

Borough of Norwood
Work Session
May 28, 2008

CALL TO ORDER AT 8:10 PM

Mayor Barsa stated:

Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Law, P.L. 1975, Ch. 231, setting forth the time, date, place and purpose of this Public Meeting through a legal notice published in the Record and Press Journal.

PRESENT AT ROLL CALL:

Mayor	James Barsa
Councilman	Tom Brizzolara
Council President	Barry Scott
Councilman	Anthony Guercio
Councilman	Allen Rapaport
Councilman	Edward Condoleo

ABSENT:

Councilman	Michael Knigin
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ALSO PRESENT:

Borough Attorney	Andrew Fede
Borough Engineer	Matthew Neuls

Approval of Resolution 08:102 Authorizing Settlement of Tax Appeal of Louis and Karen Ricciardelli

Motion to approve Resolution 08:102 was made by Mr. Scott, seconded by Mr. Brizzolara and declared carried upon the affirmative vote of all Council Members present.

Items for discussion:

Planning Board's recommendation to consider changing the definition of *Residential Single Family Dwelling*

Mr. Paul Renaud, Construction Official/Zoning Officer, explained the reasons for the Planning Board's recommendation that the following definition be added to the Zoning Ordinance, Chapter 233-3B, "Definitions and Word Usage":

Residential single family dwelling – shall mean a separate building designated for, or occupied by, exclusively a one-family unit. A separate entrance, a separate kitchen and a separate bathroom shall be prima facie proof that it is the intention of the owner to create a multi-family dwelling and the same shall be prohibited in a single-family residential district.

Mr. Renaud advised that there are presently approximately sixty (60) dwellings that could be considered as having separate apartments. Mr. Fede explained that the recommended amendment would give the Zoning Officer the authority to issue a summons and that the proof would then lie on the defendant to prove in Municipal Court that a zoning violation does not exist.

Motion was made by Mr. Scott to authorize the Borough Attorney to draft an amendment to Chapter 233-3B per the recommendation of the Planning Board. The motion was seconded by Mr. Rapaport and declared carried upon the affirmative vote of all Council Members present with the exception of Mr. Guercio who voted no.

Review of Property Maintenance Ordinance regarding grass cutting

Mayor Barsa referred to Borough of Norwood Code Chapter 94, "Brush, Grass and Weeds". He advised observing that there are properties not being maintained with overgrown grass and weeds that could lead to a health issue. Mr. Renaud noted that this type condition is usually found on foreclosed properties or with absent landlords and explained how he issues notices. Mr. Fede voiced his opinion that the administration of the ordinance is awkward and that too much time lapses from the time the first notice is issued until the municipality can abate the condition and charge the homeowner.

Following further discussion, motion by Mr. Brizzolara seconded by Mr. Rapaport to authorize the Borough Attorney to prepare a draft ordinance to simplify and expedite the procedure for abatement was declared carried upon the affirmative vote of all Council Members present. Mr. Guercio was asked to obtain from the Superintendent of Public Works cost estimate to cut an average lawn.

At this time, Mr. Brizzolara referred to the construction of a new cinder block wall and patio at Jose O'Reilly's. The wall falls within the 4 ft. clearance required for all utility poles. A representative from Rockland Electric will be contacting the owner, Mr. Finton Seeley to work out a viable solution.

Haring Cemetery – Mr. and Mrs. Garner, 8 Meadow Lane and the Norwood Historic Society to discuss fencing for the Cemetery

Mayor Barsa invited Richard Williams, 327 Tappan Road, Chair of the Norwood Historic Preservation Committee to come forward and address the Mayor and Council. He referred to the two resolutions approved by the Committee dated May 13, 2008 that recommend: (1) the placement of a 54" high black aluminum fence around the perimeter of the Haring Cemetery on Meadow Lane to delineate its borders and protect it against the encroachment of adjoining landowners; and (2) that the walkway from Meadow Lane not be fenced but that an opening or a gate be placed in the cemetery fence where the walkway enters the cemetery proper. He further explained that the Historic Society has four corner monuments to be placed inside the fence once it is erected.

Judith Lamp, 120 Summit Street, a member of both the Norwood Historic Preservation Committee and the Norwood Historic Society, explained that the Historic Society has retained the services of a conservator to restore the gravestones and that the trees were removed because they were ruining the stones in the cemetery. She provided a history of the cemetery and the names of some of the people who are interred.

Regina Haring, Nanuet, New York, displayed the deed to the cemetery and Mr. Rapaport asked that a copy be made for the Borough Hall. Ms. Haring noted that the grave sties date from 1801 to 1891.

