

173. Regular Meeting of the Mayor and Council of the Borough of Haworth held on August 23, 2016 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian
Andrew Rosenberg
Anthony Volpe
Michael Bain (by speaker phone)
Lawrence Weiss
Regina Duffy

Borough Attorney: Robert T. Regan

Mayor Smart called the meeting to order at 7:30 PM and upon roll call all members of the Council were present with Mr. Bain participating on speaker phone. 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>to</u>	<u>Subject</u>	<u>Referred</u>
NJDOT	Notice that Applications are Being Accepted for 2016 Transportation Alternatives Program	All Council
Mr. C. Statile Council	Forwarding Notice of Intent to Apply to Open Space for Improvements to Terrace St. Park	All
Mr. & Mrs. J. Panzella	Request to Vacate Paper Street (Harland Pl.)	All Council Boro. Atty.

Mayor Smart suggested the request from Mr. and Mrs. Panzella be referred to the Real Estate Committee.

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Correspondence – cont'd.

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Mr. Volpe referred to the Transportation Alternatives Program which could be considered for streetscaping on Terrace Street and Stevens Place. Mayor Smart said he would talk to the Borough Engineer regarding this program, noting this is a federal program.

Committee Reports

Report of Councilman Weiss

Environmental Commission

The Commission did not meet.

Finance

Mr. Weiss noted a budget summary year to date has been prepared by the CFO and copies placed in all councilmember's boxes.

Swim Club

Mr. Weiss reported there were 308 memberships this season, guest fees received are similar to last year, repairs included a new roof at the pump house, new steps at the front building and the water tank replaced. He said next season focus will be on a new deck for the back pool due to safety issues, etc.

Report of Councilman Bain

Library

Mr. Bain reported the Board met with three candidates for the director position, will have a second round of interviews and all candidates are highly qualified.

Recreation

Mr. Bain noted the Midsummer Night Jam held this past week-end was very well attended raising money for the Recreation Trust Fund.

Report of Councilman Rosenberg

Planning Board

The Board did not meet.

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Committee Reports – cont'd.

Report of Councilman Rosenberg – cont'd.

Zoning Board of Adjustment

Mr. Rosenberg reported the Board began hearing the St. Gabriel Church application which will be continued at their meeting scheduled for September 14th.

Police Department

Mr. Rosenberg reported the Department will be participating in several Fall events including Haworth Day, the Andiamo Motorcycle Run, the 5-K Run and the state wide crackdown on drunk driving incidents. He also noted they responded to two missing person

including Haworth Day, the Andiamo Motorcycle Run, the 5-K Run and the state wide crackdown on drunk driving incidents. He also noted they responded to two missing person reports which were successfully resolved and 89 summonses were issued last month.

Report of Councilman Poosikian

Ambulance Corps

Mr. Poosikian reported the Ambulance Corps responded to 24 calls, 20 daytime, 255 miles, man hours on call 70, man hours on calls year to date 684. He noted some staffing issues in connection with the State recommending two EMT's on every call and for July for 7 calls there was only one EMT available; Demarest provided mutual aid due to a dispatch problem at the Mahwah Communications Center and Northvale provided mutual aid when the Haworth crew was on a call and a second call was dispatched and the Ambulance Corps provided fire standby to the Dumont Fire Department for a working structure fire.

Shade Tree Commission

Mr. Poosikian reported that although there was no meeting, complaints are being responded to via e-mail.

Report of Councilman Volpe

Parks and Playgrounds

The Committee did not meet.

Department of Public Works

Mr. Volpe reported field treatments are ongoing, bid specs for the composting site are being prepared, the new street signs are all installed and the Department assisted with the Midsummer Night Jam. He noted the County will be in to take care of work on Haworth Avenue and Haworth Drive due to a wash out within 60 days and the Madison Avenue culvert will be replaced early next year.

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Committee Reports – cont'd.

Report of Councilman Volpe – cont'd.

Department of Public Works – cont'd.

Mr. Volpe further reported the Peace Garden at the Borough Hall is being cleaned, the Clean Air Certificate has been received from the State, thanked Mr. Reithmayr for treating the tennis courts and Suez is clearing their area on Lake Shore Drive.

Mr. Volpe noted the interview process has been completed, 12 people applied, the Superintendent and Foreman interviewed five and recommended three applicants be interviewed by the DPW Committee which took place last evening.

Mr. Poosikian referred to the use of the fields by Bergen Catholic.

Mr. Volpe responded it worked out very well, they cleaned the fields after using them and paid the Borough for the use of the fields.

