

Borough of Norwood
Work Session Meeting
March 28, 2007

CALL TO ORDER AT 8:00 PM

PRESENT AT ROLL CALL:

Mayor	James Barsa
Councilman	Michael Knigin
Council President	Barry Scott
Councilman	Anthony Guercio
Councilwoman	Dolores Senatore (8:03 PM)
Councilman	Edward Condoleo

ABSENT:

Councilman	Tom Brizzolara
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ALSO PRESENT:

Borough Attorney	Andrew Fede
Borough Auditor	Steven Wielkotch
Borough Engineer	Michael J. Neglia
Borough Engineer	Christopher Taverna

Mayor Barsa convened the meeting at 8:00 PM and asked for a motion to open the meeting to the public.

A motion to open the meeting to the public was made by Mr. Scott and seconded by Mr. Guercio with all Council Members present voting in favor of the motion.

Chubby Bocchino, 455 Livingston Street, voiced objection to the intended 1.5% increase for part-time employees, specifically the members of the Fire Prevention Bureau. He stated that he considered it to be an insult. He also voiced his opinion that the Mayor and Council in all likelihood have no knowledge of the workings of the Fire Prevention Bureau. Mr. Knigin advised that he would be in favor of the Council revisiting the matter.

Mr. Bocchino announced that there will be a blood drive on April 2, 2007 at the firehouse between the hours of 5 PM and 7 PM. He reported that Ms. Falkenstern, a young Norwood resident stricken with leukemia, is doing well after a bone marrow transplant.

Betsy O'Brien, 401 D'Ercole Court, asked for Mayor and Council direction in pursuing the correction of the many problems still plaguing the Senior complex. The Borough Engineer explained that since Borough personnel did not have the licenses necessary to inspect this type building, the State approved the plans and did the inspection. Therefore, the Fox Hill Association should notify the DCA and provide a punch list of those items considered to be faulty construction. Mr. Neglia continued that his office registered concern about potential water problems with the parking lot and that this matter is probably a design problem.

Phyllis Key, 401 D'Ercole Court, reminded that the residents of Fox Hill had to buy the units sight unseen and voiced her confusion as to how the plans were approved by the State even though they did not meet all specifications.

Carol Panzarino, 401 D'Ercole Court, voiced concern that there is no evacuation plan for the complex in case of fire or other types of emergencies and recommended that stickers be placed on those units being occupied by handicap individuals.

Mayor Barsa advised that the May Public Meeting is usually scheduled at Fox Hill and asked Mr. Condoleo to have Chief Hess attend this meeting so that this matter may be discussed.

Messrs. Knigin, Scott and Condoleo all agreed that there should be a written policy concerning emergency procedures for Fox Hill.

Lisa Kurtz, 401 D'Ercole Court, referred to the railroad track ditches on the south side of Fox Hill complex and voiced her opinion that they should be cleaned since the water is not flowing smoothly and large puddles form creating a mosquito problem.

The Borough Engineer, Michael Neglia recommended the Bergen County Mosquito Commission be contacted but explained that railroad personnel can only clean the drainage ditch. After a brief discussion, it was the consensus of the Council that the Mayor write a letter to CSX requesting them to clean the drainage ditch, stretching from Rivervale Avenue to the Northvale border on the West Shore Line.

George Hertzberg, 24 Carter Street, suggested that pressure be applied to the railroad to change their policy and provide towns with a manifesto of the hazardous cargo they are transporting. Mr. Scott recommended that Mayor Barsa write the State legislators asking for their intervention to have this procedure changed.

Mr. Hertzberg also requested that the Council examine the proposed budget with a "sharp pencil" so that they do not have to use surplus in the future.

No other member of the public wishing to be heard, a motion to close the meeting to the public was made by Mr. Scott, seconded by Mr. Knigin and declared carried upon the affirmative vote of all members present.