Robert Garner, 8 Meadow Lane, reported that the neighbors in the vicinity of the Haring Cemetery are opposed to the installation of a fence around it as it is their feeling their properties would be devalued. He distributed folders showing pictures of the Haring Cemetery before and after tree and shrub removal and of other historic cemeteries in the area. Mr. Garner noted that these cemeteries are not fenced in and voiced his opinion that the neighbors should be consulted regarding the appearance of the cemetery.

Kenneth DeGraaf, 1 Meadow Court, identified himself as a 25-year resident and voiced his opinion that the Committee, the Society and the neighbors should be able to work together for a viable solution.

Stephanie Heaney, 4 Meadow Lane, voiced her opinion that the Borough should take the neighbors into consideration and consider a natural landscape for the cemetery rather than a fence.

Colleen Steele, 9 Meadow Lane, noted that the condition of the cemetery has deteriorated in the past three years and that the job started should be completed. She also voiced displeasure with the sidewalk “going to nowhere”.

Kathy Mitchell, 91 Summit Street, explained that there was a Zoning Board of Adjustment resolution regarding an agreement between the builders of the new homes on Meadow Lane and the Borough requiring the installation of a blue stone path on the right of way from Meadow Lane to the entrance of the cemetery. Additionally, one of the builders agreed to purchase and install six corner stones to delineate the cemetery boundaries. Four were to be placed one foot in from the four corners of the cemetery property, and the other two adjacent to the entrance from the blue stone path. She advised that the stones were never installed and are presently being stored at her home. Mayor Barsa asked that the DPW transport the stones to the DPW garage.

Michael Casey, 23 Meadow Lane, agreed that all parties involved should make a concerted effort to arrive at an agreement since everyone wishes to protect the cemetery.

Following further discussion, the governing body agreed to the following points: the boundaries of the cemetery have to be delineated by means other than plantings; a probing survey of the cemetery has to be undertaken to see if there are more gravesites; the stones have to be put in an upright position; there can be no encroachments on the cemetery grounds; the homeowners abutting the cemetery can landscape within their property boundaries to conceal the view of the cemetery.

At this time, Mr. Garner presented the Mayor and Council with a petition signed by 64 residents of Meadow Lane, Meadow Court, Anne Court, and Garnett Place opposing the erection of a fence around the cemetery.

Mayor Barsa suggested the possibility of erecting a 2 ft. to 3 ft. cobblestone fence delineating the boundaries of the cemetery and all were in favor of investigating this recommendation.

Christine Hageman, 17 Garnett Place, Chair of the Environmental Commission, informed that the Commission is in the process of attempting to locate the grave sites in the “Free Black Cemetery” and has arranged for probing instruments to locate the graves. Ms. Hageman offered the use of the instruments to the Historic Committee to help them locate any additional graves in the Haring Cemetery.

At 9:50 PM, Mayor Barsa declared a five-minute recess.

Mayor Barsa reconvened the meeting at 9:55 PM.

Kauker & Kauker proposal re: Third Round Revised Substantive Regulations – COAH

Motion by Mr. Brizzolara, seconded by Mr. Rapaport authorizing preparation of a resolution awarding a contract to Kauker & Kauker, LLC., to provide professional planning services for COAH Third Round Substantive Regulation Compliance for approval at the June 4, 2008 Public Meeting was declared carried upon the affirmative vote of all Council Members present.

2008 Capital Projects finalize expenditures

Mr. Neuls reviewed the proposed road and sidewalk improvement program and was asked to revise it to include parts of Blanch Avenue and Summit Street. Mrs. McMackin noted that included in the contingency fee is the cost for design and construction management and it cannot exceed 20%.

Mr. Brizzolara voiced concern that there is no provision for the pump stations in the present budget and Mayor Barsa questioned procedure should funds be needed to replace them. Mrs. McMackin explained that it would have to be done through an emergency appropriation and the amount would have to be put into the following year’s budget. At Mr. Brizzolara’s suggestion, Mr. Guercio will obtain from the DPW Superintendent cost estimates for replacement of the two pump stations.

Mrs. McMackin reminded that the Open Space Trust Fund grant for the trails and the Community Development Block Grant for handicap accessible ramps have to be included in the capital budget.

2008 Salary Ordinance Review

Mayor Barsa postponed discussion on this matter.

