

195. Regular Meeting of the Mayor and Council  
of the Borough of Haworth held on  
September 27, 2016 at the Municipal Center

Present: Hon. John W. Smart, Mayor

Councilmembers: Glenn Poosikian  
Andrew Rosenberg  
Anthony Volpe  
Michael Bain  
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. The Mayor then read the following statement: “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. 16-07 – Increase in Dog Licensing Fees – 2<sup>nd</sup> Reading, Public Hearing

A motion was offered by Mr. Weiss, seconded by Mrs. Duffy and unanimously carried that Ordinance No. 16-07 be offered for second reading.

Ordinance No. 16-07 which is as follows was then read by title only as copies had been provided for those present:

Ordinance No. 16-07 – Increase in Dog Licensing Fees – 2<sup>nd</sup> Reading, Public Hearing – cont’d.

The meeting was opened to the public on Ordinance No. 16-07. As there were no comments the meeting was closed to the public on this ordinance,

A motion was offered by Mr. Poosikian and seconded by Mr. Rosenberg that Ordinance No. 16-07 be passed on second and final reading.

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

A motion was offered by Mr. Weiss, seconded by Mr. Rosenberg and unanimously carried that the passage of Ordinance No. 16-07 be advertised as required by law.

Correspondence

<u>Letter From</u>	<u>Subject</u>	<u>Referred to</u>
Mr. & Mrs. A. Anderson	Comments on Boat Storage Ordinance	All Council

COMMITTEE REPORTS

Report of Councilman Weiss

Environmental Commission

Mr. Weiss reported the Commission met on August 30; Mrs. Bany has resigned as a member since she is moving out of town; Mr. Allegro, chairman of the Shade Tree Commission was present for a joint discussion regarding the Borough’s tree canopy and how to protect and preserve it which will be relayed to residents.

Swim Club

Mr. Weiss noted considerations for next year include replacement of the deck at the back pool and the ADA bathroom renovation.

Report of Councilman Bain

Library

Mr. Bain reported on the appointment of the new Library Director, Shinae Hyun, effective October 17, she has great ideas and the Board is looking forward to her arrival, he said. Also, Mr. Bain noted the Board has a new treasurer, Mr. C. Stratton.

COMMITTEE REPORTS – cont'd.

Report of Councilman Bain – cont'd.

Recreation

Mr. Bain reported Celebrate Haworth Day was a success and the Commission will be meeting to perhaps revamp the date for this event; the fireworks that evening were excellent and he commended Fire Chief Green for stopping the display until people were removed from the danger zone.

Mr. Bain noted a meeting was held with Ms. Lamond, the director of the Summer Recreation Program to review the program and suggestions for next year.

Report of Councilman Rosenberg

Planning Board

Mr. Rosenberg noted the Board's September meeting was canceled.

Zoning Board of Adjustment

Mr. Rosenberg reported the Board's October meeting has been rescheduled to October 5<sup>th</sup> at which time the St. Gabriel Church application will be continued.

Police Department

Mr. Rosenberg noted the Department assisted in many events in September without incident, 138 summonses were issued last month, they participated in the "Drive Sober or be Pulled Over" grant program and as a result of several traffic stops controlled substances were discovered and arrests made.

Mr. Poosikian commented it was nice to see the police log in the newspaper.

Report of Councilman Poosikian

Shade Tree Commission

Mr. Poosikian said the Commission met and reviewed a large list of complaints regarding Borough trees, they are working on the Winter Tree Program and a limited Fall Planting is being considered.

COMMITTEE REPORTS – cont'd.

Report of Councilman Poosikian – cont'd.

Ambulance Corps

Mr. Poosikian reported the Ambulance Corps responded to 23 calls last month, 19 daytime, 255 miles, 73 man hours on calls and 757 man hours on calls year to date. He noted for three calls last month there was only one EMT available to provide patient care

Report of Councilman Volpe

Parks and Playgrounds

Mr. Volpe said this Committee is meeting this week to focus on the downtown sign project.

Department of Public Works

Mr. Volpe reported the chipper is put out of service for maintenance; the Department assisted with preparations for the several September town events filling potholes on the race course and placing mulch in visible areas on the route. He said the County has informed the Borough they will not be repairing the culvert on Madison Avenue as it is the Borough's responsibility; the improvements at the baseball building will start in the second or third week in October; the pond is at a low level and vegetation at the banks is being treated.

