

192. Regular Meeting of the Mayor and Council  
of the Borough of Haworth held on August  
25, 2015 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian  
Mary Anne Groh  
Anthony Volpe  
Michael Bain  
Lawrence Weiss

Borough Attorney: Robert T. Regan

Mayor Smart called the meeting to order at 8:05 PM and upon roll call all members of the Council were present, with the exception of Mr. Rosenberg. 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. 15-11 – Amendment to Police Hours of Duty and Rates of Compensation For  
Outside Police Work

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A motion was offered by Mrs. Groh, seconded by Mr. Volpe and unanimously carried that Ordinance No. 15-11 be offered for second reading.

Ordinance No. 15-11 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 15-11 – Amendment to Police Hours of Duty and Rates of Compensation For  
Outside Police Work – cont'd.

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The meeting was opened to the public on Ordinance No. 15-11. As there were no comments the meeting was closed to the public on this ordinance.

A motion was offered by Mrs. Groh and seconded by Mr. Volpe that Ordinance No. 15-11 be passed on second and final reading.

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

Ordinance No. 15-11 – Amendment to Police Hours of Duty and Rates of Compensation For Outside Police Work – cont’d.

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A motion was offered by Mr. Weiss, seconded by Mr. Bain and unanimously carried that the passage of Ordinance No. 15-11 be advertised as required by law.

Correspondence

| <u>Letter From</u>    | <u>Subject</u>  | <u>Referred to</u>          |
|-----------------------|---|-----------------------------|
| BC Bd. of Freeholders | Notice of Adoption of Ordinance Establishing Revision of Speed Limit to 30 mph-Schraalenburgh Rd. | All Council<br>Police Dept. |
| NJ DOT                | Explanation of 2016 State Aid Programs  | All Council                 |

Mayor Smart noted the 30 MPH signs will be going up soon and, in response to Mrs. Groh, he said Bergen County pays for same.

COMMITTEE REPORTS

Report of Councilman Weiss

Environmental Commission

Mr. Weiss noted the Commission did not meet this month; however, issues they are discussing and working on are a “No Idle” campaign stressing the dangers of exhaust fumes, a mailer, information on what should and should not be recycled, a stream cleaning project and working with town and council in preserving trees.

Board of Health

Mr. Weiss reported this Board’s newsletter is about to be mailed out. Programs include the flu clinic and fall fitness fair on October 3<sup>rd</sup>, 9 – 11 and on October 6<sup>th</sup>, November 3, and 10<sup>th</sup> “Taking Control of Your Health”, both at the library.

Swim Club

Mr. Weiss said because school starts before Labor Day this year, the club will be closed Wednesday and Thursday but will be open Labor Day weekend. Emails will be sent out to all members.

COMMITTEE REPORTS – cont'd.

Report of Councilman Bain

Library Board

Mr. Bain reported the Board had no meeting this month.

Recreation

Mr. Bain reported the Summer camp program finished to generally favorable reviews. He will be meeting with Ms. Wheeler for the final numbers.

Mr. Bain said applications have started coming back from vendors for Celebrate Haworth Day, received sponsors for the amusement rides and fireworks. Also, Mr. Bain reported the Commission will be having a photo booth, Dancing in the Streets with a dance instructor.

There was a discussion on the timely preparation of requisitions. Mrs. Groh said purchase orders are being done after the fact which is a big problem this year. She asked Mr. Bain if evaluations are done and noted the seriousness of the situation. Mr. Bain said the Recreation Commission is comprised of all volunteers who cannot get to the purchase orders when the offices are closed. He will speak to be the people responsible and make sure they know requisitions need to be prepared in advance. There was further discussion about the Recreation Commission's budget. Mr. Bain also noted any vendor doing business with the town has to be a registered business.

Report of Councilman Poosikian

Shade Tree Commission

Mr. Poosikian reported the Commission met this month. Two items were discussed, one being the improper or unapproved removal of two town trees. He noted there hasn't been a decision made regarding enforcement. The second item was the Shade Tree's budget, Mr. Poosikian said. There were a large number of emergency trees removed to date this year which has affected the budget. Mr. Poosikian complimented Mrs. Celotto for being the eyes and ears of the Shade Tree Commission, dealing with the residents, emailing members of the Shade Tree, etc.