Mayor Barsa stated that he had before him Ordinance 07:07 for Council action entitled:

CALENDAR YEAR 2007 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

It was moved by Mr. Scott and seconded by Ms. Senatore to introduce this ordinance on first reading. On the roll call vote:

Ayes: Knigin, Scott, Guercio, Senatore and Condoleo

Nays: None

Absent: Brizzolara

There being five (5) ayes and no nays, Ordinance 07:07 was introduced and the Public Hearing scheduled for Tuesday, May 1, 2007.

Mayor Barsa stated that he had before him Ordinance 07:08 for Council action entitled:

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A:4-53

It was moved by Mr. Scott and seconded by Mr. Guercio to introduce this ordinance on first reading. On the roll call vote:

Ayes: Knigin, Scott, Guercio, Senatore and Condoleo

Nays: None

Absent: Brizzolara

There being five (5) ayes and no nays, Ordinance 07:08 was introduced and the Public Hearing scheduled for Tuesday, May 1, 2007.

Approval of Resolution 07:65 Authorizing the Borough of Norwood self budget review

A motion to approve Resolution 07:65 was made by Mr. Scott, seconded by Ms. Senatore and declared carried upon the affirmative vote of all Council Members present.

Introduction 2007 Municipal Budget

At this time, Mayor Barsa asked the Borough Auditor, Steven Weilkotz to report. Mr. Weilkotz explained that the Administrator/Clerk discovered that the proposed 2007 budget did not have sufficient money in the Solid Waste Collection line item and that \$46,000.00 would have to be reinstated to cover the cost of the contract. With the addition of this money, the budget is up to the cap limit. The introduction of the 2007 budget with the additional \$46,000.00 represents a \$56.00 increase on the Municipal level for the average home assessed at \$365,000.00. He advised that next year's budget deliberations would be much harder based upon new legislation regarding property tax relief pending the Governor's signature.

Mr. Condoleo questioned the appropriate amount that should be kept in surplus, and Mr. Weilkotz advised that the philosophical approach is never to use more than the anticipated revenue for the following year. Mr. Weilkotz agreed with Mr. Knigin's voiced his opinion that it would be beneficial to increase the cap by 3.5% every year due to the unforeseen increases in pension costs, retirement benefits and health benefits, and Mr. Weilkotz agreed.

Mr. Weilkotz confirmed that the Public Hearing for the 2007 Budget is scheduled for May 1st at which time it could be amended. Mayor Barsa asked for a motion to pass Resolution 07:66 approving the 2007 Municipal Budget. The motion was made by Mr. Knigin, seconded by Ms. Senatore. On the roll call vote:

Ayes: Knigin, Scott, Guercio, Senatore and Condoleo

Nays: None

Absent: Brizzolara

There being five (5) ayes and no nays, the 2007 Budget was introduced on first reading. The Public Hearing will be held on Tuesday, May 1, 2007 at 7:00 PM.

Ms. Senatore left the meeting at 8:55 PM.

Items for discussion:

Discussion with owner of Gym Basic on permission to open gym while pending application for a Use Variance before the Board of Adjustment

Mr. Thomas Jimenez addressed the Council regarding his application for a use variance that is to be heard by the Zoning Board of Adjustment. He explained that the use being applied for is a gym, Xtreme Fitness, Inc., to be located on Oak Street. He requested Mayor and Council approval to get the building up to standard before his case

is heard in May so that when approval is received from the Zoning Board of Adjustment, the building would be ready for clients. Mr. Jimenez stressed that his need for this approval is due to financial constraints and the hardship that would be imposed should he have to wait for the May hearing.

Mr. Guercio reported that according to the Construction/Zoning Official there is ample parking. Mr. Guercio voiced his opinion that there should be no reason why the use variance would not be granted since there is a gym in the same area. Mr. Knigin voiced concern with circumventing procedures established to protect the Borough and its residents and Mr. Condoleo concurred.

Borough Attorney, Mr. Fede, explained that the Land Use Law is very specific in that the governing body has no authority to grant temporary Certificates of Occupancy, adding that they can not even suggest to the Board of Adjustment how to address this matter. In conclusion, it was the consensus of the Council that Mr. Jimenez' request could not be considered by them.

