committee for discussion at the first meeting in August.

Overview of Stevens Place Project

Mayor Smart explained this is a pending grant award received by the Borough in connection with the upgrade of the Stevens Place area; the Borough Engineer has been authorized to do a topographic study of the area and his initial design is ready for Council review.

Mr. Statile explained the history of attempts to improve this area dating back to 2003 with a study by a planner including updating of parking, etc. and then in 2013 a grant application was submitted and approved and now a contract needs to be awarded by November 2015. He further explained he has done a topo survey of Stevens Place and St. Nicholas Avenue, a two phase plan for the downtown improvements which was distributed to the Council.

Discussion included the following:

Providing more parking places, rear access to the businesses, budget concerns regarding sidewalks, etc. the need for the preparation of bid specs in order to have a contract for the work by the deadline.

Mayor Smart indicted the downtown merchants/owners should see the plan, the land use boards have an interest as well as the Police Department regarding traffic management and the Parks and Playgrounds Committee should have insight as to aesthetics regarding lighting and planting.

Mr. Volpe said the DPW, Fire Department and Ambulance Corps should be involved as well.

Mayor Smart suggested an ad hoc committee of Messrs. Bain, Rosenberg and Volpe serve in connection with the project.

A motion was offered by Mr. Bain, seconded by Mrs. Groh and unanimously carried to authorize the Borough Engineer to prepare the specifications for Phase One of the Stevens Place project.

COMMITTEE REPORTS

Report of Councilman Weiss

Swim Club

Mr. Weiss said he will be meeting with the pool manager, Mr. Ives for a mid-season report on the Club, a tree behind the snack stand needs to be looked at and with school starting early this year, before Labor Day, it may be necessary to reduce the hours of operations as life guards, etc. will be back in school.

COMMITTEE REPORTS – cont'd.

Report of Councilman Weiss – cont'd.

Board of Health

Mr. Weiss reported this Board did not meet and is working on their Fall newsletter.

Environmental Commission

Mr. Weiss noted the Commission met earlier this evening to discuss an update on their stream cleaning project, a “No Idle” campaign and a possible Fall Clean Up. He said they also discussed a potential permit being required to cut down trees on private property which they will work on with the Shade Tree Commission.

Report of Councilman Bain

Tennis

This committee did not meet.

Library Board

Mr. Bain reported the Board met earlier this month and discussed the completed clean-up from a recent flood and they will rely on new landscaping, etc. instead of the purchase of a sump pump.

Recreation

Mr. Bain reported the Summer program is going well with trips etc. and there are no major issues; the Commission is beginning preparations for Celebrate Haworth Day with the fireworks and rides being donated.

Report of Councilman Rosenberg

Zoning Board

Mr. Rosenberg reported the Board heard two applications which were approved.

Planning Board

Mr. Rosenberg reported an informal work session was held regarding COAH and further discussion will be held at their August meeting.

COMMITTEE REPORTS – cont'd.

Report of Councilman Rosenberg – cont'd.

Police Department

Mr. Rosenberg reported the following: Chief Campbell attended the State Police Chiefs' Training Conference; the Department and members of the Auxiliary were detailed to United Water for the recent Reservoir Challenge and also to assist with the annual Boy Scout fishing contest; Sgt. Saudino was deployed twice as part of the County Swat Team; several traffic stops resulted in arrests for possession of a controlled dangerous substance and 130 summonses were issued last month.

Report of Councilman Poosikian

Shade Tree Commission

The Commission did not meet – the next meeting will be August 4th.

Ambulance Corps

Mr. Poosikian reported the following: the Ambulance Corps responded to 34 calls in June – 23 daytime, 333 miles, man hours on calls 137, man hours duty nights 1080; provided stand-by at the Reservoir Challenge and at the Demarest Triathlon; hosted the dedication of the building addition in appreciation to Mr. Robert Murray who bequeathed a substantial donation for the completion of the addition. The Ambulance Corps is actively attempting to recruit new members and has accepted two high school students as junior members, he said.

Department of Public Works

Mr. Poosikian reported the Department is involved in street sweeping, caring for the ball fields, clearing overgrowth in many areas and assisting Rockland Electric with tree trimming.