Proposed Changes to the Diane Ceylan-Sewer Easement

Mr. Fede advised that Ms. Ceylan requested that the Sanitary Sewer Easement Use Agreement be amended deleting that section permitting the Borough to terminate it on a thirty-day notice. Following a brief discussion, motion by Mr. Guercio, seconded by Mr. Scott denying Ms. Ceylan's request was declared carried upon the affirmative vote of all Council Members present.

Results of Kennedy Park War Memorial Bids

Mr. Neuls reported that after reducing the scope of work, the lowest bid was \$11,000.00 more than the previous low bidder. Mr. Fede confirmed that after the third re-bid, a contract could be negotiated. Motion by Mr. Rapaport, seconded by Mr. Brizzolara authorizing the Borough Attorney to prepare a resolution rejecting the bids for approval at the June 4, 2008 Public Meeting was declared carried upon the affirmative vote of all Council Members present.

Results of request for quotation for Kennedy Park Drainage Improvements

Mr. Neuls reviewed the price quotes received for Kennedy Park Field Drainage Improvements and recommended the contract be awarded to Smith Soudy Asphalt Construction Company for \$28,900.00. Motion by Mr. Scott, seconded by Mr. Condoleo authorizing the preparation of a resolution awarding this contract for approval at the June 4, 2008 Public Meeting was declared carried upon the affirmative vote of all Council Members present.

Summer hours

Mrs. McMackin requested Council approval to institute summer hours (Monday through Thursday, 8:00 AM to 4:00 AM and Friday 8:00 to 1 PM without a one-half hour lunch break. Summer hours would begin Monday, July 7th and end Friday, August 29th. Motion of approval was made by Mr. Rapaport and seconded by Mr. Scott. On the roll call vote:

Ayes: Scott, Rapaport and Condoleo

Nays: Brizzolara and Guercio

The motion carried 3-2.

Fourth of July Fireworks

Motion was made by Mr. Rapaport and seconded by Mr. Brizzolara approving the Borough's contribution of \$7,000.00 toward the \$25,000.00 cost of the fireworks. The motion was declared carried upon the affirmative vote of all Council Members present.

Mrs. McMackin informed that Norwood Baseball would be opening the snack stand for the July 4th Fireworks. She would not be contacting Mr. Zeppoli on request from Norwood Baseball.

At this time, Mayor Barsa asked for Council approval to conduct Norwood Day on Saturday, October 25, 2008, in the afternoon following the 5-K Run. Motion of approval was made by Mr. Scott, seconded by Mr. Brizzolara and declared carried upon the affirmative vote of all Council Members present.

Borough Engineer Report

Mr. Neuls highlighted portions of the Engineer's Report dated May 22, 2008 (Attachment A).

Borough Attorney Report

Mr. Fede advised that he had a matter to discuss in Closed Session relating to the Martin O'Shea and John Paff vs. Borough of Emerson, et als. lawsuit.

Administrator Report

Mayor Barsa asked that discussion regarding the bus shelters be scheduled for the June 25, 2008 Work Session. Mr. Rapaport asked that Mrs. McMackin contact the Boroughs that share equipment and/or services with Norwood to formalize agreements.

Motion by Mr. Condoleo seconded by Mr. Guercio to open the meeting the public was declared carried upon the affirmative vote of all Council Members present.

Chubby Bocchino, 455 Livingston Street, questioned when the rebid would be scheduled for the Kennedy Park War Memorial. Mrs. McMackin suggested that the bond ordinance be revisited for possible amendment to increase it.

Mr. Bocchino referred to the holes in front of 463 Livingston Street probably due to the road openings by PSE&G and/or United Water and asked when the roadway would be repaired. Mrs. McMackin advised that PSE&G was contacted numerous times and Mr. Neuls suggested the County also be contacted since Livingston Street is a county road.

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No other member of the public wishing to be heard, motion by Mr. Guercio, seconded by Mr. Rapaport to close the meeting to the public was declared carried upon the affirmative vote of all Council Members present.

Motion to approve Resolution 08:103 authorizing the Council to convene in Executive Session for the purpose of discussing Martin O'Shea and Jon Paff vs. Borough of Emerson, et als. was made by Mr. Brizzolara, seconded by Mr. Condoleo and declared carried upon the affirmative vote of all Council Members present.

At 10:32 PM, Mayor Barsa announced that the Council would proceed in Closed Session.

Mayor Barsa convened the Meeting at 10:42 PM and asked for a motion to adjourn. Motion was made by Mr. Scott, seconded by Mr. Brizzolara and declared carried upon the affirmative vote of all Council Members present.

Respectfully submitted,

Lorraine L. McMackin, RMC, CMC
Administrator/Clerk