Ordinances re vacation of streets

Mr. Fede explained that he prepared a separate ordinance for each street and will review the Borough Engineer's comments and make any necessary changes before introduction.

Proposed amendment to Chapter 231-13 Change of use approval

The Borough Attorney agreed with Mr. Scott's opinion that the change of use approval should apply to all structures not just non-residential and that the appropriate Board would be the Zoning Board of Adjustment, and not the Planning Board, since it deals with use variances. He also concurred that instituting a continued certificate of occupancy would help eliminate illegal two-family dwellings.

Mr. Knigin voiced his concern that adoption of such an ordinance would possibly have a negative effect on all residents to uncover the illegal actions of a few. He continued with his assumption that the Construction Code Official would be obligated to list all items that should be brought up-to-code causing financial hardship on the seller. Mr. Condoleo also voiced concern that a burden would be placed on the seller, realizing that the buyer also needs protection.

After further discussion, the motion was made by Mr. Scott and seconded by Mr. Guercio that the Borough Attorney be authorized to prepare a draft ordinance. All Council Members present voted in favor of the motion with the exception of Mr. Knigin. Mayor Barsa asked that the draft ordinance be carefully reviewed by the Council, specifically by Messrs. Scott and Knigin.

Resolution authorizing Neglia Engineering to perform surveying services for Fox Hill Woods in the amount of \$24,700.00

Mr. Neglia explained that this survey would be limited to the upland section due to the Borough's financial constraints. Mr. Guercio voiced his opinion that this survey would also be beneficial should the Borough decide to deed this area to the Meadowlands Conservation Trust as was done with the Central Woods. Mr. Neglia voiced his opinion that there are no viable pieces of property on the east side of town and recommended that the Fox Hill area be kept as it is the only piece of Borough-owned property remaining that could be utilized in the future. Mr. Scott informed that the Meadowlands Conservation Trust is anxious to have this property deeded to them and may possibly pay the cost of the survey.

Following further discussion, the motion to place the resolution authorizing Neglia Engineering to perform surveying services for Fox Hill Woods in the amount of \$24,700, was made by Mr. Scott and seconded by Mr. Guercio with all Council Members present voting in favor of the motion with the exception of Mr. Knigin.

A motion was made by Mr. Guercio and seconded by Mr. Condoleo to pursue with the Meadowlands Conservation Trust the possibility of their paying for the survey costs for all property west of McClellan Street in preparation of this land being turned over to them. All Council Members present voted in favor of the motion with the exception of Mr. Knigin.

At this time, the Tax Assessor, John Guercio addressed the governing body regarding his concern with the Revaluation. He explained that the passing of Mr. Politi created a need for appraisal and expert witness services for the defense of tax appeals. He advised speaking with three different appraisers and also conferred with the Borough Attorney who recommended Mr. Donald J. Helmstetter. Mr. Fede advised that this appointment could be made as a professional services contract without competitive bidding. A motion authorizing that a resolution appointing Mr. Helmstetter be placed on the April 3, 2007 Public Meeting was made by Mr. Scott, seconded by Mr. Guercio and approved upon the affirmative vote of all Council Members present.

Mr. Guercio reported that the revaluation agents are not being granted access to many homes. He informed that he would be sending letters to those residents who have refused permission explaining why it is beneficial for them to cooperate and how non-entry would adversely effect their tax assessment.

Mr. Guercio referred to the Mayor and Council requirement for all employees, full and part-time, to submit weekly time sheets to the Borough Administrator. He read from New Jersey State Statute describing the role of Tax Assessor and requested a waiver from submitting this form. The Borough Attorney advised that this matter should be discussed in Closed Session.

Borough Engineer Report

Mr. Neglia distributed the monthly engineer's report. In response to Mr. Condoleo's question, Mr. Neglia advised that he would recommend Maple Street, Chestnut Street and Hudson Avenue for the 2007 Riverside Cooperative Road Program. He advised that Chaffee Circle and White Court should not be considered and that Dwarskill Lane and Ridge Road could be added since the engineering designs have been completed. Following a brief discussion, it was the consensus of the Council that Mr. Neglia provide cost estimates for those roads to be included in the Riverside Cooperative Program.