Report of Councilwoman Duffy

Fire Department

Fire Department

Mrs. Duffy reported total calls were 17 last month and total calls year to date are 111; the Department trained at the Fire Academy in the Flashover Simulator and did annual bailout training and recertification; the ladder truck has been repaired and four of the younger senior members started Firefighter Class at the Academy.

Tennis

Mrs. Duffy reported the courts look great, thanked Mr. Reithmayr for his assistance, the high school tennis team was able to use the courts for a tournament for which they were very grateful and the benches have been installed.

Board of Health and Seniors

These two groups did not meet.

UNFINISHED BUSINESS

Generator Bid

Mayor Smart explained the Borough was awarded a \$75,000. grant from FEMA for a generator at the DPW and the generator had to be changed to diesel fuel which was an additional 177. Regular Meeting of August 23, 2016

UNFINISHED BUSINESS – cont'd.

Generator Bid – cont'd.

\$10,000. cost; the bids have been received and it is being determined if funds from capital reserves are available for the extra cost. It was concurred to wait to the next meeting to award a contract.

Ordinance No. 16-06 – Storage of Boats

Mayor Smart noted this ordinance was tabled at the last meeting and questioned a way to go forward. He said he has reviewed all the comments, etc. regarding the ordinance, i.e., no boats stored outside, allowing boats stored under certain conditions, consideration of power source, size of boat, storing in front yard, side yard, back yard with a significant front yard issue, stored by screening or natural vegetation, boats repaired or in disrepair, owner of boat had to be owner of the property where the boat is stored, all trailers prohibited, etc.

Mr. Rosenberg commented that the council has to start anew with the ordinance regarding significant changes being discussed.

Mr. Poosikian noted residents' comments on his face book page where he received 44 comments, though not representative of the town, indicated the majority of 45% supported the ordinance and 40% said no ban. He suggested banning large boat storage, noted the size of kayaks and canoes, discussed the size of boats with proper blocking and further suggested going back to the original draft of the ordinance.

Mr. Rosenberg referred to comments he has received as to types of boats "yacht like", power boats and some sense of limitation. Also, he said use of one's property is also involved in this matter.

Mr. Volpe, referring to the trailer part of the ordinance said consideration should be given to trailers for motorcycles, snowmobiles, etc. and how to handle the storage of the Fire Department boat.

to trailers for motorcycles, snowmobiles, etc. and how to handle the storage of the Fire Department boat.

Mayor Smart referred to the original draft of this ordinance and asked it be circulated back to the Council.

Mrs. Duffy suggested a committee of boat owners to look at this situation.

Mr. Weiss commented that public comments are welcomed at council meetings.

Mr. Poosikian said there will be comments with the newly drafted ordinance and questioned if this is really about one boat parked in town, the matter was brought to the council's attention, regulations may be needed and everyone's rights have to be considered.

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UNFINISHED BUSINESS – cont'd.

Ordinance No. 16-06 – Storage of Boats – cont'd.

Mr. Bain commented that it is more of a civil liberties issue and the Council should proceed cautiously.

Mayor Smart noted going back to the original draft would be a good starting point and all agreed.

Development Fees

Mayor Smart noted the Borough is now collecting one half percent on new residential construction and can go to 1-1/2 percent which would require a new ordinance.

Mr. Regan commented it is now necessary to ask the court to approve such an ordinance, suggested a draft form and ask the court to approve.

It was concurred to increase the development fee to 1-1/2 percent.

Fence Ordinance

Mayor Smart referred to prior discussions on a new fence ordinance, i.e., excluding temporary chicken wire fencing around small gardens.

Mr. Volpe questioned the definition of front yard relating to fences which Mr. Rosenberg said is being clarified.

Mr. Volpe then referred to properties where two fences are put up and the question of who maintains the area between those fences, noting this is an issue between the St. Gabriel's Church and the neighbor.

Mayor Smart said the church has indicated they would maintain that area.

NEW BUSINESS

Refund of Escrow Deposit

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

NEW BUSINESS – cont’d.

Refund of Escrow Deposit – cont’d.

WHEREAS, the following escrow account was established with a deposit to offset expenses; and

WHEREAS, the following amount was expended.

NOW THEREFORE BE IT RESOLVED that the following refund be made:

<u>NAME</u>				<u>AND</u>
<u>ADDRESS</u>	<u>FOR</u>	<u>RECEIVED</u>	<u>EXPENDED</u>	<u>REFUND</u>
<u>ED</u>				
George Cabourg Escrow 162 Haworth Drive Block 600, Lot 26	Engineering \$1,000.00	\$100.00	\$900.00	

Endorsement Pascack Valley Meals on Wheels

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

WHEREAS, a Bergen County Community Development Grant of \$15,000 for the Northern Valley Region has been proposed by Pascack Valley Meals on Wheels for meal delivery to shut ins in the municipality of Haworth.

