

67. Executive Meeting of the Mayor and Council of the Borough of Haworth held on April 9, 2019 at the Municipal Center

Present: Hon. Thomas P. Ference, Mayor

Councilmembers: Glenn Poosikian
 Andrew Rosenberg
 Michael Bain
 Jacqueline Guenego
 Heather Wasser

Borough Attorney: Robert T. Regan

Mayor Ference called the meeting to order at 7:30 PM and upon roll call all members of the Council were present with the exception of Ms. Siciliano. The Mayor then read the following statement: "This is an Executive 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 notices to all persons who requested same and prepaid the same."

Salute to Flag

Mayor Ference led those present in the pledge of allegiance.

Ordinance No. 19-04 – 2019 Swim Club Membership Fees – 2nd Reading, Public Hearing

A motion was offered by Mr. Bain, seconded by Mrs. Wasser and unanimously carried that Ordinance No. 19-04 be offered for second reading.

Ordinance No. 19-04 which is as follows was then read by title only as copies had been provided for those present:

AN ORDINANCE AMENDING CHAPTER IX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HAWORTH ENTITLED "PARKS, PLAYGROUNDS AND RECREATIONAL AREAS"

BE IT ORDAINED, by the Mayor and Council of the Borough of Haworth as follows:

Section 1 – Subsection 9-8.1, a. through g. entitled "Membership Fees for the Haworth Swim Club" shall be deleted and replaced with the following:

		After Memorial Day
a. Haworth Family	\$660.00	\$710.00
Includes member, spouse and all children living with the member on a permanent, full time basis.		
b. Non-resident Family	\$760.00	\$810.00
Includes member, spouse and all children living with the member on a permanent, full time basis.		
c. Haworth Senior		
(age 60 and over – 2 seniors in household)	\$425.00	\$475.00
Haworth Senior (single)	\$275.00	\$325.00
Senior Family (includes senior member, spouse and all children living with the member on a permanent, full time basis)	\$550.00	\$600.00
d. Non-Resident Seniors	\$475.00	\$525.00
e. Collateral Relative*	\$200.00	\$250.00
*Limited to persons residing with the member on a permanent basis, who are related to the member such as a parent, brother, sister, grandchild, aunt, uncle, niece, nephew and great-grandchild.		
f. Au Pair	\$200.00	\$250.00
g. August Only Haworth Family	\$350.00	\$350.00
h. August Only Non-Resident Family	\$400.00	\$400.00
	\$375.00	

Ordinance No. 19-05 – 2019 Swim Club Salaries – 2nd Reading, Public Hearing – cont’d.

AN ORDINANCE ESTABLISHING SALARIES FOR POOL PERSONNEL FOR 2019

BE IT ORDAINED by the Mayor and Council of the Borough of Haworth, as follows:

Section 1. Salaries for pool personnel for 2019 shall be as follows:

Manager/Assistant Manager(s):	Per Season (2019)
Swimming Pool Manager	\$11,000.00 to \$16,000.00
Assistant Pool Manager(s)	\$6,000.00 to \$10,000.00

Life Guard (Life Guarding) and Office Clerk:	Per Hour (2019)
First Year	\$8.85
Second Year	\$8.85
Third Year	\$9.00
Fourth Year	\$9.00
Fifth Year	\$9.00
Sixth Year	\$9.25
Seventh Year	\$9.50
Eighth Year	\$9.75
Ninth Year	\$10.00

Swimming Instructors (WSI & Life Guarding):	Per Hour (2019)
First Year	\$8.50
Second Year	\$8.75
Third Year	\$9.00
Fourth Year	\$9.25
Fifth Year	\$9.50
Sixth Year	\$9.75
Seventh Year	\$10.00
Eighth Year	\$10.25

Swimming Instructors (Stipend)

Head Swim Team Coach	\$500.00
Co-Head Swim Team Coaches	\$400.00
Head Swim Lesson Instructor	\$200.00

Additional Certificates & Duties	Per Hour (2019)
Head Lifeguard	\$1.00
EMT	\$0.50

Section 2. For the purpose of this Ordinance, the pool season is defined to run from May 25, 2019 through September 2, 2019, including three (3) weeks before and one (1) week after, with respect to the employment and compensation of the Assistant Manager. The employment and compensation of the Pool Manager's position shall include the time from January 1, 2019 to December 31, 2019, including attendance at Pool meetings throughout the year.

Section 3. Inconsistent Ordinances. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

Section 4. Effect of Partial Invalidity. If any provisions of this Ordinance are found to be invalid, for any reason, by the final judgment of a Court of competent jurisdiction, the validity of such portions shall not affect the validity of the remaining provisions of this Ordinance, which shall be severable therefrom.

Section 5. Effective Date. This Ordinance shall take effect immediately after final adoption and publication as required by law.
The Record April 1, 2019
Fee:\$99.00 (180) 4325837

The meeting was opened to the public on Ordinance No. 19-05. Dr. M. Kahn, Paulson Place questioned why the town is not paying minimum wage of \$15.00. Mr. Bain and Mayor Ference explained. As there were no more comments the meeting was closed to the public on this ordinance.

A motion was offered by Mr. Bain and seconded by Ms. Guenego that Ordinance No. 19-05 be passed on second and final reading.

