

213. Regular Meeting of the Mayor and Council
of the Borough of Haworth held on
September 29, 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

Mayor Smart called the meeting to order at 8:00 PM and upon roll call 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.”

Ordinance No. 15-13 – Refunding Bond Ordinance – 2nd Reading

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

Ordinance No. 15-13, which is as follows, was then read by title only as copies had been provided for those present:

**BOROUGH COUNCIL OF THE
BOROUGH OF HAWORTH
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE
AND SUMMARY
CHANGE IN PUBLIC HEARING AND
ADOPTION DATE**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Haworth, in the County of Bergen, State of New Jersey, on August 25, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Municipal Building, 300 Haworth Avenue, Haworth, in said County on September 29, 2015 at 8:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: 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

Ordinance No. 15-14 – Vacation of Hendrickson Street – 2nd Reading – cont'd.

BOROUGH OF HAWORTH ORDINANCE #15-14

AN ORDINANCE TO VACATE AND EXTINGUISH THE PUBLIC RIGHT IN AND TO A PORTION OF THOSE LANDS COMPRISING WHAT IS KNOWN AS "HENDRICKSON STREET" AS THE SAME ARE MORE PARTICULARLY DESCRIBED HEREIN. BE IT ORDAINED by the Mayor and Council of the Borough of Haworth, County of Bergen, State of New Jersey, as follows: WHEREAS, there exists a municipal road in the Borough of Haworth known as Hendrickson Street; and WHEREAS, the Borough Engineer has reviewed the proposed vacation of a portion of Hendrickson Street and has approved of same; and WHEREAS, it appears that the public interest will be served by releasing part of the lands of the dedication; and WHEREAS, the Governing Body is of the opinion, based upon the foregoing circumstances, that the public interest will not be adversely affected by the vacation of said portion of Hendrickson Street. NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Haworth as follows: Section 1. The Governing Body determines that the public interest will best be served by releasing those lands herein described in the aforementioned dedication in the roadway known as Hendrickson Street. Section 2. The Governing Body does hereby release, extinguish and vacate the public right to such lands which constitute a portion of Hendrickson Street. Said lands are more particularly described on Schedule A attached hereto. In connection therewith, the description referred to as "Description Parcel 1" to be vacated will be annexed to the property known as Block 1311, Lot 7. The description referred to as "Description Parcel 2" to be vacated will be annexed to the property known as Block 1312, Lot 3. Section 3. As noted in the foregoing descriptions, the Borough reserves unto itself a right-of-way access and utility easement, as more particularly described in the descriptions on Schedule A. In addition, notwithstanding anything herein to the contrary, the Borough of Haworth specifically excepts from this vacation any and all rights it may have to maintain, construct and reconstruct sewer, water, drainage and utility lines within the area above described. Section 4. This Ordinance shall take effect after publication thereof and final passage as required by law. Sept 22, 2015-fee:\$61.43 (65) 3925893

The meeting was opened to the public on Ordinance No. 15-14.

Mr. T. Cusanelli, Schraaleburgh Road asked what prompted this ordinance.

Mayor Smart replied it was a request from a neighboring resident adjacent to Hendrickson Street, the Borough has no plan to use it, the vacation reverts to the homeowner who pays all costs involved in the vacation and there is no charge for vacating a paper street.

Mr. Regan explained the street is dedicated to the town, but the town doesn't own it, a street cannot be sold but it can be dedicated.

Mr. Cusanelli said he objected to the town doing this and why was the town disposing of the property.

Mr. Rosenberg explained the process whereby the Borough Engineer was consulted, noted a prior subdivision in the area when it was determined not to open this street and the property is offered to both adjacent homeowners by law.

Housing Element and Fair Share Plan – cont'd.

facility was suggested, she said and noted the Borough does not have a rehabilitation obligation due to its housing stock being in excellent condition.

Mr. Regan noted the Planning Board adopted the Housing Element and Fair Share Plan on September 16, 2015 and explained the procedure with the Mayor and Council endorsing it.

Mrs. Groh asked the Planner if it was her office's recommendation in connection with the changes which had been made in the document and Ms. Reiter responded, yes.