Mr. Volpe further reported line striping paint has been received from the County at no charge to the Borough; the Stevens Place striping is now complete and the Clean Communities contact is now Superintendent Kelly as a result of Mr. Radburn's resignation.

Mr. Volpe said the Borough is renewing its sewer cleaning project with the Utilities Authority; the new employee at the DPW hired to replace Mr. Radburn is working well and the Department is preparing for the leaf season.

In connection with the Stevens Place project, Mayor Smart noted there was an advance of \$105,000 from the NJDOT to the Borough for this project and the remaining funds for this grant are on hold until the Transportation funding issue is resolved.

COMMITTEE REPORTS – cont'd.

Report of Councilwoman Duffy

Seniors

Mrs. Duffy reported the Octoberfest will be held on October 18<sup>th</sup>; the November meeting will be held on the 15<sup>th</sup> at the Haworth Golf Club and the December meeting on December 13 with the location to be announced.

Board of Health

Mrs. Duffy noted the Health Fair and Flu Clinic will be held at the library on October 8<sup>th</sup> from 9 to 11 AM.

Tennis

Mrs. Duffy reported the Committee has been updating the rules and regulations which she gave to Mr. Regan for his review.

Fire Department

Mrs. Duffy reported the Department responded to 26 calls last month which included 7 activated alarms in Haworth, 17 mutual aid alarms in Demarest, total calls year to date 137 and man hours for 2016 1718.95. She further reported the Chief and Assistant Chief held a membership appreciation BBQ to thank the members and congratulate Kyle Pavlik, Matt Mayer, Harrison Brace and Taylor Poosikian on their completion and passing the FF2 class.

Mayor's Report

Events

Mayor Smart referred to the Golf Outing, Celebrate Haworth Day, the Motorcycle Run and the 5K Run, noting the Run raised \$105,000.

White Beeches Tax Appeal

Mayor Smart noted the Borough's expert who was hired has indicated he has a conflict of interest regarding this appeal and a replacement is being sought.

Interim Chief Financial Officer

Mayor Smart explained Mr. Mariniello has been completing many tasks in the Finance Office including stabilizing the existing operations, setting the stage for a new CFO, reconciling all the bank accounts, completing several grant reports, clearing escrow balances and getting started with a preliminary 2017 budget. He said there will be recommendation from Mr. Mariniello regarding staffing of the office and the Finance Committee will be meeting with him.

Mayor's Report – cont'd.

Open Borough Positions

Mayor Smart explained the Borough has two open positions – senior van driver and website administrator, there have been four expressions of interest and suggested that since the new library director has experience with website programs she might be contacted.

Mr. Poosikian commented regarding the webmaster that consideration should be given to someone close by particularly with storm and other emergency situations in order to inform the residents and any salary is restricted regarding the current salary ordinance.

Mayor Smart responded the salary ordinance is adequate for this position.

UNFINISHED BUSINESS

Boat Storage Regulations

Mayor Smart explained that after the last meeting a draft ordinance was circulated to all councilmembers regarding these regulations.

Mr. Regan noted a few corrections to citations in the ordinance.

Mr. Poosikian noted a situation regarding a boat being in a driveway while the owner is moving it to another location and the permit requirements since this would be only temporary storage. He referred to the height of a buffer perhaps not being as tall as the boat being stored.

Mayor Smart noted the definition of “front yard” is ambiguous and that term will have to be clarified.

Mr. Volpe said the “front yard setback” and where the house is located needs a better definition.

Mrs. Duffy suggested looking at what ordinances are now on the books already before doing new ones.

Mr. Rosenberg noted disparity in the language and trying to make it clear.

Mrs. Duffy suggested tabling new ordinances until current ones are clearer.

Mr. Poosikian noted the Council is in the process of amending what it has.

Mayor Smart said the proposed ordinance will be updated and recirculated for the next meeting.

NEW BUSINESS

Amended Fence Regulations

Mayor Smart explained more information was circulated to clarify location of fences and other matters before the ordinance is introduced.

Mr. Volpe asked if these regulations would apply to all zones and Mr. Rosenberg said they would.

Mr. Volpe questioned the fence permit provision. Mr. Rosenberg said that is to provide location of the fence through a survey, type of fence, etc.

Further discussion included height and location of fences, definitions of street lines, open and closed fences and extensions permitted for deer fencing.