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

Consent Agenda – cont'd.

Close Escrow Accounts

BE IT RESOLVED the Mayor and Council hereby approve the closing of the following escrow accounts:

Kristina Chang
James Crimmins
Finest Construction
NMCG-LLC (Seriani)
BONJ Special Properties

Purchase of Chemicals for Swim Pool

WHEREAS, quotations were sought for chemicals and delivery of same for the Haworth Swim Club 2019 season; and

WHEREAS, two quotations were received; and

WHEREAS, it is recommended by the Mayor and Council that the quotation received from Alpine National, Inc. is the most responsive.

NOW THEREFORE BE IT RESOLVED that a contract be awarded to Alpine National, Inc., 39 Grover Drive, Wayne, NJ 07470 in the amount of \$6,000.00.

Enter into Grant Agreement, Bergen County Open Space – Duck Pond Pathway, Ramps & Sidewalks

BE IT RESOLVED, that the Mayor and Council of the Borough of Haworth wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$37,500.00 matching grant award from the 2018 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park-project entitled Haworth Duck Pond Pathway, Ramps & Sidewalk located across from 300 Haworth Avenue in Block 1305, Lot 2, Block 1302, Lot 1, Block 1301, Lot 2 Lot 10 on the tax maps of the Borough of Haworth;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Thomas P. Ference be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about March 6, 2021; and,

Discussion 2019 Municipal Budget – cont'd.

Mayor Ference said over time maintenance costs on the downtown project should be lower as far as planters, trees. He also thought cut outs were circular, not square. Mr. Poosikian talked about the lighting and how he would like to see what the higher cost alternative looks like at night. He spoke to the Borough Engineer who said they stood up better than the other lights. The Mayor said you want to look at this as an investment.

Open Meeting to Public

The meeting was opened to the period of public discussion.

Mayor Ference introduced Mr. & Mrs. Luke Kottke from 120 Garfield Street who are having an issue with their fence. Mr. Kottke explained they had purchased their house, it actually has been in the family for many years, demolished it and built a new one. They built a fence and the Borough Engineer said the fence is on town property. Mr. Kottke said he would like to try to settle this problem. He handed out a survey to his property showing where the fence encroaches on town property. He said he would like to keep the fence where it is and work something out where they would be liable if anything happens on it. If the town needs the property, they would take the fence down. The map was reviewed by Council members. Mayor Ference said it encroaches on three separate town lots. Mr. Rosenberg said he thinks there are potential solutions. The Real Estate Committee will meet, formulate a resolution, present it to the Kottkes and bring it before the Council.

Dr. M. Kahn, Paulson Place presented a list of items he would like put on the agenda for the next Council meeting on April 23rd. He referred to the timeliness of minutes. Mr. Poosikian explained how the minutes are prepared and approved and Mayor Ference said the Council will take this into advisement. Dr. Kahn also said landscapers trucks parking in the streets instead of in driveways are a driving hazard. Mr. Poosikian said some driveways are not large enough. Mr. Rosenberg commented we allow parking on streets in Haworth and that a truck parked in the street doesn't make it something to be banned. Dr. Kahn also said the law banning plastic disposables is not being enforced. Mayor Ference explained he and Mrs. Wasser have given Dr. Kahn's update to the Environmental Commission and are expecting something from them as far as expansion and enforcement of the ordinance. Dr. Kahn's final statement pertained to the solar mandate wanting to let the Council know that the Federal monies are running out.

Mrs. Bonnie Borghi, St. Nicholas Avenue, Chair of Parks & Playgrounds Committee, referred to the downtown project. She said the trees were a separate item from the landscaping plans. She said she believes the amount of trees on the east side of Terrace Street should be scaled down considering the amount of telephone poles, garbage pails, etc. Planters were discussed as far as

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.

Reopen Meeting to Public

The meeting was reopened to the public at 9:50 PM.

Approval to Sign Revised Settlement Agreement

A motion was offered by Mr. Bain, seconded by Mr. Poosikian to approve the following resolution:

WHEREAS, by resolution dated March 25, 2019, the Mayor and Council approved a Settlement Agreement with Lakeshore Developers, LLC ("the Intervenor") in connection with the Borough's pending Declaratory Judgment action in the Superior Court of New Jersey in a matter entitled, "In The Matter of the Application of the Borough of Haworth For Substantive Certification", Docket No. BER-L-5912-15; and

WHEREAS, said resolution required three (3) modifications to the proposed Ordinance, which is Exhibit A to the Settlement Agreement; and

WHEREAS, the term "patio" has been defined and a typographical error on page 19 of the Settlement Agreement has been corrected; and

WHEREAS, the Borough conditioned its approval on the definition of building height as set forth in Chapter 26-301 of the Zoning Ordinance, except that the calculation shall be confirmed by the Borough Engineer; and

WHEREAS, the Intervenor has requested that the Ordinance be modified to permit one (1) building on the property located not less than 280 feet from the southerly property line, 270 feet from the northerly property line, and 240 feet from the westerly property line to have an additional six (6) inches in building height, or a total building height of forty (40) feet six (6) inches; and

WHEREAS, the Mayor and Council have agreed to this modification to the Settlement Agreement and proposed Ordinance.