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

WHEREAS, the Planning Board of the Borough of Haworth adopted the Housing Element and Fair Share Plan ("the Housing Element") of the Master Plan by resolution dated September 16, 2015; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to *N.J.A.C. 5:96-2.2(a)2*.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth that it does hereby endorse the Housing Element as adopted by the Borough of Haworth Planning Board; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Haworth hereby requests Substantive Certification of the Housing Element from the Superior Court of New Jersey pursuant to the decision in *In Re Adoption of N.J.A.C. 5:96 & 5.97 by N.J. Council On Affordable Housing*, 221 N.J. 1 (2015); and

BE IT FURTHER RESOLVED that the Borough hereby requests the Superior Court of New Jersey to approve the Housing Element in the action it has filed and is pending in the Superior Court entitled, "In The Matter of The Application of The Borough of Haworth, A Municipal Corporation of the State of New Jersey, For Substantive Certification", Docket No. BER-L-5912-15; and

BE IT FURTHER RESOLVED that a copy of this resolution, the adopted Housing Element, and all supporting information shall be available for inspection at the Borough Clerk's Office at the Haworth Borough Hall, 300 Haworth Avenue, Haworth, New Jersey during normal business hours.

Open Meeting to Public – cont'd.

A motion was offered by Mr. Bain, seconded by Mrs. Groh and unanimously carried authorizing the Borough Engineer to prepare the bid specifications for the base project with alternates for sidewalks, lighting elements and landscaping.

COMMITTEE REPORTS

Report of Councilman Weiss

Environmental Commission

Mr. Weiss reported the Commission met earlier this evening to discuss a line of communication with residents regarding waste disposal in town which could be a flyer or placed on the Borough's web-site; also a "Reduce Idle Campaign"; their new face book page and a possible Fall Clean-Up.

Board of Health

Mr. Weiss noted this Saturday is the Health Fair at the library with various programs and flu shots.

Swim Club

Mr. Weiss reported final numbers indicate \$1,000.00 extra in revenue this season, 312 members joined, a survey was sent out to members was received and a meeting will be scheduled with pool members in a few months regarding concerns, suggestions, etc.

Report of Councilman Bain

Library

Mr. Bain reported circulation is up and all rooms in the library are being used on a regular basis.

Recreation

Mr. Bain noted the Commission met on September 21st to re-cap all recent events, discuss upcoming ones and there was a good turn-out for Celebrate Haworth Day and the fireworks that evening.

COMMITTEE REPORTS – cont'd.

Report of Councilman Volpe

Parks and Playgrounds

Mr. Volpe reported the improvement to the Little League fencing has started; a certified arborist has indicated a pine tree in the Terrace Street Park must be removed; new signage downtown and at Tank Hill has been installed and decorations placed in the downtown area.

Mr. Volpe further reported the replacement of the signage at the railroad tracks is being looked out with funds available in a prior capital ordinance.

Report of Councilwoman Groh

Finance

Mrs. Groh noted that all councilmembers have received budget reports in binders for all departments and has asked them to discuss the reports with their respective portfolios. She reported the Finance Committee met regarding the Best Practices Checklist which Ms. Wheeler and Ms. Fay will review.

Mrs. Groh noted the passage of the refunding bond ordinance earlier this evening and that the Local Finance Board granted the Borough a seven year pay-out period.

Trash and Recycling Bids

Mrs. Groh reported the Contracts Committee met regarding these specifications, the options will be revised, contracts from neighboring towns were obtained and explained the various options for trash and recycling collections.

A motion was offered by Mrs. Groh, seconded by Mr. Poosikian and unanimously carried authorizing the advertising of the trash and recycling bids.

Mayor's Report

Mayor Smart offered congratulations to all organizations, volunteers, etc. for their participation in all and assistance in the September events. He said October will be another busy month with the Health Fair, United Water Open House for their 50th anniversary, the Oct. 7th emergency drill at the water company and Ghost Stories at the pond.