Endorsement of Submission of Community Development Grant – Senior Van Drivers

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

**WHEREAS**, a Bergen County Community Development grant of \$5,500.00 has been proposed by the Borough of Haworth for Senior Van Drivers in the municipality of Haworth, and

**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 Haworth, 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 the Borough 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.

Endorsement of Submission of Community Development Grant – Senior Activities

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

Endorsement of Submission of Community Development Grant – Senior Activities – cont’d.

**WHEREAS**, a Bergen County Community Development grant of \$8,000.00 has been proposed by the Borough of Haworth for Senior Citizen Activities in the municipality of Haworth, and

**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 Haworth, 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 the Borough 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.

Participation in Volunteer Tuition Credit Program – Firefighters & Ambulance Corps

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

**WHEREAS**, the Mayor and Council of the Borough of Haworth in the County of Bergen deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Haworth; and

**WHEREAS**, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Haworth in the County of Bergen that the Volunteer Credit Program as set forth in P.L.1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

**BE IT FURTHER RESOLVED**, that Glenn Poosikian, Councilman and liaison to the Haworth Ambulance Corps is herewith delegated the responsibility to enter into all agreements and to maintain files of all documents as may be required under the P.L.1998, c.145 a copy of which is herewith made part of this resolution.

Quiet Zone Letter to NJDOT

Mayor Smart explained this is a letter drafted by the Borough Engineer requesting the investigation of a quiet zone at the railroad crossing at Haworth Avenue.

Mr. Poosikian said it was a good idea to start the process, however, his concern is the previously discussed poles in the ground eastbound at this crossing which would not be aesthetically pleasing.

In that connection Mr. Volpe said there could be a problem with DPW equipment getting around the poles.

It was concurred to proceed with sending the letter.

Payment of Bills

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

FOR COPY OF RESOLUTION AND BILL LIST  
SEE PERMANENT MINUTES  
PAGES 205A – 205L

Approval of Minutes

A motion was offered by Mr. Volpe, seconded by Mr. Rosenberg and unanimously carried to accept the minutes of the Executive Meeting of August 9, the Regular Meeting of August 23 and the Closed Meeting of August 23, 2016. Mr. Weiss and Mr. Poosikian abstained from voting on the Executive Meeting of August 9 as they were not present. Declared carried.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Ms. B. Colonna, West View Terrace, asked why the no overnight parking ordinance was being enforced now and a flyer from the Police Department was circulated regarding this. She asked why if this is a permanent change why there is no new ordinance.

Mayor Smart responded the no overnight parking is not enforced during certain periods, however recently cars have been abandoned in certain areas therefore residents were notified and the Police Chief has the ability to overturn regulations on an emergency basis.

Mr. Rosenberg commented that police have the ability and power under Title 39 to do this, explained the rationality regarding the usual enforcement from November to April to remove the cars due to weather conditions, etc.

Open Meeting to Public – cont'd.

Ms. Colonna commented the flyer has now superseded the ordinance and noted problems regarding disputes among neighbors and then creating new laws for these issues.

Mr. J. Ryan, Hardenburgh Av., said there is disunity in town regarding the proposed boat storage ordinance and referred to the proposed “quiet zone” which he said will be expensive to create. He asked when the boat ordinance would be introduced.

Mayor Smart responded introduction is scheduled for the October 13<sup>th</sup> meeting.

Ms. K. Ryan commented that residents should be allowed to have certain things on their property, everybody’s house is different and people should not be told how to use their property.

Mr. A. Anderson, Garfield Street, referred to his recent letter sent to the Mayor and Council, noting enforcing laws that are in place is a different topic.

Mr. Ryan said the fee in the proposed boat ordinance is just another tax, corner lot requirements are affecting a lot of residents, referred to several expenses for boat owners and said there is no need to legislate the boat storage requirements.

Mrs. B. Borghi, St. Nicholas Av. asked if existing fences on properties would be grandfathered with this new ordinance.

Mr. Regan responded that any fence approved by permit would remain valid.

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

Close Meeting to Public

The following resolution was offered at 9:15PM by Mr. Poosikian, seconded by Mr. Weiss 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 September 27, 2016 at which time the following items will be discussed:

- Fair Housing Mediation Follow-Up
- White Beeches Tax Appeal
- Police Matter

Close Meeting to Public – cont'd.

**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 10:30 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