Department of Public Works

Mr. Poosikian reported the street sweeper is being serviced. The Department was involved in setting up and breaking down the stage for Midsummer Night Jam, cleared fence growth at the tennis courts, repaired equipment at the Park Street Playground, cared for

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian – cont'd.

Department of Public Works – cont'd.

Memorial Field, completed the Right To Know survey, picked up supplies from the summer recreation camp, and began painting the cross walks and stop bars at the school.

Ambulance Corps

Mr. Poosikian reported the following: the Ambulance Corps responded to 28 calls in July – 18 daytime, 9 night, 342 miles, two were motor vehicle accidents, 90 man hours on call, man hours duty nights 1116 hours; had CPR training, welcomed two new junior members who will register for EMT classes in September.

Mr. Poosikian noted members of the Ambulance Corps were with members of the Police Department who administered CPA and Narcan to a patient who was not breathing. He said they have noticed a large increase in drug overdoses in this area and it is a growing concern.

Mr. Volpe referred back to Mr. Poosikian's comment regarding the improper removal of town trees. Mr. Poosikian replied there was a question about who would be the signing party to the complaint. Mr. Regan said it is governed by ordinance. There was further discussion on this topic concerning proper authority since members of the Shade Tree Commission are not employees.

Mrs. Groh commented on the difficult task for the Shade Tree Commission to be responsible for identifying trees which need attention and how many of them are not addressed until after the Winter Tree Program is already in place. She asked if the Commission needs more help and what can be done. Mr. Poosikian explained how the Commission comes up with the trees that are added to the Program. He also said it was previously discussed having a contractor come into the Borough once a month to do tree work but this was never resolved. Mrs. Groh also discussed perhaps training someone, maybe from the DPW, to do the work. Mr. Poosikian explained a lot of equipment is needed and it would have to be discussed with our insurance company. Mrs. Groh then suggested maybe using shared services with towns that have their own employees doing the tree work.

Report of Councilman Volpe

Parks and Playgrounds

Mr. Volpe reported the Committee did not have a quorum for a meeting this month.

COMMITTEE REPORTS – cont'd.

Report of Councilman Volpe – cont'd.

Fire Department

Mr. Volpe reported the Fire Department had six outside fire alarms, 9 mutual aid into Demarest, 1 hazardous condition totaling 16 calls with a total of 121 calls so far this year. They had a work night on July 1<sup>st</sup>, training night on July 8<sup>th</sup> and a drill on July 29<sup>th</sup>.

A lot of events are coming up in September, Mr. Volpe said, Haworth Day, Andiamo Run, 5K Run, as well as work nights and training nights.

They had a mutual aid where Demarest and Haworth both responded. Mr. Volpe reported Demarest does not require their DPW employees to join the Fire Department and he requested if Mayor Smart could look into that for him.

Mr. Poosikian commented his son, along with 3 others, are available full time during the summer. He said sometimes there are not enough members to fill the truck. Demarest will come with a full truck and will take the call. He knows two of our boys joined Demarest.

Report of Councilwoman Groh

Finance

Mrs. Groh reported most of the finance work is the subject of the closed session.

Seniors

Mrs. Groh reported the seniors are meeting in October.

Report of Deputy Borough Clerk

Mrs. Celotto handed out updated pages for town ordinance books to Mr. Regan and Mr. Volpe.

Mayor's Report

CSX Railroad

Mayor Smart, in response to reports of “grumpy old men hanging out in tunnels”, contacted CSX and was assured the tunnels are inspected but CSX would not share their report. He will be looking into this further.

Mayor's Report – cont'd.

CSX Railroad – cont'd.

Mayor Smart commented CSX has wonderful plans for once a tragedy occurs but feels all resources available and safety standards should be used to prevent a disaster. Mayor Smart received a call from Congressman Garrett on this matter and is meeting with Senator Booker tomorrow.

Safe Wise – Safe Cities

Mayor Smart referred to organizations that rate the cities and towns in New Jersey. Most of them eliminate towns with less than 5,000 people. An organization called [neighborhoodscout.com](http://neighborhoodscout.com), however, does include them and considers Haworth the third safest town in New Jersey.