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the Northern Valley Regions, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Haworth hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Support “Drive Sober or Get Pulled Over”

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

WHEREAS, approximately one-third of all fatal traffic crashes in the United States

unanimously carried:

WHEREAS, approximately one third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 billion dollars a year; and

WHEREAS, 27 percent of motor vehicle fatalities in New Jersey (the last year for which complete data is available) were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Haworth declares its support for the *Drive Sober or Get Pulled over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.

Approval of Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST
SEE PERMANENT MINUTES

PAGES 183A – 183L

181. Regular Meeting of August 23, 2016

Approval of Minutes

A motion was offered by Mr. Poosikian, seconded by Mr. Rosenberg and unanimously carried to accept the minutes of the Executive Meeting of July 12, the Closed Meeting of July 12, the Regular Meeting of July 26 and the Closed Meeting of July 26, 2016.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. B. Colonna, West View Terrace referred to the earlier discussion this evening regarding communications with the Ambulance Corps.

Mr. Poosikian responded there are three ways to notify members – pager, active 911 and the horn, said there has been a breakdown with the electronics and noted the need for repetitive notification systems. He said sometimes there is a physical problem at the communications

Mr. Pooskian responded there are three ways to notify members – pager, active 911 and the horn, said there has been a breakdown with the electronics and noted the need for repetitive notification systems. He said sometimes there is a physical problem at the communications system in Mahwah, however most is an electronic problem.

Ms. Colonna then referred to the earlier discussion regarding the storage of boats and the ordinance could prohibit the storage on set-asides. She said she felt boats are not an issue and there is no need for an ordinance to regulate them. She then referred to the time between introduction and public hearing on ordinances.

Mr. Volpe commented this ordinance was not being considered for just one boat.

Mr. J. Ryan, Hardenburgh Avenue said he had filed an OPRA Request, received the documents he had requested and this issue is all about one boat according to the records he received. He said the Mayor and Council should not do anything with an ordinance and suggested mediating the dispute.

Mayor Smart responded that a number of verbal complaints about boats have been received and there have been attempts to resolve this situation.

Ms. B. Borghi, St. Nicholas Avenue questioned if a store owner downtown obtained a permit to replace his sidewalk and asked if the Borough requires what type of sidewalk is being installed.

Mayor Smart responded if a sidewalk is just being replaced no permit is required.

Ms. Borghi then questioned continuity regarding the type of sidewalks in the downtown area.

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Open Meeting to Public – cont'd.

Mr. Volpe replied if the Borough should obtain a grant for streetscapes in the downtown area, the Borough would be replacing the sidewalks and the owners would have to maintain them.

Mr. Ryan asked if there were any boat owners on the Council. The answer was, no.

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

Close Meeting to Public

The following resolution was offered at 9:00 PM by Mr. Rosenberg, seconded by Mr. Volpe and unanimously carried:

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 23, 2016 at which time the following items will be discussed:

Declaratory Judgment Mediation- Affordable Housing
Personnel Matter - DPW

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 items will be discussed; and

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 items 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.

Re-Open Meeting to Public

The meeting was reopened to the public at 10:15 PM.

Appointment to the Department of Public Works

A motion was offered by Mr. Volpe, seconded by Mrs. Duffy and unanimously carried to appoint Jack W. Polan Driver-Laborer for the Department of Public Works as a probationary employee on condition of his successfully completing physical and psychological examinations and his acknowledgement of receipt of the current Department of Public Works Agreement.

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As there was no further business to come before the Council the meeting adjourned at 10:20 PM on motion duly offered, seconded and carried.

Ann E. Fay, RMC, CMC
Clerk-Administrator

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- 183B. Regular Meeting of August 23, 2016
- 183C. Regular Meeting of August 23, 2016
- 183D. Regular Meeting of August 23, 2016
- 183E. Regular Meeting of August 23, 2016
- 183F. Regular Meeting of August 23, 2016
- 183G. Regular Meeting of August 23, 2016
- 183H. Regular Meeting of August 23, 2016
- 183I. Regular Meeting of August 23, 2016
- 183J. Regular Meeting of August 23, 2016
- 183K. Regular Meeting of August 23, 2016
- 183L. Regular Meeting of August 23, 2016