Borough Attorney Report

Mr. Fede advised he would discuss with the Planning Board Attorney, Robert Regan his March 21, 2007 letter dealing with illegal two-family residences. He referred to his letter regarding mother-daughter residences and accessory apartments advising that he would discuss it at a future Work Session.

Borough Administrator Report

Mrs. McMackin had nothing to report.

At this time, Mayor Barsa asked if any member of the Council wished to comment on any matter.

Mr. Knigin reported that EMS Chief, Al Hess discussed his concern about the governing body eliminating items from the capital budget and had question as to whether the Corps. could operate without some of this equipment. Mr. Knigin continued that the Norwood Ambulance Corps has become a model operation and is relied upon by other towns. He recommends the governing body meet with Captain Hess again to discuss what equipment is needed for them to maintain the same level of service. Mr. Scott objected explaining that the Corps was provided two pre-budget meetings and that the proposed budget is what has been recommended by the Finance Committee. Mr. Guercio suggested that the Corps investigate the procedure followed by Rockland County whereby the insurance company of the resident is billed for transporting services. He advised this system generates revenue and does not affect LOSAP.

Mayor Barsa asked Mr. Knigin to discuss with the Board of Education their concerns regarding the school traffic pattern. He reported that he has received numerous telephone calls regarding the aggressive behavior of coyotes in the area and referred to the recent killing of a dog on Somerset Road. He asked the Safety Committee to explore this problem and investigate methods that could be taken to ensure the safety of residents, specifically those on Somerset Road and Kensington Avenue.

At this time, a motion to open the meeting to the public was made by Mr. Scott and seconded by Mr. Condoleo with all Council Members present voting in favor of the motion.

Chubby Bocchino, 455 Livingston Street, asked that the Mayor and Council observe a moment of silence at the April 3, 2007 Public Meeting in remembrance of retired Police Captain James Doty who passed on Monday, March 19, 2007. Mr. Bocchino referred to the previous discussion regarding illegal two-family homes and requested a copy of the draft ordinance amending Chapter 231-13 once completed by the Borough Attorney. Responding to this request, Mr. Scott asked that Mr. Bocchino work with him to review and identify all illegal two family homes and Mr. Bocchino agreed to do so.

George Hertzberg, 24 Carter Street, referred to the previous discussion regarding amendment to Chapter 231-13 and voiced his opinion that perhaps too much concern is being shown the seller and that the buyer needs to be protected.

Mayor Barsa asked that the Construction/Zoning Official be invited to the next Work Session to address this proposed amendment.

No other member of the public wishing to be heard, a motion to close the meeting to the public was made by Mr. Guercio and seconded by Mr. Knigin with all Council Members present voting in favor of the motion.

A motion to approve Resolution 07:68 authorizing the Mayor and Council to convene in closed session to discuss the Tiner Land Swap was made by Mr. Guercio and seconded by Mr. Condoleo with all Council Members present voting in favor of the motion.

Mayor Barsa declared a ten-minute recess at 10:40 PM before proceeding in Closed Session.

Mayor Barsa reconvened the Work Session at 11:05 PM.

Mayor Barsa questioned whether sufficient funds for the Kennedy War Memorial were in the Capital Budget and the Borough Administrator/Clerk advised that there were. He recommended that more money be allocated for the EMS.

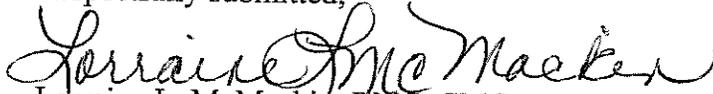
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Mr. Scott questioned whether there were funds in the Capital Budget for the matching ANJAC grant and was advised this could not be a capital item. He advised he would check with the Chief Financial Officer to determine if and how much money was put in the 2007 Budget for this grant.

Motion to adjourn at 11:07 PM was made by Mr. Knigin and seconded by Mr. Guercio with all Council Members present voting aye.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine L. McMackin".

Lorraine L. McMackin, RMC, CMC
Administrator/Clerk