Mayor Smart referred to the tree which has to be removed from the Terrace Street Park, noting the Woman's Club Star which has been on that tree will be placed on another tree.

| <u>Name</u> | <u>Address</u> | <u>Permit No.</u> | <u>Amount</u> |
|---------------|---------------------|-------------------|---------------|
| Scott Placona | 147 Garfield Street | 2015-25 | \$25.00 |

Refund Haworth Day Vendor Fee

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

WHEREAS, the Recreation Commission has determined that the following Haworth Day payment 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> |
|--------------------|---|---------------|
| Bank of New Jersey | 320 Haworth Avenue Haworth, NJ 07641 | \$60.00 |

Authorization to Submit DOT Application – Maple Street

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

WHEREAS, the Borough of Haworth desires to receive \$229,200.00 in funds from the New Jersey Department of Transportation Highway Trust Fund for the purpose of resurfacing, making safety improvements and traffic calming measures along Maple Street; and

WHEREAS, the Borough Engineer has developed a plan of action and cost estimate to improve Maple Street and key intersections through the addition of pavement markings and other physical complementary safety improvements; and

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Haworth, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application MA-2016-Haworth Borough-00134 to the New Jersey Department of Transportation on behalf of the Borough of Haworth.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Haworth and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

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 Community Development Application – Senior Activities

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

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.

Endorsement of Community Development Application – ADA Compliant Improvements to Haworth Swim Club Restrooms

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

Endorsement of Community Development Application – ADA Compliant Improvements to Haworth Swim Club Restrooms – cont'd.

WHEREAS, a Bergen County Community Development grant of \$71,000 has been proposed by the Borough of Haworth for ADA compliant improvements to the Haworth Swim Club restrooms in the Borough 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;

Program, and will be ineligible for payment of the waiver incentive, if the employee's other coverage is with the State Health Benefits Program ("SHBP") or School Employees' Health Benefits Program (SEHBP").

3. The amount of the payment to be provided to the employee who chooses to participate in the Opt Out Program shall not exceed twenty-five (25%) percent, or Five Thousand (\$5,000.00) Dollars, whichever is less, of the amount saved by the Borough because of the employee's waiver of coverage.

4. Any payment made to an employee shall be made on a quarterly basis.

5. The effective date of the Opt Out Program shall be October 1, 2015.

6. The payment referenced in paragraph 3 shall be payable only if the employee continues to be an employee for the full year. Payment shall be pro-rated on a *per diem* basis in the event employment ceases prior to the end of the year.

7. The Program as established herein shall conform to Local Finance Notice 2011-20, any amendments thereto, and any other requirements of the Division of Pensions and Benefits.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Haworth hereby implements the aforesaid Duplicate Coverage Opt Out Program in accordance with the provisions of this resolution.

Authorization to Enter Grant Agreement – Handicapped Accessible Bathrooms – Memorial Field

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Haworth wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$12,000.00 in FY 2015-2016 Community Development Block for Handicapped Accessible Bathrooms at Memorial Park; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor John W. Smart to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor John W. Smart to sign all county vouchers submitted in connection with aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Haworth is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

229. Regular Meeting of September 29, 2015

Dr. M. Kahn, Paulson Place referred to his land request and the documents from the Borough which he received. Discussion was held regarding the Borough's response to Dr. Kahn and it was concurred that Mr. Rosenberg will respond to him.

Ms. B. Borghi, St. Nicholas Avenue noted her concerns regarding the method of removal of garbage from residents' containers by the contractor.

Mr. N. Fazio, Sunset Avenue, referred to the Stevens Place plan discussed earlier this evening and access to the downtown area.

Close Meeting to Public

The following resolution was offered by Mr. Rosenberg, seconded by Mrs. Groh and unanimously carried at 11:05 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 September 29, 2015 at which time the following items will be discussed:

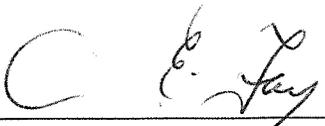
Contracts – Lease Issues (Cell Tower)
Declaratory Judgment

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 11:20 PM and as there was no further business to come before the Council adjourned on motion duly offered, second and carried:



Ann E. Fay, RMC, CMC
Clerk-Administrator