Police Body Cameras

There has been increased interest in the use of body cameras for the police, Mayor Smart reported. He has spoken to Chief Campbell and others and feels we do not have to address this matter at this time. If an officer has to investigate an incident, it is being filmed, the Mayor said, there is a lack of privacy, to the point of too much transparency, the question of OPRA requests and other things involved. Mayor Smart thinks we have very well trained police officers.

Noise Complaints

Mayor Smart reported one of the subjects of telephone calls he receives from residents is noise complaints, i.e. train horns, emergency sirens, neighborhood parties. Residents are asking how Haworth regulates noise. Clarifying Haworth's ordinances was discussed.

Mr. Regan commented one problem in enforcing a noise ordinance in most towns is they do not have the equipment to measure the decibels. There was further discussion on noise.

UNFINISHED BUSINESS

DPW Staffing

Mr. Poosikian said there are still unanswered questions on the issue and it will be on the agenda for the first meeting in September.

NEW BUSINESS

Public Hearing on Open Space Application – Rehabilitation Memorial Field Playground

The meeting was opened to the period of public discussion for comments on the request to obtain a grant from the Bergen County Trust Fund for rehabilitation of Memorial Field Playground. As there were no comments, the meeting was closed to public discussion.

Mr. Poosikian commented he was not part of the process and inquired about the Swim Club deck in this application. Mr. Weiss explained they had wanted to include the bathrooms and resurfacing the back pool deck but the deadline is September 3<sup>rd</sup> and it was not enough time so they went with the refurbishment of the playground. Mr. Volpe explained estimates were obtained and they were too high for Parks and Playground and this way they also got to include new fencing. He also said there was no proposal for Mr. Poosikian to look at.

There were concerns by the Council whether we should do all that work.

Authorization to Submit Open Space Application – Rehabilitation of Playground

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

WHEREAS, The Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Haworth desires to further the public interest by obtaining a matching grant of \$50,000.00 from the County Trust Fund to fund the following project: Rehabilitation of Memorial Field Playground; and,

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body received public comments on the proposed park improvements in the application on August 25, 2015; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into agreement with the

Authorization to Submit Open Space Application – Rehabilitation of Playground – cont’d.

County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Haworth:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 3, 2015, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Haworth has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough of Haworth is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough of Haworth agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Establish Rates of Compensation Police Outside Employment & Admin. Rates

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

WHEREAS, Ordinance No. 15-11, Section 2-30.11 d provides that an annual resolution be adopted to establish the rates of compensation for outside employment of off-duty law enforcement officers and administrative fees.

NOW THEREFORE BE IT RESOLVED that rates of compensation to the Borough of Haworth from the vendor for outside employment of off-duty law enforcement officers and administrative fees for the year 2015 are as follows:

|                          |                       |
|--------------------------|-----------------------|
| Law Enforcement Officers | \$110.00 per hour     |
| Administrative Fee       | Ten percent (10%)     |
| Vehicle Fee              | Fifteen percent (15%) |

Establish Rates of Compensation Police Outside Employment & Admin. Rates – cont’d.

On discussion, Mr. Poosikian questioned where this money is used. Mrs. Groh said it goes into unanticipated revenues and into the budget for next year.

On voice vote all members voted in the affirmative. Declared carried.

Request Approval of Item of Revenue – NJOEM Grant-\$75,000

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

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

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

WHEREAS, the Borough of Haworth is to receive the sum of \$ 75,000. in accordance with the provisions of the New Jersey Office of Emergency Management (NJOEM) Hazard Mitigation Grant Program (HMGP) for the year 2015, and;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Haworth, in the County of Bergen, New Jersey, does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of additional revenue in the budget of the year 2015 in the sum of \$75,000., for the New Jersey Office of Emergency Management (NJOEM) Hazard Mitigation Grant Program (HMGP), which item is now available as a revenue from the New Jersey Office of Emergency Management in the amount of \$75,000.;

BE IT FURTHER RESOLVED, that the additional sum of \$75,000. is hereby appropriated as follows:

| <u>Appropriation</u>                           | <u>Amount</u> |
|--|---------------|
| Operations - Excluded from Caps                |               |
| Public and Private Programs Offset by Revenues |               |
| NJOEM Hazard Mitigation Grant Program          |               |
| Other Expenses                                 | \$75,000.     |

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

On discussion, Mrs. Groh wanted an explanation of what this grant is for. Mayor Smart explained part of this grant will cover a generator at the DPW building and other emergencies as

Request Approval of Item of Revenue – NJOEM Grant-\$75,000 – cont'd.

they arise. Mr. Poosikian asked what restrictions are associated with this. Last year we got \$75,000. for costs that we put out for storms. Mrs. Groh said it is like a line of credit.