Report of Councilman Volpe

Parks and Playgrounds

Mr. Volpe reported the Committee is waiting for the third bid for the signage at the railroad crossing and they have been meeting with playground equipment providers in connection with the replacement of the wood playground structure at Memorial Field and hoping to apply for funding from the County Open Space program.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Groh

Finance

Mrs. Groh reported the tax bills were mailed today, the total tax rate is 2.795, a change of 1.562%, the Haworth School portion went down, the high school is up 3.475% and the County up 5.5%. She further reported meetings are being held with the Bank of New Jersey regarding paying taxes on line.

Mrs. Groh said there were 26 appeals to the County Tax Board – 20 were affirmed and 6 were reduced.

Mrs. Groh noted all members of the governing body have received the 2014 Audit Report.

As to the purging of ordinances Mrs. Groh noted she is waiting for information from the Borough Engineer and the matter will be discussed at the August meeting.

Mrs. Groh further noted prior bills from the BCUA will be paid off and suggested assessing certain users for excess usage.

Grants

Mrs. Groh reported she attended a recent grant meeting at which time discussion was held filing grant applications in a timely manner and the availability of various grants and their sources.

Report of Borough Administrator

Ms. Fay reported the Borough received a notice late today that the Bergen County Open Space Grant for the pavilion and related improvements at Memorial Field has been approved.

Mayor's Report

CSX Railroad

Mayor Smart reported he attended a table top exercise in connection with responding if there is a train accident; CSX is ready with a technical crew to set up a communication center, would pay for lodging, transportation, etc. if needed. The Mayor noted representatives from the Police Department, Fire Department and Ambulance Corps also attended and a response plan is in place. He also discussed with CSX representatives the condition of the two tunnels that go under the tracks and was told they are regularly checked and passed inspections.

Mayor's Report – cont'd.

Land Use Issues

Mayor Smart referred to owners not taking care of their properties, notices of violations are sent and homes in foreclosure are an issue.

Eagle Scout Court of Honor

Mayor Smart said he attended this recent event, it was very impressive and he was proud of the scouting program in town.

UNFINISHED BUSINESS

2015 Road Program Substitutions

Mr. Poosikian noted two areas where catch basins are in need of urgent repair and the ability to substitute other items in the road program.

A motion was offered by Mr. Poosikian, seconded by Mr. Volpe and unanimously carried to amend the scope of work for the 2015 Road Improvement Program to eliminate Contant Avenue and replace it with Herkimer Street paving and include replacement and catch basins at 114 Hendrickson Street and 45 Valley Road.

DPW Staffing

Mr. Poosikian said that after meeting with the DPW Committee they are not yet ready to move on the issue and it will be on the agenda for the first meeting in August.

Authorization to Sign Shared Service Agreement – Dumont Court

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

BE IT RESOLVED the Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Dumont for the use of the Haworth Municipal Court facility.

Waiver of Health Benefits

Mayor Smart explained this matter came up during the recent police negotiations whereby giving an employee the right to waive medical coverage and share the savings with the Borough if they are able to obtain other coverage. Mr. Regan was asked to draft an ordinance to this effect.

NEW BUSINESS

Certification of Annual Audit and Signing of Group Affidavit Form

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

For resolution see Page 182A of permanent minutes.

The Mayor and Council then signed the Group Affidavit Form.

Approval of Raffle Licenses

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth that the On-Premise, 50/50 #RA-430 and On-Premise, Merchandise #RA-431 Raffle Applications of the Womans Club Haworth to be held at 102 Park Street, Haworth on October 24, 2015 be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Refund of Summer Recreation Registration

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

WHEREAS, the Recreation Commission has determined that the following Summer Recreation registration be refunded.

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

<u>Name</u>	<u>Address</u>	<u>Amount</u>
William & Stacey Zwerneman	211 Haworth Avenue Haworth, New Jersey 07641	\$415.00

Approval of Corrective Action Plan – 2014 Audit

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

Approval of Corrective Action Plan – 2014 Audit

BE IT RESOLVED the Mayor and Council hereby approve the attached Corrective Action Plan for Findings for the 2014 Audit Year:

Findings/Condition #1

General ledger account balances were not in agreement with subsidiary ledgers and supporting documentation for the various funds.

Recommendation

Continued efforts be made to ensure the general ledger accounts are reconciled to their respective subsidiary ledgers and supporting documentation on a monthly basis for all funds.

Corrective Action

The CFO will reconcile the subsidiary ledger amounts to the general ledger amounts on a monthly basis. The CFO will contact the auditor for help with any issues as they arise.

Implementation Date – August 1, 2015

Findings/Condition #2

The audit of the bank reconciliations for the various funds revealed that bank reconciliations were not always completed in a timely manner and reconciled items were not properly recorded.

Recommendation

Continued efforts be made to ensure bank reconciliations are completed on a monthly basis and reconciling items are reviewed and verified in a timely manner.

Corrective Action – CFO will bring all bank account reconciliations up-to-date and reconciling items will be identified and corrected monthly. CFO will contact auditor for help with any issues as they arise.

Implementation Date –August 1, 2015

Findings/Condition #3

The audit of the Affordable Housing Reserve Trust Fund found that the administrative expenses paid out of the fund were in excess of the COAH permitted threshold.

Recommendation

The Borough review the administrative expenses charged to the Affordable Housing Reserve Trust Account and develop a plan to address the amount paid in excess of the COAH permitted threshold.

Approval of Corrective Action Plan – 2014 Audit – cont'd.

Corrective Action – The Borough has reinstated the collection of Affordable Housing fees by the building department in 2015. Administrative expenses previously charged will be reviewed. In addition, the vendors to whom administrative expenses have been paid have been notified that the borough may not continue to exceed the COAH permitted threshold. The combination of increased revenue through the collection of fees, along with negotiated lowering of expenses charged by vendors, will help bring the Borough closer to the target percentage of expenses allowed.

Implementation Date – August 1, 2015

Findings/Condition #4

Vendors utilizing outside police duty services are not being charged in accordance with the rates in the adopted ordinance.

Recommendation

Vendors utilizing outside police duty services be charged in accordance with rates in the adopted ordinance, or the ordinance be amended to reflect the rates currently being charged.

Corrective Action – The ordinance concerning police outside duty rates will be amended to state that the rate to be charged will be equivalent to the highest paid officer's overtime rate of pay, plus an administration fee. An annual resolution will be passed to stipulate the actual rate for that year.

Implementation Date – August 1, 2015

Findings/Condition #5

Contract awards through county cooperative purchasing were in excess of the bid threshold.

Recommendation

County cooperative purchasing contract awards in excess of the bid threshold be approved by resolution.

Corrective Action – Any contract awarded through county cooperative purchasing agreements will be approved by resolution by the Mayor and Council.

Implementation Date – August 1, 2015

Approval of Corrective Action Plan – 2014 Audit – cont’d.

Extension of Grace Period for 3rd Quarter Tax Payments

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

WHEREAS, the tape with the certified tax rate for 2015 was received by the Tax Collector on July 23, 2015, and the software uploaded by Edmunds on July 27, 2015, making it necessary to send out tax bills for 3rd & 4th quarters of 2015 and 1st & 2nd quarters of 2016 on July 28, 2015;

WHEREAS, pursuant to N.J.S.A. 54:4-66 et seq., the Tax Collector must allow at least 25 days from the date of mailing tax bills to the date of the first payment due, without interest being charged;

THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby approve the extension of the grace period for tax payments for 3rd Quarter 2015 to August 21, 2015, and that notice of same has been included with every original tax bill mailed or delivered via electronic transmission.

Complete Streets Policy

The following resolution was offered by Mr. Poosikian and seconded by Mr. Volpe:

WHEREAS, the Borough of Haworth is committed to creating a pedestrian and bikeway system that makes walking and cycling a viable alternative to driving, and which improves bicyclist and pedestrian safety, by creating street corridors that safely accommodate all road users of all abilities and disabilities; and

WHEREAS, the New Jersey Department of Transportation’s Complete Streets policy states “A Complete Street is defined as providing safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.”; and

WHEREAS, significant accomplishments have already been achieved by incorporating pedestrian safety and traffic calming measures when public streets are improved; and

WHEREAS, the Borough Council supports this “complete streets” initiative and wishes to reinforce its commitment to creating a comprehensive, integrated, connected street network that safely accommodates all road users of all abilities and disabilities for all trips;

WHEREAS, the New Jersey Department of Transportation has established incentives within the Local Aid Program for municipalities and counties to develop a Complete Streets policy;

Complete Streets Policy – cont'd.