On voice vote all members voted in the affirmative. Declared carried.

Introduction of Ordinance No. 15-12 – Police Salary Ordinance 2015-2017

A motion was offered by Mrs. Groh, seconded by Mr. Volpe and unanimously carried that Ordinance No. 15-12 be offered for first reading.

Ordinance No. 15-12 was then read by title only as follows:

**AN ORDINANCE TO PROVIDE AND ESTABLISH THE RATE OF  
COMPENSATION, BENEFITS AND WORKING  
CONDITIONS FOR OFFICERS OF THE POLICE DEPARTMENT  
IN THE BOROUGH OF HAWORTH**

A motion was offered by Mrs. Groh and seconded by Mr. Volpe that Ordinance No. 15-12 be passed on first reading.

On discussion, Mrs. Groh wanted to make sure the dollar amounts on the ordinance were checked. Mayor Smart assured her they were.

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

A motion was offered by Mr. Poosikian, seconded by Mr. Volpe and unanimously carried that Ordinance No. 15-12 be advertised as required by law and a date set for public hearing on September 8, 2015 at 8:00 PM at the Municipal Center.

Introduction of Ordinance No. 15-13 – Refunding Bond Ordinance

A motion was offered by Mrs. Groh, seconded by Mr. Weiss and unanimously carried that Ordinance No. 15-13 be offered for first reading.

Ordinance No. 15-13 was then read by title only as follows:

**REFUNDING BOND ORDINANCE AUTHORIZING THE  
ISSUANCE OF NOT TO EXCEED \$600,000 AGGREGATE  
PRINCIPAL AMOUNT OF REFUNDING BONDS OR BOND  
ANTICIPATION NOTES BY THE BOROUGH OF HAWORTH,  
IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY,  
FOR THE PURPOSE OF PAYING AMOUNTS OWING TO A TAXPAYER  
FOR TAXES LEVIED IN THE BOROUGH AND APPROPRIATING  
THE PROCEEDS OF SUCH REFUNDING BONDS OR BOND  
ANTICIPATION NOTES TO SUCH PURPOSE**

Introduction of Ordinance No. 15-13 – Refunding Bond Ordinance – cont'd.

A motion was offered by Mrs. Groh, with a correction in the Ordinance document to state Haworth Country Club instead of Haworth County Club, and seconded by Mr. Weiss that Ordinance No. 15-13 be passed on first reading.

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

A motion was offered by Mrs. Groh, seconded by Mr. Weiss and unanimously carried that Ordinance No. 15-13 be advertised as required by law and a date set for public hearing on September 22, 2015 at 8:00 PM at the Municipal Center.

Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 204A – 204O

On discussion, Mr. Weiss wanted an explanation of the amount being paid Arrow Tree Service, which Mr. Poosikian explained was the Winter Tree Program contract and for one emergency tree.

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

Approval of Minutes

A motion was offered by Mr. Volpe and seconded by Mr. Bain to accept the minutes of the Executive Meeting of July 14, 2015. All in favor with the exception of Mrs. Groh who abstained.

In consideration of the July 28<sup>th</sup> minutes, Mr. Poosikian submitted the following correction:

Page 175 – 2015 Road Program Substitutions – in second paragraph, replace Hendrickson Street with Herkimer Street.

A motion was offered by Mrs. Groh, seconded by Mr. Volpe and unanimously carried to accept the minutes of the regular meeting of July 28, 2015 as amended.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Open Meeting to Public – cont'd.

Mr. Chval commented he was disappointed to see no one from the public at this meeting. He applauded Mayor Smart for his effort with CSX and asked Mrs. Groh why she voted against the settlement with the Haworth Country Club but approved the bonding. Mrs. Groh replied she did not agree with the fall back plan.

Close Meeting to Public

The following resolution was offered by Mrs. Groh, seconded by Mr. Poosikian and unanimously carried at 9:15 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 August 25, 2015 at which time the following item will be discussed:

Anticipated litigation

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

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Margaret Celotto, RMC  
Deputy Clerk

















204I. Regular Meeting of August 25, 2015