NOW, THEREFORE, LET IT BE RESOLVED that the Borough of Haworth hereby recognizes the importance of creating Complete Streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers, emergency vehicles and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

BE IT FURTHER RESOLVED that the Borough of Haworth affirms that Complete Streets infrastructure addressing the needs of all users should be incorporated into all planning, design, approval, and implementation processes for any construction, reconstruction, or retrofit of streets, bridges, or other portions of the transportation network, including pavement resurfacing, restriping, and signalization operations if the safety and convenience of users can be improved within the scope of the work; however, such infrastructure may be excluded, upon written approval made publically available by the Borough Council with input from the Borough Engineer, where documentation and data indicate that: (1) Use by non-motorized users is prohibited by law; (2) The cost would be excessively disproportionate to the need or probable future use over the long term; (3) Significant adverse environmental impacts outweigh the positive effects of the infrastructure.

BE IT FURTHER RESOLVED that municipal departments and professionals, such as Department of Public Works, municipal planner, engineer and Zoning Officer should review and either revise or develop proposed revisions to all appropriate plans, zoning and subdivision codes, laws, procedures, rules, and regulations, including subsequent updates to the Borough of Haworth Master Plan, to integrate, accommodate, and balance the needs of all users in all projects. Information and education will be provided to the municipal planning and zoning board to enhance understanding and implementation of Complete Streets concepts as part of design and plan review.

On discussion Mr. Poosikian said this seems rather onerous and puts quite a burden on several agencies.

Mr. Smart commented this is to memorialize what the Borough is already doing, however there is a need to understand who is going to be affected and suggested tabling the resolution and send it to other affected groups for their opinion.

A motion was then offered by Mr. Poosikian, seconded by Mr. Bain and unanimously carried to table the resolution.

Payment of Bills

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

Payment of Bills – cont'd.

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES
PAGES 182B – 182P

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

Approval of Minutes

A motion was offered by Mr. Poosikian, seconded by Mr. Weiss and unanimously carried to accept the minutes of the Executive Meeting of June 9, 2015.

In consideration of the June 23rd minutes, Mrs. Groh submitted the following corrections:

Page 156 – “Recycling”. Replace “grant” with “report”; “concerns” should read “concerns of the Recycling Coordinator” and add “recycling numbers are being reported higher with the new collection firm.”

Page 160 – “Renewal of 2015-16 Liquor Licenses”. Replace “Mrs. Groh suggested increasing the fees for next year” with “consider increasing fees.”

A motion was offered by Mr. Bain, seconded by Mr. Volpe and unanimously carried to accept the minutes of the regular meeting of June 23, 2015 as amended.

2015 Open Space Application

Discussion was held regarding the submission of the next application, particularly the replacement of the Creative Playground at Memorial Field. This will be discussed further at the August meeting.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. C. Soroka-Dunn, Whitman Street expressed the following concerns she had:

Downtown Project – should residents be notified and have input.

Enforcement of speed limits for CSX freight trains.

Dumont Court – does this bring more people into town.

Open Meeting to Public – cont'd.

Mr. W. Zwernemann, 211 Haworth Ave. referred to his correspondence regarding the replacement of a retaining wall in front of his property.

Mayor Smart responded the matter will be reviewed with the Borough Attorney and Building Inspector.

Since the wall involves Borough property it was suggested by Mr. Regan to have the Borough Engineer review the area and then the possible drawing of an indemnification and/or a hold harmless agreement.

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. Bain and unanimously carried at 10:40 PM:

WHEREAS, *N.J.S.A. 10:4-12B* permits a public body to exclude the public from the portion of a meeting at which certain items are discussed; and

WHEREAS, the Governing Body deems it necessary to conduct a closed session and to exclude the public on July 28, 2015 at which time the following item will be discussed:

Department of Public Works Personnel

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 11:00 PM and as there was no further business to come before the Council adjourned on motion duly offered, seconded and carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator

